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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 18th September, 2019

Time: 2.00 pm

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

Chair: Councillor S Merifield

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

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

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements to the Committee subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

5 - 12

To consider the minutes of the previous meeting.

3 UTT/18/2959/DFO Land East of Little Walden Road, Saffron Walden

13 - 48

To consider application UTT/18/2959/DFO.

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|-----------|--|-----------|
| 4 | UTT/18/1827/FUL Bricketts, London Road, Newport | 49 - 70 |
| | To consider application UTT/18/1827/FUL. | |
| 5 | UTT/18/2297/OP Land To The North Of De Vigier Avenue, Saffron Walden | 71 - 92 |
| | To consider application UTT/18/2297/OP. | |
| 6 | UTT/19/1583/FUL Land to the South of School Lane, Molehill Green, Takeley | 93 - 104 |
| | To consider application UTT/19/1583/FUL. | |
| 7 | UTT/19/1458/FUL Land to the North of Stebbing Primary School and rear of Garden Fields and Parkside Garden Fields, Stebbing | 105 - 116 |
| | To consider application UTT/19/1458/FUL. | |
| 8 | UTT/19/1725/FUL Land at Acre Croft, High Street, Great Chesterford | 117 - 126 |
| | To consider application UTT/19/1725/FUL. | |
| 9 | UTT/19/0899/FUL Parsonage Farm, Church End, Church Street, Henham | 127 - 138 |
| | To consider application UTT/19/0899/FUL. | |
| 10 | UTT/19/0900/LB Parsonage Farm, Church End, Church Street, Henham | 139 - 144 |
| | To consider application UTT/19/0900/LB. | |
| 11 | UTT/19/1490/HHF Woodview House, Woodview Drive, Rickling Green, Saffron Walden | 145 - 148 |
| | To consider application UTT/19/1490/HHF. | |

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Agenda Item 2

PLANNING COMMITTEE held at THE COURT ROOM, SAFFRON WALDEN TOWN HALL - TOWN HALL, on WEDNESDAY, 21 AUGUST 2019 at 2.00 pm

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

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

PC33 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Cllrs Loughlin and Fairhurst.

- Councillor Freeman declared a non – pecuniary Interest as a member of Saffron Walden Town Council, and in item number 7 as the applicant is known to him.
- Councillor Sell declared a non-pecuniary interest as a member of Stansted Parish Council for item number 6, and as the Chair of the Museum Management Working Group for item number 10.
- Councillor Pavitt declared a non – pecuniary interest as member of Chesterfords and Wendens Ambo Parish Council, and in item number 4 as the applicant is a neighbour.
- Councillor Gerard declared a non – pecuniary interest as Cabinet Member for Residents and Community Partnerships; Police and Emergency Services, as a member of Newport Parish Council, Newport, Quendon and Rickling Steering Group, and as a member of the 100 Parishes Society. Also a pecuniary interest in item number 7 and would leave the room for consideration of that item.
- Councillor Reeve declared a non-pecuniary interest as the ward councillor for Broad Oak and The Hallingburys in relation to item number 8.
- Councillor Merifield declared a non – pecuniary interest as member of Felsted and Stebbing Parish Council.

PC34 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were agreed and signed as an accurate record following an amendment of the record of attendees to include Councillor Reeve.

PC35 **CHIEF OFFICER'S REPORT; PLANNING COMMITTEE WORKING GROUP**

The Development Manager introduced the report for the Committee to consider changes to the arrangements for public speaking and site visits as proposed by the informal working group which met on 11 July 2019.

The recommendation is that the Committee confirm that the Chair use her discretion to implement the proposals on a trial basis pending a report to the Governance, Audit and Performance Committee on the formal changes to the Constitution.

The proposal to accept the recommendation was put forward by Councillor Gerard and seconded by Councillor Lemon.

RESOLVED: to implement the following proposals on a trial basis pending a report to the Governance, Audit and Performance Committee on the formal changes to the Constitution.

1. A single representative of Town/Parish Councils to be allotted FIVE minutes to speak.
2. All other public speakers to be allotted FOUR minutes to speak
3. Change the limit of public speakers to TEN, with no distinction between support, oppose or neutral
4. Clarify that representatives of agent/applicant/developers to be given a total of FIFTEEN minutes
5. Limiting Town/Parish Council Representation at Committee Site Visits to TWO

PC36 **UTT/19/0514/HHF - WEARNS FOLLY, 9 CARMEN STREET, GREAT CHESTERFORD**

Councillor Pavitt left the room.

The Planning Officer presented the proposal of the erection of a boundary fence and gates to enclose this area of garden which is currently open to the south and north-west with chainlink fencing to the area adjacent to the playing field.

The application was recommended for approval with conditions.

In response to a Member question the Development Manager said that a condition would be added to restrict the height of the gate to 1.83m.

Councillor LeCount proposed the motion for approval of the application with the added condition.

Councillor Caton seconded the motion.

RESOLVED: to approve the application with the added condition to restrict the height of the gate to 1.83m.

Councillor Pavitt returned to the meeting.

PC37 **UTT/19/0957/FUL- UNIT A ASHDON ROAD COMMERCIAL CENTRE, ASHDON ROAD, SAFFRON WALDEN**

The Development Management Team Leader presented the proposal for the erection of a single storey building (joinery) workshop and associated showroom usage) with associated landscaping and civil works.

The application was recommended for conditional approval subject to S106 legal obligation.

The members discussed the need for a joinery workshop, lighting and landscaping of the site, the installation of solar panels and noise pollution.

In response to the discussions the Development Manager agreed that the conditions would be tightened up

Councillor Gerard proposed the motion to approve the application with tighter conditions.

Councillor LeCount seconded the motion.

RESOLVED: to approve the application with tighter conditions as laid out in the decision notice.

PC38 **UTT/19/1115/FUL - BRAZILLE ,14 ST JOHNS CRESCENT, STANSTED**

On recommendation of the Legal Officer and Chair, Councillor Sell spoke, retired to the public gallery to hear the rest of the speakers and then left the room during the deliberation of the application.

The Planning Officer presented the planning application for the proposed demolition of the existing bungalow and garage and the erection of two detached dwellings. The dwellings will be two storey and will include associated access and parking to the front of the site. The dwellings will include external materials of brick and weatherboarding under clay tiled roof.

The recommendation was to approve the application with conditions.

The members sought clarification from the officers in relation to the differences between what had already been approved on the site and what the changes applied for were.

The Committee asked for the permitted development rights to be removed on approval of the application, the Planning Officer said that this would be conditioned and that it was not an unusual approach.

In response to a member question the Planning Officer advised that the window which was at risk of overlooking could be conditioned to be obscured or have restricted opening.

The Development Manager also confirmed that there was no convention that meant that properties had to be mirror images of one another.

Councillor Gerard proposed the motion to approve the application subject to conditions.

Councillor Lemon seconded the motion.

RESOLVED: to approve the application with the conditions laid out in the decision notice.

Councillor Sell returned to the meeting.

Cllr Sell and Mr V Ranger spoke on the application.

PC39 UTT/19/1389/FUL - REAR OF 22 THAXTED ROAD, SAFFRON WALDEN

Councillors Freeman and Gerard left the room.

The Planning Officer presented the planning application is for the retrospective removal of the existing timber shed building and the proposed erection of a single dwelling. A new access, parking and turning area will be provided via the existing undercroft between 26 and 28 Thaxted Road. The dwelling will be a terrace property, two storeys to the front of the site and three storeys to the rear.

The application was recommended for approval with conditions.

In response to a member question the Planning Officer advised that the previous issues with parking and garden size had been resolved and the application was presented in accordance with the Essex Design Guide.

Councillor Reeve proposed a motion to approve the application.

Councillor Sutton seconded that motion.

RESOLVED: to approve the application subject to conditions laid out in the decision notice.

Cllrs Freeman and Gerard returned to the meeting

CHIEF OFFICER'S REPORT UTT/16/3565/OP LAND WEST OF BONNINGTON FARM, STATION ROAD, HATFIELD BROAD OAK

The Development Manager presented the report in relation to the reasons for the refusal of application UTT/16/3565/OP from the Planning Committee Meeting of 24 July 2019.

The recommendation was that the Planning Committee confirms the resolution from Committee of 24 July 2019 to REFUSE planning application reference UTT/16/3565/OP for the following reasons:

1. The proposals would result in the urbanisation of the rural area resulting in an adverse harm to the openness, character and intrinsic beauty of the countryside, and the countryside hinterland behind the defined Countryside Protection Zone. This includes the breaching of the Flitch Way to the south, which is considered a defensible boundary, in terms of landscape character. The harm arising from the proposals would significantly and demonstrably outweigh the benefits from the scheme. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and S8 and paragraph 170 of the National Planning Policy Framework.
2. The proposal constitutes further development in the vicinity of the busy Four Ashes junction and would in negative residual cumulative impacts on the road network contrary to Paragraph 109 of the National Planning Policy Framework 2019.
3. There is no mechanism to secure the following measures that would be required if planning permission were to be granted:
 - (i) Provision of 40% affordable housing
 - (ii) Provision of education financial contribution
 - (iii) Transfer of 2.1ha site for education purposes
 - (iv) Provision of financial contribution for health (£108,507 index linked)
 - (v) Provision of financial contribution of £37,000 (index linked) for works to the Flitch Way
 - (vi) Provision of MOVA at the signalised junction of the B1256/B183, known as the Four Ashes
 - (vii) Provision of appropriate surfacing and drainage to relevant sections of footpath 23/5 and footpath 48/22
 - (viii) Provision of financial contribution of £40,740 for mitigation works at Hatfield Forest
 - (ix) Provision and transfer of dog walking circuit, including a fenced off green area of 1.35ha including a pond and picnic area
 - (x) Provision and transfer of open space, MUGA and trim trail
 - (xi) Provision and transfer of neighbourhood building and car park
 - (xii) Ensure adequate ongoing maintenance of SUDS system.

As such the proposals are contrary to Uttlesford Local Plan Policies GEN6, H9, GEN7, ENV7 and GEN1 and the National Planning Policy Framework.

In response to a member question the Legal Officer confirmed that if the applicant was to appeal that the 'Gladman Decision' would be referred to. However, it would be regarded as being of persuasive value only; there is no doctrine of binding precedent in planning matters.

The Development Manager concurred with the Legal Officer and stated that there was no need to refer to the 'Gladman appeal' in the reasons for refusal.

Councillor Bagnall proposed the motion to approve the reasons for refusal for application UTT/16/3565/OP.

Councillor Gerard seconded the motion for approval of the conditions.

RESOLVED: to accept the recommendations on the refusal reasons for application UTT/16/3565/OP.

PC41 **CHIEF OFFICER'S REPORT UTT/18/3529/OP LAND SOUTH OF BRAINTREE ROAD, FELSTED**

The Development Manager presented the Committee with the report in relation to application UTT/18/3529/OP; Outline application for residential development of up to 30 no. dwellings with associated roads and infrastructure with all matters reserved except access, which was deferred at Planning Committee 24 July 2019 pending the outcome of the emerging Felsted Neighbourhood Plan.

It was recommended that the Planning Committee support the proposal subject to the Section 106 Obligation and conditions recommended within the Officer's report dated 24.7.19. For clarification, by agreeing to support the proposal Committee was confirming that the Council would not defend the appeal other than conveying its support for the application. The Council would continue to administer the appeal and progress the Section 106 Obligation with the appellant.

The committee discussed the weight that the emerging neighbourhood plan held.

Councillor Bagnall proposed a motion to not support the proposal and to defend the appeal.

Councillor Storah seconded that motion.

RESOLVED: not to support the proposal.

Cllr Evans, R Ramm, R Freeman and S Wallbank spoke on the application.

PC42 **CHIEF OFFICER'S REPORT, UTT/19/1902/TCA; SAFFRON WALDEN
MUSUEM, MUSUEM STREET, SAFFRON WALDEN**

The Development Manager presented the report to seek the Committee's consideration of the proposed felling of two Sycamore trees in the grounds of the Saffron Walden Museum. The trees are within a conservation area and are on land for which the District Council has responsibility.

Recommendation: no objection

In response to a member question the Development Manager advised that the request to replant trees elsewhere had been made and heard, but that it could not be a condition of the application.

Councillor Freeman proposed a motion of no objection.

Councillor Caton seconded that motion.

RESOLVED: not to object to the felling of the trees as outlined in the report.

Meeting Close 16:50

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UTT/18/2959/DFO (SAFFRON WALDEN)

(Major; Deferred from 5 June meeting)

PROPOSAL:	Reserved matters following UTT/16/2210/OP for 85 residential dwellings including all necessary infrastructure and landscaping. Details of appearance, landscaping, layout and scale.
LOCATION:	Land East of Little Walden Road, Saffron Walden
APPLICANT:	Abbey Development Ltd
AGENT:	CMYK (Planning and Design) Ltd
EXPIRY DATE:	7 June 2019
CASE OFFICER:	Luke Mills

1. NOTATION

- 1.1 Countryside; County Wildlife Site (part).

2. DESCRIPTION OF SITE

- 2.1 The site comprises 4.47 ha of undeveloped agricultural land to the east of Little Walden Road and to the north of St Mary's View, Saffron Walden.

3. PROPOSAL

- 3.1 The application is for the approval of reserved matters following a grant of outline planning permission via an appeal on 21 August 2017 (UTT/16/2210/OP). The outline permission included the approval of access, with the current application seeking the approval of appearance, landscaping, layout and scale.
- 3.2 A full Accommodation Schedule is appended to this report (Appendix A).

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application was submitted with the following documents:
- Planning Statement
 - Design & Access Statement
 - Arboricultural Impact Assessment & Method Statement
 - Soft Landscape Specification
 - Drainage Statement

- Surface Water Drainage Maintenance Plan
- SuDS Checklist

5.2 The following documents have been submitted during the determination period:

- Revised Landscape and Ecological Management Plan
- Construction Environmental Management Plan (CEMP): Ecology
- Revised Drainage Statement
- Revised Arboricultural Impact Assessment & Method Statement
- Revised Surface Water Drainage Maintenance Plan

6. RELEVANT SITE HISTORY

6.1 Outline planning permission, with all matters reserved except access, was refused in December 2016 (UTT/16/2210/OP). The subsequent appeal was allowed, details of which are appended to this report (Appendices B and C).

6.2 An alternative scheme was submitted between the Council's decision and the appeal decision (UTT/17/0522/OP). Permission was refused and no appeal was submitted.

7. POLICIES

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

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

7.4 S7 – The Countryside
 GEN1 – Access
 GEN2 – Design
 GEN3 – Flood Protection
 GEN4 – Good Neighbourliness
 GEN5 – Light Pollution
 GEN6 – Infrastructure Provision to Support Development
 GEN7 – Nature Conservation
 GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees
 ENV4 – Ancient Monuments and Sites of Archaeological Importance
 ENV5 – Protection of Agricultural Land
 ENV7 – The Protection of the Natural Environment – Designated Sites
 ENV8 – Other Landscape Elements of Importance for Nature Conservation
 ENV13 – Exposure to Poor Air Quality
 ENV14 – Contaminated Land
 H1 – Housing Development
 H9 – Affordable Housing
 H10 – Housing Mix

Supplementary Planning Documents/Guidance

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

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2019)
 - paragraphs 11, 63, 73, 78-79, 102-111, 127-130, 155-165, 170, 175, 178-179, 180, 181 & 189-199
 Planning Practice Guidance (PPG)
 - Air quality
 - Conserving and enhancing the historic environment
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Land affected by contamination
 - Light pollution
 - Natural environment
 - Rural housing

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 Air Quality Action Plan 2017 – 2022
 NPPF 2019 – Five Year Housing Land Supply update (March 2019)
 Landscape Character Assessment (LCA) (2006)
 Historic Settlement Character Assessment (2007)
 Emerging Local Plan
 - The Spatial Vision
 - SP 1 The Presumption in Favour of Sustainable Development
 - SP 2 The Spatial Strategy 2011-2033
 - SP 3 The Scale and Distribution of Housing Development
 - SP 9 Development Within Development Limits
 - SP 12 Sustainable Development Principles
 - H 1 Housing Density
 - H 2 Housing Mix
 - H 6 Affordable Housing
 - H 10 Accessible and Adaptable Homes
 - TA 1 Accessible Development

- TA 2 Sustainable Transport
- TA 2 The Provision of Electric Charging Points
- TA 3 Vehicle Parking Standards
- TA 4 New Transport Infrastructure or Measures
- INF 1 Infrastructure Delivery
- INF 2 Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches
- INF 3 Health Impact Assessments
- INF 4 High Quality Communications and Super-Fast Broadband
- D 1 High Quality Design
- D 2 Car Parking Design
- D 8 Sustainable Design and Construction
- D 9 Minimising Carbon Dioxide Emissions
- EN 1 Protecting the Historic Environment
- EN 5 1 Scheduled Monuments and Sites of Archaeological Importance
- EN 7 Protecting and Enhancing the Natural Environment
- EN 10 Minimising Flood Risk
- EN 11 Surface Water Flooding
- EN 12 Protection of Water Resources
- EN 15 Air Quality
- EN 16 Contaminated Land
- EN 18 Light Pollution
- C 1 Protection of Landscape Character
- SAF 2 Land East of Little Walden Road

8. TOWN COUNCIL COMMENTS

8.1 Objection. Concerns include:

- i) Inappropriate market housing mix
- ii) The affordable housing does not meet national space standards
- iii) Inadequate electric vehicle charging provision
- iv) Inadequate public open space provision
- v) Lack of full fibre broadband connectivity, which is necessary to facilitate home working
- vi) Inadequate detail on energy and water efficiency

8.2 The following comments are made in relation to the above points:

- i) Covered in Section O of the below appraisal.
- ii) The Council does not have an adopted policy on space standards, nor has it adopted the national standards. Nevertheless, the 3- and 4-bed affordable homes would meet the national standards, while the 2-bed homes would be only 1 sq m smaller.
- iii) Covered in Section C of the below appraisal.
- iv) The Council does not have an adopted policy on public open space standards.
- v) The Council does not have an adopted policy requiring full fibre broadband connections.
- vi) The Council has not adopted energy and water efficiency standards.

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions. Extract:

“From a highway and transportation perspective the impact of the layout and design of the proposal as shown in revised drawing number [1770/P/10.02 E] is acceptable to the Highway Authority subject to the following mitigation and conditions...”

Essex Police

9.2 No objections. However, comments as follows:

Regards the landscaping we noted within the landscape guide that it covers existing planting and the maintenance of the landscaping but here we are keen to ensure that species used and such maintenance takes into consideration ensuring the natural surveillance over the play area for the safety of those using it. As a matter of interest the new Secured by Design Homes 2019 guide now include planting and landscaping advice that has been edited by the RHS.

Physical security needs to reflect those risk commensurate requirements for windows, doors and locking etc. The lighting should ensure that there is overall uniformity of lighting at appropriate levels with minimal shadow or dark patches. These are also all illustrated within the current SBD 2019 Homes Guide.

As mentioned within our earlier comment we would like to see the developer through consultation and engagement seek to achieve a Secured by Design "Gold award" for this development, thereby demonstrating that those recommendations within the current guide intended to ensure the safety and security of residents and neighbours have been followed.”

Lead Local Flood Authority

9.3 No objections, subject to conditions.

Ecological Consultant (Place Services)

9.4 No objections, subject to the use of conditions to secure biodiversity mitigation and enhancement measures. Extract from most recent response (03/09/2019):

“We have considered the recent record of Common Lizard and are satisfied that the previously submitted details for reptile mitigation, enhancement and monitoring – Landscape and Ecological Management Plan Rev B (ACD Environmental, 16 April 2019) – will provide sufficient to protection from the development. 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.

As no other detail is relevant to ecology, we have no further comments to

make on this application. We recommend that the ecological conditions suggested in our response of 15 May 2019 as attached to any revised consent.”

Environmental Health

9.5 No objections.

Housing Enabling Officer

9.6 No objections. Initial issues regarding the three-bedroom affordable homes have been resolved through the submission of revised plans. Extract:

“I confirm the amended plans for the affordable 3 bed, 5 person house on this scheme is acceptable and meets the 1985 Housing Act requirements and the policy of the Council.”

Anglian Water

9.7 No objections, subject to the use of a condition to secure a foul water strategy.

Affinity Water

9.8 Advises that the site is located in a Groundwater Source Protection Zone, and that groundwater pollution risk should be minimised.

UK Power Networks

9.9 General advice on safe working near electrical lines/plant.

London Stansted Airport

9.10 No objections.

NATS Safeguarding

9.11 No objections.

10. REPRESENTATIONS

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

- 1) Harm to the character and appearance of the area
- 2) The proposed play area would adversely affect the amenity of existing residents
- 3) Dangerous cycle path layout
- 4) Potential adverse effects on biodiversity
- 5) Increased flood risk
- 6) The proposed layout contravenes that approved by the outline permission
- 7) Increased traffic congestion
- 8) Increased air pollution

- 9) Inadequate infrastructure to support the development e.g. education, healthcare, police
- 10) Dispute regarding land ownership and right of way adjacent St Mary's View

10.2 The following comments are made in relation to the above points:

1) – 4) Covered in the below appraisal.

5) Flood risk was mainly considered in the determination of the outline application, although the effect of the proposed layout on the achievement of a suitable sustainable drainage system (SuDS) is covered in the below appraisal.

6) The matter of layout was reserved at the outline application stage.

7) – 9) These issues were covered in the determination of the outline application.

10) The proposed site area is the same as that shown in the outline application, with all appropriate ownership declarations having been made. It should be noted that land ownership and rights of way would not be affected by a decision to approve this application.

11. APPRAISAL

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

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character and appearance (S7, GEN2, GEN5, ENV3, 127-130, 170 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Crime (GEN2, 127 & PPG)
- F Amenity (GEN2, GEN4, GEN5, 127, 180 & PPG)
- G Flooding (GEN3, 155-165, PPG & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, ENV7, ENV8, 175 & PPG)
- J Archaeology (ENV4, 189-199 & PPG)
- K Agricultural land (ENV5 & 170)
- L Air quality (ENV13, 181 & PPG)
- M Contamination (ENV14, 178-179 & PPG)
- N Affordable housing (H9 & 63)
- O Housing mix (H10 & SHMA)
- P Housing land supply (11 & 73)

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

11.1 Compliance with the above policies was addressed at the outline stage.

B Character and appearance (S7, GEN2, GEN5, ENV3, 127-130, 170 & PPG)

11.2 The proposed development applies a traditional style to a variety of house types, arranged to form well-defined street scenes. Two public open spaces would be created, with that in the south-eastern corner also containing a play

area. Taking into account the landscaping proposals for the site boundaries, it is considered that the development would assimilate well into its edge-of-town surroundings. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

- 11.3 It is noted that conditions 14, 15 and 20 of the outline planning permission require the separate approval of lighting details, tree protection measures and site section drawings.

C Transport (GEN1, GEN8 & 102-111)

- 11.4 Sustainable transport and highway capacity were addressed at the outline stage, with the Reserved Matters application confirming details of the layout, parking provision and pedestrian/cycle link to St Mary's View. Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or efficiency. Furthermore, suitable off-street parking provision would be made in accordance with the Council's minimum standards.

- 11.5 It is noted that conditions 5, 6 and 8-11 of the outline planning permission secure various transport-related details. However, the requirement for electric vehicle charging points in Condition 9 of that permission is not entirely compatible with the most up-to-date national policy at paragraph 110e of the NPPF, which requires developments to "be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations." It is therefore considered appropriate to secure through a further planning condition full details of how a charging point would be enabled at each dwelling.

D Accessibility (GEN2, 127 & PPG)

- 11.6 Condition 19 of the outline planning permission secures compliance with the accessibility standards in Requirement M4(2) and M4(3) of the Building Regulations, in accordance with the above policies.

E Crime (GEN2, 127 & PPG)

- 11.7 Taking into account the comments of the Crime Prevention Officer at Essex Police, it is considered that the proposed design ensures that there would be no significant risks of crime. While the advisory comments regarding the Secured by Design initiative are noted, there is no adopted planning policy that requires achievement of a 'Gold' award. It is therefore concluded that the proposal accords with the above policies insofar as they relate to crime prevention.

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

- 11.8 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed private amenity spaces would be of a suitable size and layout. All private rear gardens would meet or exceed the suggested minimum standards, and the 5 sq m balconies/terraces for the flats are considered useable and sufficient for such small dwellings given the easy access to new public open spaces.

- 11.9 Taking into account the minimum standards in The Essex Design Guide, it is

considered that there would be no significant adverse effects on the amenity of existing or future residents 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. It is noted that condition 14 of the outline planning permission secures full details of all external lighting.

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

- 11.10 Taking into account the comments of the lead local flood authority, it is considered that an appropriate sustainable drainage system (SuDS) could be secured through the approval of details reserved by conditions 16 and 17 of the outline planning permission.

H Infrastructure (GEN6)

- 11.11 Contributions towards off-site infrastructure were secured where appropriate through the outline planning permission. It is noted that Anglian Water has altered its position with the current application, requesting that a foul water strategy should be agreed. However, this is considered unnecessary for the Reserved Matters application, which does not relate to the principle of development.

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

- 11.12 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.
- 11.13 The suggested condition relating to lighting details effectively duplicates condition 14 of the outline planning permission and is therefore considered unnecessary. It is noted that conditions 12 and 13 of the outline permission require the approval of ecological details, which have also been submitted with the current application and found to be acceptable.

J Archaeology (ENV4, 189-199 & PPG)

- 11.14 Compliance with the above policies was addressed at the outline stage, with condition 18 of the permission securing appropriate archaeological investigation.

K Agricultural land (ENV5 & 170)

- 11.15 Compliance with the above policies was addressed at the outline stage.

L Air quality (ENV13, 181 & PPG)

- 11.16 Compliance with the above policies was addressed at the outline stage.

M Contamination (ENV14, 178-179 & PPG)

- 11.17 Compliance with the above policies was addressed at the outline stage.

N Affordable housing (H9 & 63)

11.18 In accordance with the outline planning permission and Policy H9, the proposal includes 34 affordable homes. While concerns were initially raised by the Housing Enabling Officer with respect to house type 3AFF, these have now been addressed by revised plans that ensure three suitably-sized bedrooms in a two-storey, rather than three-storey, building. It is therefore concluded that the proposal accords with the above policies.

O Housing mix (H10 & SHMA)

11.19 Policy H10 requires that a significant proportion of market housing is provided in the form of small dwellings with two or three bedrooms. As 25 of the 51 market homes would fall into this category, it is concluded that the requirement is comfortably met and the proposal therefore accords with Policy H10.

11.20 The SHMA forms part of the evidence base for the emerging Local Plan and, while it does not constitute a policy, it is notable that there is a strong correlation between its housing needs requirements and the proposed housing mix. The following table illustrates the comparison:

Market house type	SHMA	Proposal
1 bed flat	140 (1.4%)	0
2+ bed flat	80 (0.8%)	0
2 bed house	690 (7.1%)	4 (8%)
3 bed house	4,290 (44.2%)	21 (41%)
4 bed house	3,110 (32%)	21 (41%)
5+ bed house	1,410 (14.5%)	5 (10%)
Total	9,700 (100%)	51 (100%)

P Housing land supply (11 & 73)

11.21 Compliance with the above policies was addressed at the outline stage.

12. CONCLUSION

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

A The submitted Reserved Matters would not cause conflict with the development plan or the NPPF, and no material considerations indicate that the application should be refused. It is therefore recommended that approval be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

- Walls
- Roof
- Windows

- Doors

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

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

2. Prior to occupation of any dwelling, full details of the following hard landscaping works (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Hard surfaces
- Boundary treatment

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

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

3. Prior to any works above slab level for the substation shown on Drawing No. 1770/P/10.02, full details of its elevations and external finishes must be submitted to and approved in writing by the local planning authority. The substation must be erected in accordance with the approved details.

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

4. Prior to occupation of each dwelling, full details of works to enable the installation of a safe, convenient and accessible electric vehicle charging point must be submitted to and approved in writing by the local planning authority. The works must be completed in accordance with the approved details for each dwelling prior to its occupation.

REASON: To promote sustainable transport, in accordance with the National Planning Policy Framework.

5. All planting, seeding or turfing and soil preparation comprised in the approved landscaping details 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.

6. The development must be carried out in accordance with the ecological mitigation and enhancement measures and/or works recommended in the submitted Construction Environment Management Plan : Ecology (ACD, April 2019) and Landscape and Ecological Management Plan Rev B (ACD, April 2019).

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

7. Throughout the period of construction of the development, on-site provision must be made 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

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. Prior to occupation of each dwelling, its associated garage or cycle store must be completed in accordance with the approved drawings.

REASON: To ensure appropriate cycle parking provision is made, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. The proposed turning heads must include the entire area required for the turning movements as shown on Drawing No. E3843/796/B, and must be constructed to adoptable standards and maintained free from permanent obstruction within the site at all times for that sole purpose.

REASON: To ensure that large vehicles including refuse vehicles can safely navigate the site, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**Appendix A:
Accommodation Schedule**

Plot	Tenure	Bedrooms (No.)	Garden (sq m)	Parking (No.)
1 (SW5)	Market	4	137	3
2 (SW1)	Market	3	104	2
3 (SW9)	Market	5	178	4
4 (SW8)	Market	4	162	4
5 (SW1)	Market	3	131	2
6 (SW1)	Market	3	127	2
7 (SW12)	Market	2	71	2
8 (SW1)	Market	3	107	2
9 (4AFF)	Affordable	4	134	3
10 (2AFF)	Affordable	2	66	2
11 (2AFF)	Affordable	2	60	2
12 (2AFF)	Affordable	2	59	2
13 (2AFF)	Affordable	2	59	2
14 (2AFF)	Affordable	2	59	2
15 (2AFF)	Affordable	2	66	2
16 (SW5)	Market	4	109	3
17 (SW1)	Market	3	100	2
18 (SW1)	Market	3	105	2
19 (SW12)	Market	2	80	2
20 (SW12)	Market	2	54	2
21 (SW1)	Market	3	107	2
22 (2bAFF)	Affordable	2	5	2
23 (1bAFF)	Affordable	1	5	1
24 (1bAFF)	Affordable	1	5	1
25 (2bAFF)	Affordable	2	5	2
26 (2bAFF)	Affordable	2	5	2
27 (2bAFF)	Affordable	2	5	2
28 (2bAFF)	Affordable	2	5	2
29 (2bAFF)	Affordable	2	5	2
30 (2bAFF)	Affordable	2	5	2
31 (SW1)	Market	3	104	2
32 (SW9)	Market	5	128	3*
33 (SW1)	Market	3	100	2
34 (SW6)	Market	4	115	3*
35 (SW1)	Market	3	102	2
36 (SW7)	Market	4	139	3*
37 (SW9)	Market	5	167	3
38 (SW9)	Market	5	139	3
39 (SW1)	Market	3	104	2
40 (SW7)	Market	4	126	3*
41 (SW8)	Market	4	103	4
42 (SW6)	Market	4	101	3*
43 (SW3)	Market	3	106	2
44 (SW3)	Market	3	102	2
45 (SW3)	Market	3	101	2
46 (SW3)	Market	3	101	2
47 (3AFF)	Affordable	3	100	2
48 (3AFF)	Affordable	3	105	2

49 (3AFF)	Affordable	3	118	2
50 (3AFF)	Affordable	3	119	2
51 (1AFF)	Affordable	2	117	2
52 (1AFF)	Affordable	2	127	2
53 (SW5)	Market	4	219	3
54 (SW8)	Market	4	111	3
55 (SW5)	Market	4	107	3*
56 (SW1)	Market	3	106	2
57 (SW1)	Market	3	100	2
58 (SW12)	Market	2	66	2
59 (2bAFF)	Affordable	2	5	2
60 (2bAFF)	Affordable	2	5	2
61 (2bAFF)	Affordable	2	5	2
62 (2bAFF)	Affordable	2	5	2
63 (2bAFF)	Affordable	2	5	2
64 (2bAFF)	Affordable	2	5	2
65 (2bAFF)	Affordable	2	5	2
66 (2bAFF)	Affordable	2	5	2
67 (2bAFF)	Affordable	2	5	2
68 (3AFF)	Affordable	3	101	2
69 (3AFF)	Affordable	3	100	2
70 (3AFF)	Affordable	3	108	2
71 (SW7)	Market	4	139	3
72 (SW1)	Market	3	119	2
73 (SW1)	Market	3	101	2
74 (SW8)	Market	4	140	3
75 (SW5)	Market	4	112	3*
76 (SW7)	Market	4	117	3
77 (SW1)	Market	3	109	2
78 (SW1)	Market	3	101	2
79 (SW8)	Market	4	149	3*
80 (SW10)	Market	4	180	3*
81 (SW10)	Market	4	113	3
82 (SW6)	Market	4	122	3
83 (SW5)	Market	4	304	3*
84 (SW5)	Market	4	228	3*
85 (SW9)	Market	5	248	3
Visitors	-	-	-	22

* One space comprises an unallocated space adjacent the property.

NB: Where three spaces are arranged end-to-end, the provision is calculated as two spaces only.

Appendix B:

Inspector's decision on outline planning application UTT/16/2210/OP



Appeal Decision

Inquiry Opened on 25 July 2017

Site visits made on 28 July and 2 August 2017

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2017

Appeal Ref: APP/C1570/W/17/3168869

Land off Little Walden Road, Saffron Walden, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2210/OP, dated 3 August 2016, was refused by notice dated 23 December 2016.
 - The development proposed is 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.
 - The inquiry sat for 5 days on 25 to 28 July and 1 August 2017.
-

Decision

1. The appeal is allowed and outline planning permission is granted 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 at land off Little Walden Road, Saffron Walden, Essex in accordance with the terms of the application, Ref UTT/16/2210/OP, dated 3 August 2016 subject to the 20 conditions set out in the Annex to this Decision.

Procedural matters

2. Saffron Walden Town Council & Residents Against Unsustainable Development (SWTC/RAUD) were jointly accorded Rule 6(6) party status and presented evidence in support of their objections to the proposals.
3. Following the refusal of planning permission for the application the subject of this appeal, a second application, also for up to 85 dwellings, was submitted. The Appellant has stated that the reason for this second application was to overcome the reasons for refusal on highways and ecology matters and to give Uttlesford District Council (UDC) the opportunity to avoid this appeal. The second application was accompanied by a revised illustrative development framework plan and an amended site access plan as well as various revised supporting documents and assessments. These amendments included increasing the amount of landscaping, at the expense of the developable area,

- to address the concerns of the Ecological Consultant to Essex County Council (ECC) and a highways amendment to delete a proposed footpath along Little Walden Road to the north of the site entrance.
4. The revised application was refused by Members against Officers' advice on two grounds. These reflected reasons for refusal Nos 1 and 4 of the first planning application, relating to the character and appearance of the area and to the provision of affordable housing and other community infrastructure.
 5. In respect of this appeal, the Appellant sought permission to substitute the plans submitted with the second planning application for those originally submitted. As the amended plans relate to an outline application for the same site; the same amount of development; the same access point; and have been the subject of consultation with UDC and other interested parties, I do not consider that any parties would be prejudiced by my consideration of them at this appeal in substitution for those originally submitted. In these circumstances UDC did not pursue reasons for refusal 2 (highways matters) and 3 (ecological matters). The Rule 6 parties, however, maintained their objections in respect of these matters and advanced evidence accordingly.
 6. For the avoidance of doubt this Decision is based upon Drawings No 6825-L-01 Rev B (site location plan); 6825-L-03 Rev J (illustrative development framework); and 17-T019-02 Rev A (access).
 7. The application is in outline form with all matters other than access into the site from Little Walden Road being reserved for future consideration.
 8. Prior to the Inquiry the Appellant submitted a draft planning obligation under s106 of the Act. A completed Unilateral Undertaking (UU) was submitted during the Inquiry and its provisions are considered later in this Decision. The parties agree that it overcomes reason for refusal 4.
 9. Prior to the opening of the Inquiry the Appellant and UDC agreed¹ that for the purposes of this appeal only, UDC's housing land supply position should be assessed against a requirement of 640 dwellings per annum with a buffer of 20%. The UDC housing land supply figure of 3,034 units was accepted, giving an agreed position of there being a housing land supply of 3.1 years.

Main issues

10. The main issues in this appeal are:
 - Whether UDC is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need (OAHN) and the implications of this in terms of national and local policy; (UCD & Rule 6 Party)
 - The effect of the proposals on the character and appearance of the area; (UCD & Rule 6 Party)
 - The effect of the proposals on the efficient and safe operation of the highway network in the area; (Rule 6 Party only)
 - The effect of the proposals on protected species and upon wildlife generally in the area; (Rule 6 Party only)

¹ Email dated 17 July 2017 from Kathryn Fitzgerald (Gladman Developments Ltd) to PINS

- Whether the proposals make adequate provision for community and other services and facilities including affordable housing; (UCD & Rule 6 Party) and
- Whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Reasons

Background

The appeal site and its setting

11. The site, which has an area of 4.47ha, is situated on the eastern side of Little Walden Road (B1052) immediately to the north of the northern extremity of the built up area of Saffron Walden. The settlement boundary, which follows the boundaries of properties in Little Walden Road, St Mary's View and Limefields forms the southern boundary of the site. Little Walden Road forms much of the western boundary; there is an area of woodland to the north; and agricultural land to the east. The site itself is mostly in agricultural use with an area of scrub adjacent to the houses to the south. There are trees within the southernmost "finger" of the site, which are subject to a Tree Preservation Order (TPO)². There is a hedge along some of the boundary with Little Walden Road although part of this frontage is open as is much of the eastern boundary.
12. It is situated towards the bottom of a valley and it slopes uphill from the road, the change in level across the site being about 9m. The road is one of the principal roads into Saffron Walden, a market town that is one of the main settlements in the District. The site is some 1.5km north of the town centre where there are shops, banks, restaurants and various other commercial uses.

Planning history

13. There is some overlap between the appeal site and the site of the St Mary's View housing development to the south³. In particular the land the subject of the TPO falls within both sites, as does the strip of land immediately to the north of Nos 23 and 24-30 (even) St Mary's View.
14. There have been two relevant planning applications in respect of the bulk of the appeal site, the first of which is the subject of this appeal. The second application was for broadly the same development but with more land set aside for landscaping and the omission of a footpath along part of the Little Walden Road frontage. These are the revised plans described above.
15. In respect of this revised application, ECC's Ecological Consultant raised no objections subject to conditions and welcomed the amended proposals to improve connectivity around the perimeter of the site; to retain most of the existing habitat; and to create a nature reserve/ park. ECC, as Highway Authority, recommended approval and said that from a highway and transportation perspective the impact of the proposals was acceptable subject to conditions and a legal obligation to secure contributions towards transport strategies. Officers recommended the application for approval subject to conditions and subject to the applicant entering an appropriate Agreement.

² TPO 04/16: 29 September 2016 (Phil Rech Appendix 5D)

³ UTT/0007/95/OP (27 September 1995) & UTT/0027/98/DFO (13 August 1998) (ID 26 & 27)

The proposals

16. The proposals involve developing some 2.5ha of the site for housing with a mix of 60% market and 40% affordable housing. The affordable housing would itself provide a mix of 30% intermediate and 70% social or affordable rented. The remaining 1.97ha will provide green infrastructure including a nature park; a local equipped area of play (LEAP); replacement hedgerow and tree planting; and a circular footpath in a landscaped setting. The part of the site containing the trees the subject of the TPO would not be developed. There would be a vehicular access from Little Walden Road.

Planning policy

17. The development plan comprises the saved policies of the Uttlesford Local Plan (ULP) which was adopted in January 2005 and was intended to cover the period to 2011. The emerging plans included an emerging Local Plan which was submitted for examination in 2014. The Examining Inspector halted the examination in December 2014 as he considered it to be unsound and the plan was withdrawn in January 2015.
18. The Council has recently published a draft Regulation 18 Local Plan which is currently out for consultation. It covers the period 2011-2033 and gives an OAHN of 14,100 dwellings, giving an annual housing requirement of 641 dwellings. Adoption is anticipated in Spring 2019 but it was accepted that this may be optimistic given that it includes garden communities for the first time.
19. The first reason for refusal, the only reason now being pursued by UDC, cites ULP Policies GEN2 (Design) and S7 (The Countryside). At the Inquiry UDC accepted that the provisions of GEN2 can be met through the submission of acceptable details with the reserved matters applications and that this outline scheme is not in conflict with this policy.
20. The key policy, therefore, in respect of this reason for refusal is Policy S7. UDC's Compatibility Assessment (July 2012) acknowledges that this policy is only "partly consistent" with the Framework. It is more restrictive than the Framework in that it says that in the countryside planning permission will only be granted for development that needs to take place there and that there will be a strict control on new building. As there is no five-year housing land supply and the draft Regulation 18 Plan shows that there will have to be new housing development in the countryside, this policy cannot be considered to be up-to-date. While its aim of protecting the countryside is clearly in line with the Framework, and in particular with paragraph 17 (bullet point 5), overall the policy can only carry limited weight.

Whether UDC is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need and the implications of this in terms of national and local policy

21. When the application the subject of this appeal was considered by UDC in December 2016, the Council based its decision on its contention, contained within its Housing Trajectory and 5 Year Land Supply Statement (November 2015) that it was able to demonstrate a five-year housing land supply with a 5% buffer. The Officers' Report refers to an estimate of a 5.1 to 5.3 year supply with a 5% buffer. The planning balance was therefore carried out against that background.

22. When the second application was reported to Committee, the Officers' Report acknowledged that the Council could only demonstrate a 4.5 year supply of housing land, again with a 5% buffer, based upon its interim 2016 Housing Trajectory. The Report acknowledged that the provisions of paragraph 14 of the Framework were triggered and, after balancing the harm with the benefits, it recommended that conditional planning permission be granted provided an appropriate Agreement was entered into.
23. That position had changed again by the time of this Inquiry. The Appellant and UDC were agreed, as set out in the Statement of Common Ground (SoCG), that a five-year housing land supply could not be demonstrated, regardless of whether a 5% or 20% buffer was used. These parties agreed that, based upon an OAHN of 640 dwellings per year, for the purposes of this Inquiry the Council could only demonstrate a 3.1 years housing land supply with a 20% buffer.
24. The implications of this need to take account of *Suffolk Coastal v Hopkins Homes Ltd*⁴. This recent judgment makes it clear that the agreed housing land supply, being less than 5 years, triggers the tilted balance under paragraph 14 of the Framework. This is in accordance with paragraph 49 of the Framework which says that 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. The second bullet point of the decision-taking part of paragraph 14 says that in such circumstances planning permission should be granted unless 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.

The effect of the proposals on the character and appearance of the area

25. All parties at the Inquiry acknowledged that the development would comprise an urban intrusion into the countryside and that this would be contrary to the provisions of ULP Policy S7 and policies in the Framework. It was further agreed that this would result in some harm to both the character and the appearance the countryside. The parties differed in the degree of harm that would arise and the weight that should be attached to that harm in the overall planning balance.
26. The site can be viewed from three main places. These are from Little Walden Road itself and from the public footpaths on the eastern and western sides of the valley which look down onto the site and across the valley towards it. From Little Walden Road the public view is quite fleeting as, when travelling south, the site is screened by a block of woodland until one is almost level with it. There is a mature hedge at the northern end of the site which, in the summer, significantly reduces views into the site although the perception of countryside remains. At this point, looking ahead, urban features are coming into view, including the church spire and the first houses as well as a gateway feature, lighting and a reduced speed limit. The new access, together with glimpses of houses through the existing and proposed planting, would mean that the urban character of the land beside the road would arise a little earlier.
27. Heading north along Little Walden Road the site gives the first rural view when leaving Saffron Walden. There are bungalows immediately to the south, albeit

⁴ *Suffolk Coastal DC v Hopkins Homes Ltd and another; Richborough Estates Partnership LLP and another v Cheshire East BC* [2017] UKSC 37 (10 May 2017) (CD 8.02)

set well back from the road and to the rear of a mature hedge and access road, which mark the end of the urban area. The southern part of the appeal site has no hedge, allowing uninterrupted views across the site to the hills and woodland beyond. These views would be lost by the development. While the Development Framework plan indicates that the southern half of the road frontage would remain free from dwellings, the proposed houses, and the new hedges, would still restrict views across the site. This would extend the urban area of Saffron Walden into the countryside.

28. The footpaths to the east, and in particular Byrd's Farm Lane and Harcamlow Way, run at a higher level than the site and are, for the greater part, open to the west. This allows views down onto the site. In many of the views the site is seen in the context of abutting the northern extremity of Saffron Walden so housing would not appear incongruous; housing is part of the established character of the area. Nonetheless, it would result in an extension of the urban form into the countryside at the expense of open fields.
29. The development would be more visible when seen from the footpaths to the west and in particular from the northern end of Caton's Lane and from Westley Lane. From these viewpoints the houses would be seen against the backdrop of the fields rising up from the valley floor. The development would nonetheless be seen in the context of the town and, looking from the north western viewpoints, in the context of houses in and around Sheds Lane which rise up the hillside and break the skyline.
30. The Historic Settlement Character Assessment (HSCA) (2007) seeks to assess the environmental sensitivity of the area in and around the town so as to understand the extent to which it might be able to accommodate development. Sector 3 (the Little Walden Road approach) encompasses all the land immediately outside the settlement boundary to the north of the town and it includes all the public areas from which the appeal site is visible.
31. The HSCA identifies that the general function of this approach road is to provide a rural approach of quality. It says that the loss of open arable farmland would significantly diminish the sense of place and local distinctiveness of this part of the town. It is clear from its section on the quality of the landscape that the HSCA includes land well to the north of the appeal site as it refers to intermittent groups of buildings, the closest of which are found along Little Walden Road to the north of Westley Lane.
32. The HSCA also makes reference to the clear demarcation between countryside and the ribbon of development that is the start of the built up area and says that at this point the church spire intermittently comes into view. This must be the stretch of road adjacent to the site as it is here that the spire first comes into the direct line of sight. The proposed development would not be seen until this point due to the block of woodland to its north. The presence of this woodland means that the location where the perception of a change from a rural area to an urban area first becomes apparent would not significantly change. The forward views of the church, houses, gateways, lights and other urban indicators would still become apparent at the same point on the road so there would be little change in the overall character of the area when travelling south on Little Walden Road. The woodland lies outside the site, but if the Council considered it expedient it could serve a TPO similar to the one that it served in 2016 in respect of the trees at the southern end of the site.

33. When heading north along Little Walden Road the change in the character of the area to countryside would be delayed until one reached the northern end of the site. In the views from the public footpaths there would be a loss of countryside and a clear extension of the settlement. This would be noticeable as the site would form a finger of built development adjacent to the road with farmland and woodland to the north, west and east.
34. In this regard there would be harm to both the character and the appearance of the countryside. Nonetheless, the site has no designation beyond being in the countryside. It is attractive countryside but there is no assessment or evaluation of it to demonstrate that it is in any way out of the ordinary or a valued landscape that warrants protection by virtue of paragraph 109 of the Framework. The site it has no lawful public access.
35. The main contribution of the site to the appearance of the area is that it forms part of the countryside view from a number of public footpaths and from about 120m along Little Walden Road when heading north from the town. However, as the site is in a valley and as there is woodland immediately to the north and trees and housing to the south, the views in which the development would be a significant component are quite localised. The indicative masterplan shows that the site could be further landscaped with new perimeter planting that, in time, would filter the views of the housing. The suggested muted palette of materials could ensure that the housing did not stand out in long views. The housing would not break the skyline when viewed from across the valley, an important consideration as set out in the Landscape Character Assessment.
36. Taking all these factors into account I conclude that the impact of the proposed development would be harmful to the character and the appearance of the area. This would be in conflict with saved ULP Policy S7 and paragraph 17 (bullet point 5) of the Framework. Any harm would be localised as the site is well contained in the landscape and the harm would diminish with time as the new planting became more established. Nonetheless, the identified harm weighs against the proposals in the planning balance.

The effect of the proposals on the efficient and safe operation of the highway network in the area

37. The SoCG says that the Appellant and UDC agree that the site can be accessed safely and that there are no outstanding highways issues to warrant refusal of the scheme. This followed the submission of a revised Transport Assessment (February 2017) with the second planning application. At the Inquiry UDC did not pursue its second reason for refusal. ECC concluded that it would be difficult to prove, in highway terms, that the residual, cumulative impact of development would be severe. As a consequence, ECC, in its role as the Highway Authority, recommended approval subject to conditions and financial contributions towards the Transport Strategy. All the relevant conditions suggested at the Inquiry have been imposed and UDC is satisfied that the provisions of the UU meet its requirements.
38. SWTC/RAUD produced a highways proof of evidence but its author was unable to attend the Inquiry and so his evidence was not tested through cross-examination. Their advocate/ planning witness answered questions on highway matters. His case was that SWTC/RAUD opposed the first planning application and that ECC only considered that the details submitted with the second application (brought forward for this appeal) to be acceptable as the figures

had been manipulated. He acknowledged that SWTC/RAUD had not put forward any quantitative evidence concerning traffic flows or impact; he was unable to say whether he considered that its impact would be severe.

39. Many residents who spoke against the proposals, and many who made written representations, raised the issue of traffic congestion in Saffron Walden. I saw that a combination of narrow roads, one way streets, traffic lights, junctions and roundabouts clearly leads to some queuing, especially at peak times, even during the school holidays. Further housing in or around Saffron Walden is likely to exacerbate this problem and the draft Regulation 18 Local Plan indicates that Saffron Walden is expected to accommodate a further 240 dwellings, in addition to the 548 with outstanding planning permissions, within the Plan period. The final bullet point of paragraph 32 of the Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
40. The only quantitative evidence shows that the impact of the development would be minimal. This position is accepted by the Highway Authority in its consultation response and has been accepted by UDC. SWTC/RAUD has not produced any evidence to demonstrate otherwise. The experiences of local residents relate to the existing situation; the highways evidence shows that the proposed development would only have a minimal impact on this. For example, the forecasts show that the development would put only 11 additional cars on Church Street, which is subject to queuing traffic, during the whole morning peak period. The most affected junction would remain within capacity even in the worst case scenario involving 90% of traffic leaving the site and travelling south during the morning peak period. The predicted split is 82% (south) and 18% (north).
41. The proposals include mitigation measures to encourage walking, cycling and the use of public transport. A financial contribution would be made, as set out in the UU, towards capacity enhancements as outlined in principle in Uttlesford Local Plan Highway Impact Assessment and/ or Uttlesford Cycling Strategy. Overall, the submitted evidence does not indicate that the residual impacts of development would be severe or that there would be any conflict with the Framework.

The effect of the proposals on protected species and upon wildlife generally in the area

42. The relevant reason for refusal in respect of the appealed planning application refers to protected species and wildlife generally in the area. At the time the application was determined, ECC's Ecological Consultant maintained a holding objection for the reasons reiterated in her letter dated 22 March 2017. In that letter she confirmed that she welcomed the amended proposals, the subject of the second planning application, subject to additional mitigation measures. As set out above, UDC is now satisfied that the revised proposals are acceptable from an ecology point of view and there was no ecology reason for refusal in respect of the second planning application. The SoCG says that "the revised Development Framework Plan responds to the issues raised by the County Ecologist and resolves all the issues raised". The ecology reason for refusal was therefore not pursued at the Inquiry by UDC.
43. The main ecological objection was raised by SWTC/RAUD. This, as set out in the evidence of Caroline Elliott, relates to bats and in particular to two notable

species, the Barbastelle and the Nathusius pipistrelle. The former is listed in Annex II of the Habitat Directives; the latter is of conservation concern.

44. The Appellant submitted an Ecological Appraisal (June 2016) and a Revised Ecological Appraisal (February 2017), the latter being based upon the changes to the indicative site layout as a result of the second planning application. Considerable survey work was undertaken. This included over 495 hours of static detector surveys on the site and over 20 hours of walked transect survey. The surveys showed a very low level of registrations for Barbastelle bats; just 15 registrations and of these only one was on the hedgerow fronting Little Walden Road. The site is therefore only occasionally used by Barbastelle bats; this is unsurprising given its agricultural use. There were only 2 registrations of Nathusius pipistrelle so the site does not provide a significant resource for them.
45. The proposed mitigation measures, including bat hop-over trees to the main access road from Little Walden Road, together with the hedge and tree planting should improve the commuting routes from north to south along the western and eastern boundaries. The existing planting is incomplete along both these boundaries. The double row of hedging, either side of the perimeter trail, together with the imposition of a condition concerning external lighting, should improve the habitat for these species. Due to the very low level of activity on the site by the cited species of bats; the support of ECC's Ecological Consultant; and the evidence produced in the Ecological Appraisals, I am satisfied that the proposals will not result in any unacceptable harm to protected species or upon wildlife generally in the area.

Whether the proposals make adequate provision for community and other services and facilities including affordable housing

46. The Appellant submitted a UU at the Inquiry which makes provision for various community and other services and facilities as well as ensuring that 40% of the proposed dwellings comprise affordable housing. This is in full accordance with the development plan. In the SoCG the Appellant and UDC agreed that provision for community infrastructure was necessary where these meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs). Just before the Inquiry opened the Infrastructure Planning Officer at ECC submitted additional information concerning the secondary education contribution which enabled the Appellant to be satisfied that this meets the requirements of the CIL Regs.
47. In the SoCG UDC confirmed that the UU makes provision for all requested financial contributions and that it overcomes the second reason for refusal. During cross examination the advocate/ witness for SWTC/RAUD confirmed that in his opinion the UU addressed all relevant matters.
48. In addition to affordable housing, the UU makes provision for education (including early years, primary education and secondary education contributions); highways; a LEAP; and provision of public open space including its long term management and maintenance.
49. Concerning the highway contribution I understand the concern of the Town Council regarding the use of the term "in the vicinity of the Land" but I am satisfied that this could include the suggested improvements to the cycle route from the appeal site to the station as set out in the Uttlesford Cycling Strategy

as this is directly related to the development proposed. I do not consider that the insertion of the words "or otherwise" after "2014" in paragraph 1.32 would be appropriate as it would make this provision too vague.

50. Concerning the possible transfer of the public open space to the Town Council, and its future management by that Council, the details of the transfer of funds for its maintenance could form part of the Management Plan as defined in paragraph 1.45 and referred to in paragraph 9.1 of the UU. I understand the desire of the Town Council to take over the ownership and management of this land, on the payment of £1 in accordance with paragraph 9.3. However, whether the land is owned and maintained by the Town Council or a management company is immaterial for the purposes of this Decision.
51. I am satisfied that the proposals make adequate provision for community and other services and facilities including affordable housing. I am further satisfied that all the provisions of the UU meet the requirements of Regulation 122 of the CIL Regs and so its provisions can be taken into account in the determination of this appeal.

Other matters

52. SWTC/RAUD raised the issue of air quality and the Appellant put forward a witness to respond, although it is not a reason for refusal in respect of either planning application. The site lies to the north of Saffron Walden Air Quality Management Area (AQMA) which was declared as a result of nitrogen dioxide exceedances at some town centre junctions. UDC's Environmental Health Officer commented that the cumulative impact of the proposed development would not lead to an unacceptable risk from air pollution; to any breach in national objectives; or to a failure to comply with the Habitats Regulations. At the Inquiry the Appellant's evidence in this matter was not challenged by SWTC/RAUD although their advocate/ witness questioned the impartiality and professional integrity of the witness. No evidence was put forward to support such allegations and I give them no weight whatsoever.
53. UDC's Air Quality Annual Status Reports (ASR) show only that of the 29 monitoring locations, only three locations have experienced any exceedances since 2011. In 2014 no locations exceeded the annual mean objective (40 µg/m³) and in 2015 only 2 locations exceeded the objectives. These were both kerbside monitoring positions within the AQMA and, when adjusted to the distance to the nearest receptor, there were no exceedances. UDC's 2016 ASR shows that pollutant concentrations are not expected to exceed the air quality objectives at residential premises.
54. The unchallenged evidence shows that the proposed development will not cause any exceedance of the air quality objectives. The predicted increase in pollution concentrations are so low as to be not significant. Nonetheless a range of mitigation measures are proposed within the UU and a condition is imposed concerning electric vehicle charging points. I conclude that the proposals are unlikely to result in any exceedance of the annual mean objective. This conclusion is in line with the Inspector who determined an appeal off Thaxted Road, Saffron Walden⁵ following an Inquiry at which the Town Council and local residents put forward a technical witness on this subject. Air quality is therefore a neutral factor in the overall balance.

⁵ APP/C1570/A/14/2221494 – Land off Thaxted Road, Saffron Walden (2 June 2015) (CD 7.03)

55. SWTC/RAUD claimed that, based upon the Agricultural Land Classification map, the site is Grade 2 (very good) and therefore the best and most versatile agricultural land so that the proposals would be contrary to LP Policy ENV5. The SoCG says that the site was surveyed in June 2017 and was found to comprise Subgrade 3b (moderate) land (93%) and non-agricultural land (7%). At the Inquiry SWTC/RAUD did not wish to challenge this agreed position. I conclude that the land does not comprise the best and most versatile agricultural land. This is also a neutral factor in the overall balance.
56. Concerns were raised about the distance of the site from shops and facilities. The site is beyond the desirable walking distance from the town centre and, for example, the secondary school. These services and facilities are within cycling distance, as is the railway station at Audley End. In the Officers' report, it was pointed out that while the site is some distance from most everyday services and facilities, this is not dissimilar to other sites in Saffron Walden.
57. The distances would be only marginally greater than for existing residents of St Mary's View and the northern end of Little Walden Road, and would be closer to the town centre than some approved housing sites to the east of the centre. Nonetheless, the site is outside desirable walking distances from most services and facilities and this would be likely to mean greater use of the motor car for everyday journeys. This carries some limited weight against the development.

Conditions

58. A list of draft conditions was drawn up by the Appellant and UDC and this was discussed at the Inquiry. In addition to the standard outline planning conditions it is necessary to identify the approved plans for the avoidance of doubt as these have changed since the original planning application was submitted. The scheme should be carried out in accordance with the broad principles set out in Indicative Development Framework Plan and the Design and Access Statement as these were material considerations at the Inquiry.
59. Conditions concerning details of the junction of the proposed access road with Little Walden Road and other highway works including sight lines, the provision of a footway, central island and associated works, pedestrian/ cycle link, gateway feature, electric vehicle charging points and details of a Travel Plan are necessary in the interests of highway safety and securing sustainable transport options. A speed management review is necessary to determine whether the speed limit needs to be relocated in the interests of highway safety. A construction environmental management plan and an outline ecological management plan need to be submitted and implemented in the interests of biodiversity and ecology. Details of all fixed lighting, of finished floor levels of proposed buildings and for the protection of trees need to be submitted and approved in the interests of the visual amenities of the area and to protect the ecology of the area.
60. A detailed surface water drainage scheme, based upon sustainable drainage principles, needs to be submitted together with a scheme to minimise the risk of off-site flooding during construction to mitigate potential flooding issues. A programme of archaeological trial trenching needs to be undertaken and a mitigation strategy needs to be provided in the interests of the archaeology of the area. The approved dwellings need to be accessible to all potential occupiers and visitors to ensure that satisfactory access can be achieved.

61. It is not necessary to impose a separate condition in respect of external materials for the dwellings/ garages as this matter will be considered when the full details are submitted under the standard outline conditions and, in any case, are covered by the Design and Access Statement.

The planning balance

62. Paragraph 17 of the Framework says that planning should be genuinely planned, empowering local people to shape their surroundings and with succinct local plans setting a positive vision for the future of the area. In this case the ULP covers the period to 2011 and, while some of its policies have been saved, the plan itself is clearly out of date as its settlement boundaries cannot contain the necessary housing growth. This is demonstrated by the provisions of the draft Regulation 18 Plan that has been put out for consultation.
63. In short, UDC does not have an up-to-date local plan and it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, and as agreed by the parties, paragraph 14 of the Framework is engaged and with it the tilted balance set out in the second indent of the second bullet point of its decision-taking section.
64. In respect of the main issues there is some environmental harm arising from the harm to the character and appearance of the area. That harm, however, is limited as it is highly localised and is capable of being partly mitigated by landscaping. In respect of the other main issues, which were not contested by UDC, I have found that in respect of highways the evidence does not indicate that the residual impacts of the development would be severe. I have also found that there would not be any unacceptable harm to protected species or upon wildlife generally in the area. In respect of the other matters raised the impact on air quality would be so low as to not be significant and there would be no loss of the best and most versatile agricultural land. There would be some harm arising from the location of the site being outside desirable walking distances from most shops and services.
65. Concerning the environmental harm, there is no doubt that the proposals are in conflict with the development plan. This only relates to a single policy (ULP Policy S7) and the weight that can be given to that policy is less than full weight as it is only partially consistent with the Framework.
66. I have given considerable weight to the fact that UDC cannot demonstrate a five-year housing land supply. This position has changed significantly since the planning application was refused by UDC as at that time it considered the supply to be in excess of 5 years. When the second planning application was determined it was against the backdrop of a 4.5 year supply; that position is now much worse as the agreed position is that the supply is just 3.1 years.
67. This identified harm needs to be balanced against the benefits of the proposed development. The provision of up to 85 dwellings carries significant weight in a District with an acknowledged shortage of housing. The absence of a five-year housing land supply affects the weight that can be given to this benefit and I have had regard to Lindblom J in *Phides*⁶ in which he identified that the factors to take into account in determining such weight should include the extent of the shortfall and how long the deficit is likely to persist. In this case the

⁶ *Phides Estates (Overseas) Ltd v SoSCLG, Shepway DC and David Plumstead* [2015] EWHC 827 (Admin) (CD8.01)

agreed deficit, 1.9 years, is significant. The Regulation 18 Plan is at an early stage and includes potentially controversial proposals for meeting the deficit. UDC considers that it can be adopted in Spring 2019 but even that seemingly optimistic timescale would mean that the deficit is likely to persist for some considerable time. This site is deliverable within 5 years and would provide a substantial number of homes which justifies the provision of up to 85 dwellings being given significant weight.

68. The affordable housing also carries weight in an area where there is a considerable unmet need but as the proportion of affordable housing is no more than that required by the development plan the weight is limited.
69. There are economic benefits arising from new housing, both in terms of the construction value and the estimated 76 jobs (FTE) that would be created during construction. The spending power of future occupiers of the dwellings, estimated to be in the region of £1.7m per year, would be likely to assist local shops and other businesses. The mix of tenures, including 40% affordable housing, would help promote a balanced community as sought by the Framework. Also of benefit would be the provision of public open space, which would exceed the Council's requirements. There would be ecological benefits too, as the site is currently of limited value in this regard and about 1.97ha of this 4.47ha site would be used for green infrastructure and public open space. The proposed perimeter planting and the landscaping of the open space would be beneficial to various species including bats, birds and reptiles.
70. Overall the proposals would be in conflict with Policy S7 of the development plan. For the reasons given above, however, the weight that can be given to this policy is limited. The development plan is not up-to-date; there is no five-year housing land supply; and the identified harm to the environment is localised and limited. The only other harm relates to the location of the site in relation to shops and other services and this harm carries only limited weight.
71. I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. The proposals therefore benefit from the presumption in favour of sustainable development as set out in paragraph 14 of the Framework. The conflict with the development plan is outweighed by the other material considerations and outline planning permission is granted.

Clive Hughes

Inspector

APPEARANCES

FOR GLADMAN DEVELOPMENTS LIMITED:

Guy Williams of Counsel	Instructed by Gladman Developments Ltd
He called	
Malcolm Walton BSc MCIEH AMIA	Technical Director and Principal Environmental Scientist, Wardell Armstrong LLP
Phil Rech BA BPhil LD CMLI	Director, FPCR Environment and Design Ltd
Kurt Goodman BSc(Hons) MSc MCIEEM	Associate Director of Ecology, FPCR Environment and Design Ltd
Clive Burbridge BSc MSc MRTPI MCIT MCILT	Director, Icen Projects Ltd
Kathryn Fitzgerald BA(Hons) MPlan MRTPI	Senior Planner, Gladman Developments Ltd
Samuel Hollingworth * MTP MRTPI	Associate Planner, Strutt & Parker
Tom Baker * BA(Hons) MTP MRTPI	Associate, GVA

* Samuel Hollingworth and Tom Baker each produced a proof of evidence with appendices but did not appear at the Inquiry.

FOR UTTLESFORD DISTRICT COUNCIL:

Josef Cannon of Counsel	Instructed by the Solicitor, Uttlesford District Council
He/She called	
Simon Atha BSc MA MRTPI	Principal Planner, Cerda Planning Ltd

FOR SAFFRON WALDEN TOWN COUNCIL & RESIDENTS AGAINST UNSUSTAINABLE DEVELOPMENT:

Alan Storah BSc DipTP DMS MRTPI	Principal, Walden Town Planning
He called himself and	
Caroline Elliott	Member of RAUD
Bruce Bamber* MA MSc CMILT MCIHT	Director, Railton TPC Ltd
Paul Gadd **	SWTC/ RAUD

* Bruce Bamber produced a proof of evidence with appendices but did not appear at the Inquiry.

** Paul Gadd contributed to the session on the s106 Undertaking

INTERESTED PERSONS:

Ruth Downman	Local resident
Sarah Terry	Local resident
Geoffrey Suckling	Local resident
Tim Hanbury-Tracy	Local resident
Georgina Buckfield	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appeal decision APP/C1570/W/16/3162954 – land south of School Lane, Henham
- 2 Uttlesford Regulation 18 Local Plan 2017- Saffron Walden Inset Map
- 3 Statement of Common Ground between Uttlesford DC and Gladman Developments Ltd
- 4 *Barwood Strategic Land II LLP v East Staffordshire BC and SoSCLG* [2017] EWCA Civ 893
- 5 *Borough of Telford and Wrekin v SoSCLG and Gladman Developments Ltd* CO/2639/2016
- 6 *Anita Colman v SoSCLG, North Devon DC and RWE Npower Renewables Ltd* CO/12831/2012
- 7 Opening submissions of the Appellant
- 8 Opening submissions on behalf of the Local Planning Authority
- 9 Introductory statement on behalf of Saffron Walden TC and Residents against Unsustainable Development
- 10 Email 24 July 2017 heading “£150k contribution at Saffron Walden”
- 11 Uttlesford Cycling Strategy (October 2014)
- 12 Photograph looking south towards appeal site from Viewpoint 1
- 13 Statement of Ruth Downman
- 14 Statement of Sarah Terry
- 15 Statement of Tim Hanbury-Tracy
- 16 Statement of Pieter Elliott
- 17 Statement of John Parker
- 18 Statement of Vivienne and Philip Flack
- 19 Statement of Simon Curtis
- 20 Email dated 26 July 2017 heading “Gladman application at Little Walden Road, Saffron Walden - £150,000k contribution”
- 21 Uttlesford Transport Study: Report to Uttlesford Planning Policy Working Group 22 June 2017
- 22 Draft conditions
- 23 Draft Unilateral Undertaking under s106
- 24 Site visit itinerary
- 25 Statement of Georgina Buckfield
- 26 Outline planning permission UTT/0007/95/OP (27 September 1995)
- 27 Planning permission UTT/0027/98/DFO
- 28 Completed Unilateral Undertaking dated 27 July 2017
- 29 Closing statement on behalf of Saffron Walden TC and Residents against Unsustainable Development
- 30 Closing submissions on behalf of the Local Planning Authority
- 31 Final submissions of the Appellant

PLANS

- A Drawing No 6825-L-01 Rev B – Site location plan
- B Drawing No 6825-L-03 Rev J – Development framework
- C Drawing No 17-T019-02 Rev A - Access

Annex: List of Conditions (20)

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No 6825-L-01 Rev B – Site location plan
Drawing No 17-T019-02 Rev A - Access
- 4) The development shall be delivered in broad accordance with the principles as set out within the Development Framework as shown on Drawing No 6825-L-03 Rev J and the Design and Access Statement.
- 5) No dwelling shall be occupied until the proposed access onto the B1052 (Little Walden Road) as shown in principle on Drawing No 17-T019-02 Rev A to include a 5.5m carriageway, two 2m footways (within the site), and a minimum radius of 8m has been provided. The road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 78m to the north and 89m to the south along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and thereafter retained free from obstruction at all times.
- 6) No dwelling shall be occupied until a 2m wide footway has been provided on the B1052 (Little Walden Road) to link the footway on the proposed access and the existing footway to the south of the site, the existing island has been removed and a new pedestrian crossing of the B1052 (Little Walden Road) in the form of an island refuge (minimum of 1.5m in length) with associated drop kerbs and tactile paving has been provided to the south of the access (as shown in principle on Drawing No 17-T019-02 Rev A).
- 7) No dwelling shall be occupied until a pedestrian/ cycle link and access of minimum width 3m onto St Mary's View as shown in principle on Development Framework Drawing No 6825-L-03 Rev J is built to adoptable standards. Its exact alignment is to be agreed through a reserved matters application and once provided it is to be maintained in perpetuity thereafter.
- 8) No dwelling is to be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a timetable for implementation and provision for monitoring and review. The Travel Plan will include the requirement for the developer to be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved in writing by the Local Planning Authority (to include six 1-day travel vouchers for use with the relevant public transport operator). All

measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented in accordance with the approved scheme of monitoring and review as long as any part of the development is occupied.

- 9) Prior to the first occupation of any dwelling, an electric vehicle charging point shall be provided within any garage associated with that dwelling.
- 10) None of the dwellings hereby permitted shall be occupied until a scheme detailing the relocation of a gateway feature in an agreed location to the north of the proposed site access has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the dwellings.
- 11) Within 6 months of the first occupation of the final approved dwelling a speed management review shall be undertaken on Little Walden 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 of the speed limit is required, then within 6 months of written notice being provided to 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.
- 12) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has 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 ecologist clerk of works 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.

- 13) No development shall commence until an Outline Ecological Management Plan (EMP), including long term design objectives, management responsibilities and maintenance schedules for not less than 10 years for all areas of habitat and landscaping other than those within the curtilages

of individual dwellings for residential phases, shall be submitted to and approved in writing by the Local Planning Authority. The design, management objectives and maintenance of the landscaped areas shall thereafter be in accordance with the approved EMP.

- 14) No fixed lighting shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting throughout the site is designed in such a way as to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 15) No development shall take place until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of the retention and protection of trees, shrubs and hedgerows on or adjacent to the site;
 - Implementation, supervision and monitoring of the scheme of protection;
 - A detailed tree work specification and details of its implementation, supervision and monitoring;
 - Implementation, supervision and monitoring of construction works in any tree protection zone, to avoid excavations, storage parking, and deposit of spoil or liquids; and
 - The timing of arboricultural works in relation to the approved phase of development.

The development shall proceed in accordance with the approved Arboricultural Method Statement and the scheme of protection shall be retained throughout the period of construction.

- 16) 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, which shall include details of future management and maintenance, shall subsequently be implemented prior to the first occupation of any of the approved dwellings should include, but not be limited to, the following:
- Surface water discharge should be limited to 7.4l/s for all storm events including the 1 in 100 year event plus climate change allowance of 40%;
 - Provide sufficient storage to ensure no off site flooding takes place as a result of the development for all storm events up to and including the greenfield 1 in 100 year event plus a climate change allowance of 40%; and
 - Provide treatment for all elements of the development in line with guidance in the CIRIA SuDs Manual C753.
- 17) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run-off and groundwater during

construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

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 top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/ disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 18)
 1. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority.
 2. A mitigation strategy detailing the excavation/ preservation strategy shall be submitted to the Local Planning Authority following completion of this work.
 3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the completion of fieldwork, as detailed in the mitigation strategy and which has been signed off by the Local Planning Authority through its historic environmental advisors.
- 19) 5% of the dwellings approved by this permission shall be built to category 3 (wheelchair user) housing M4(3) (2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 20) No development shall commence until cross-sections of the site including details of existing levels around the buildings hereby permitted and any changes in level proposed, together with the proposed finished floor levels within the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

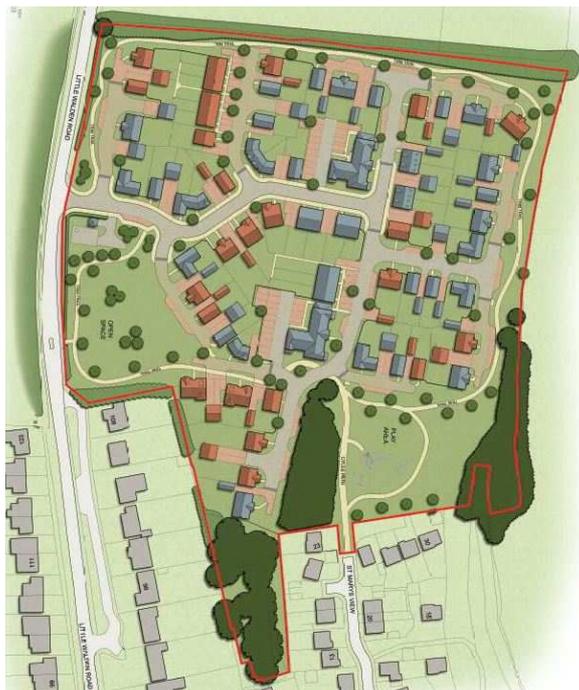
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Appendix C: Comparison between approved Framework Plan and proposed site plan

Extract from Framework Plan (6825-L-03 Rev J):

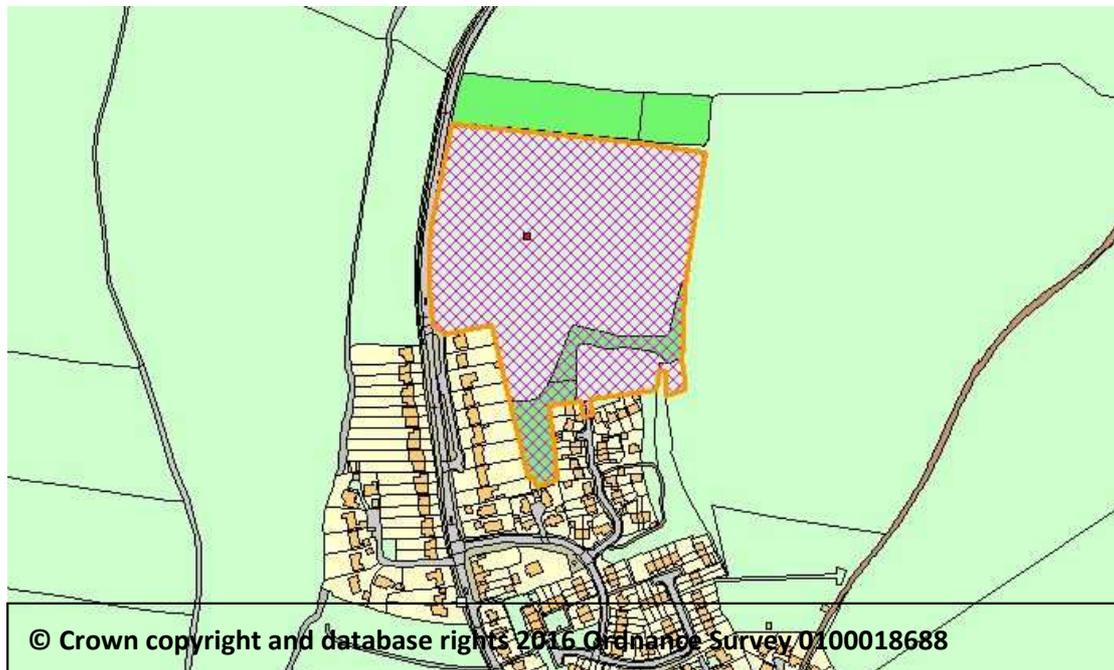


Extract from proposed site plan (1770/01 A):



Application: UTT/18/2959/DFO

Address: Land East of Little Walden Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 17/05/2019

UTT/18/1827/FUL (NEWPORT)

(More than five dwellings)

PROPOSAL: Demolition of existing dwelling and garage. The erection of 20 no. dwellings, including 8 affordable. Associated access, car parking, footpaths, landscaping and construction of earth mound.

LOCATION: Bricketts, London Road, Newport, CB11 3PP

APPLICANT: London Road (Newport) LLP

AGENT: Lucy Carpenter Planning Consultant

EXPIRY DATE: 20 September 2019

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located to the west of London Road, at the southern edge of Newport. It comprises a detached house and its grounds.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing buildings on the site and erect 20 dwellings, 8 of which would be affordable homes. The existing access off London Road would be remodelled.

3.2 A full Accommodation Schedule is appended to this report.

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:

- Planning Statement
- Design and Access Statement
- Accommodation Schedule
- Garden size schedule
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
- Transport Statement
- SuDS Checklist

- Development Drainage Strategy & Flood Risk Statement
- Drainage Statement
- Biodiversity Validation Checklist
- Preliminary Ecological Appraisal Report
- Ecological Impact Assessment
- Environmental Noise Assessment
- Phase I/II Geo-environmental Site Assessment

6. RELEVANT SITE HISTORY

- 6.1 In November 2016, outline planning permission, with all matters reserved except access, was granted for the erection of up to 11 dwellings on the site (UTT/16/1290/OP). This followed an earlier permission for a three-dwelling development (UTT/15/3423/FUL).

7. POLICIES

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

Uttlesford Local Plan (2005)

- 7.4
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - ENV5 – Protection of Agricultural Land
 - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 - ENV12 – Protection of Water Resources
 - ENV13 – Exposure to Poor Air Quality
 - ENV14 – Contaminated Land
 - H1 – Housing Development
 - H9 – Affordable Housing

H10 – Housing Mix

Supplementary Planning Documents/Guidance

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

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2019)
- paragraphs 11, 73, 78-79, 102-111, 117-118, 127, 155-165, 170, 175, 178-181 & 189-197
Planning Practice Guidance (PPG)
- Air quality
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Planning obligations
- Rural housing
- Water supply, wastewater and water quality

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
NPPF 2019 – Five Year Housing Land Supply update (March 2019)
Historic Settlement Character Assessments (2007)
Emerging Newport, Quendon and Rickling Neighbourhood Plan
Emerging Local Plan
- The Spatial Vision
- SP 1 The Presumption in Favour of Sustainable Development
- SP 2 The Spatial Strategy 2011-2033
- SP 3 The Scale and Distribution of Housing Development
- SP 9 Development Within Development Limits
- SP 10 Protection of the Countryside
- SP 12 Sustainable Development Principles
- H 1 Housing Density
- H 2 Housing Mix
- H 6 Affordable Housing
- H 10 Accessible and Adaptable Homes
- TA 1 Accessible Development
- TA 2 Sustainable Transport
- TA 2 The Provision of Electric Charging Points
- TA 3 Vehicle Parking Standards
- TA 4 New Transport Infrastructure or Measures
- INF 1 Infrastructure Delivery
- INF 2 Protection, Enhancement and Provision of Open Space, Sports

Facilities and Playing Pitches

- INF 4 High Quality Communications and Super-Fast Broadband
- D 1 High Quality Design
- D 2 Car Parking Design
- D 3 Small Scale Development / Householder Extensions
- D 8 Sustainable Design and Construction
- D 9 Minimising Carbon Dioxide Emissions
- D 10 Highly Energy Efficient Buildings
- EN 1 Protecting the Historic Environment
- EN 5 1 Scheduled Monuments and Sites of Archaeological Importance
- EN 7 Protecting and Enhancing the Natural Environment
- EN 10 Minimising Flood Risk
- EN 11 Surface Water Flooding
- EN 12 Protection of Water Resources
- EN 14 Pollutants
- EN 15 Air Quality
- EN 16 Contaminated Land
- EN 17 Noise Sensitive Development
- C 1 Protection of Landscape Character
- NEWP 2 Land at Bricketts, London Road

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- Precedent for further development on adjacent land
- Cumulative adverse impacts together with recent permissions and developments in Newport
- Harmful effect on the site's rural setting
- Noise disturbance for future occupiers from the M11 and Stansted Airport
- Poor air quality for future occupiers due to proximity to M11
- Overbearing impact on properties on The Spinney
- Full details of the proposed earth bund would need to be secured in the event of approval
- The 30mph speed limit zone should be extended
- Limited public open space is proposed
- Inadequate sewerage capacity
- No requests have been made for contributions towards improving local infrastructure e.g. education provision
- Insufficient information to determine the suitability of car and cycle parking provision, and electric charging point provision
- Insufficient information on drainage arrangements
- The proposed affordable units are supported but their provision would not outweigh the adverse effects of the development

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions. Extract:

"The Highway Authority have thoroughly assessed the Transport Statement (TS) supporting the above planning application in terms of highway capacity, safety and accessibility and have carried out a site visit. In conclusion, the Highway Authority considers that the proposal will not have a detrimental

impact on highway safety, efficiency or accessibility. As part of the highway assessment the applicant conducted a speed survey of traffic using the B1383. This took place in December 2018, and in accordance with the results of the speed survey, the applicant can provide visibility splays to meet current guidelines. The Parish Council have expressed a desire for the 30mph speed limit to be extended in conjunction with the above development. Whilst the Highway Authority can understand the reasons for the request does not meet with the requirements of the Essex Speed Management Policy. It may however be necessary to relocate the existing 30 mph speed limit signs clear of the visibility splay from the site access and therefore if consented it is suggested that the extent of the 30mph speed limit is reviewed in conjunction with the detailed design of the site access rather than being a prerequisite of development.”

Highways England

9.2 No objections.

Environmental Health

9.3 No objections, subject to conditions. Extract:

“Acceptable internal living conditions as set out in British Standard 8233:2014 Sound Insulation and Noise Reduction for Buildings and in WHO 2009 Guidelines for Community Noise relating to outdoor amenity areas, can be provided through mitigation.

Details of proposed glazing have been provided, and it may not be possible to achieve the standards with windows open, therefore acoustic trickle ventilation is proposed to overcome this. Levels in gardens will be reduced from the highest levels monitored due to setback from London Road, the positioning of dwellings to provide protection to garden areas, and fencing, to enable acceptable levels to be achieved.

... The site has historically been used for brick working, and a clay pit with unknown fill is present. Close to the site are chalk and gravel workings. A Phase I and II Geo-environmental site assessment dated June 2017 has been prepared by TRC, and the intrusive investigation has not identified exceedances of screening criteria for residential land use with gardens, or unacceptable risk from ground gases. The methodology and findings of the report are accepted, and further investigation or remediation is not required.

... Traffic generated by the development will impact on congested junctions along High Street Newport. The significance of the impact on air quality will not be sufficient to support an objection, however NPPF 2018 supports provision of measures to minimise the impact by encouraging the use of low emission vehicles and non car travel. Supporting information states that cycle parking and storage will be provided, and the site is within 1km walking distance to local amenities. Provision of charging facilities to support the use of low emission vehicles should be encouraged.

... A small part of the rear of the site lies within the zone 100m from the central reservation of the M11 motorway where long term exposure to poor air quality may have an adverse effect on health. The area is part of a wider area of public open space and a proposal to prevent public access to the

small area is contained in the supporting details.” (NB: The application no longer proposes an area of public open space in this sensitive location)

Lead Local Flood Authority (Essex County Council)

- 9.4 No objections, subject to conditions. Initial objection removed following the submission of revised and additional information.

Ecological Consultant (Place Services)

- 9.5 No objections, subject to conditions. Extract:

“I have reviewed the Ecological Impact Assessment (Greenwillows Associates Ltd., August 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 existing dwelling is a bat roost and will require a licence to be [demolished].

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.”

Anglian Water

- 9.6 No objections. Extract:

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

Housing Enabling Officer

- 9.7 No objections. Extract:

“I confirm that 6x2 bed houses for affordable rent and 2x2 bed flats for shared ownership is acceptable.”

London Stansted Airport

- 9.8 No objections.

NATS Safeguarding

- 9.9 No objections.

UK Power Networks

- 9.10 General advice regarding safe working practices near electricity lines/plant.

Essex Police Crime Prevention Officer

9.11 No objections. Extract:

“We note that the rear boundary is intended to be comprised of post and rail fencing, we strongly recommend that this supplemented by natural hedging with a high percentage of defensive (spiky) species.

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.”

Historic Environment Advisor (Place Services)

9.12 No objections, subject to the use of conditions to secure trial trenching and excavation. Extract:

“The Essex Historic Environment Record shows the development to lie within a potentially sensitive area within Newport to the south of the historic town. Cartographic evidence indicates that in the 19th century the area near to the road was involved in the brick making industry (EHER 15687). To the north of the site aerial photographic evidence has identified the possible site of an enclosure (EHER 19905) whose extent may extend into the development area. The opposite bank of the River Cam has extensive Late Iron Age and Roman deposits on the valley slopes, and there is the potential similar deposits will be found on the western side.”

Education Authority (Essex County Council)

9.13 No objections. Extract:

“As the proposed development comprises of less than 20 education contribution-eligible dwellings, an education contribution will not be requested.”

Cadent Gas/ National Grid

9.14 No objections.

Ward Councillor (Cllr N Hargreaves)

9.15 No objections, subject to a suitable footpath connection to the village and an extension of the 30mph speed limit zone.

10. REPRESENTATIONS

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

- 1) The site is located beyond the existing Development Limits
- 2) Harmful effect on the rural character of the area
- 3) The buildings would appear incompatible with adjacent housing

- 4) The 30mph speed limit zone should be extended
- 5) Additional street lighting should be provided on London Road
- 6) The footpath connection to the village should also include a cycleway
- 7) The site offers the potential for a new northbound bus stop
- 8) Loss of biodiversity, including bat habitats
- 9) Loss of privacy at 3, 4, 4A and 4B The Spinney and 1 Cornflowers
- 10) Existing overgrown trees adjacent 4A and 4B The Spinney should be removed
- 11) The summerhouse at Plot 17 would result in a loss of sunlight, overbearing impacts and nuisance affecting 4B The Spinney
- 12) Overbearing effect on dwellings in The Spinney
- 13) Nuisance to 4 The Spinney from the footpath access to the public open space (NB: Public open space since removed)
- 14) Nuisance to the future residents as a result of noise from the M11
- 15) Adverse effect on health from noise and air pollution associated with the M11
- 16) A new fence should be erected along northern boundary to preserve the security of 4 The Spinney
- 17) The public open space should be secured with appropriate boundary treatment (NB: Public open space since removed)
- 18) Potential land contamination
- 19) Inadequate affordable housing provision (NB: The provision has since been increased to a policy-compliant level)
- 20) Inadequate provision of bungalows for market sale
- 21) The majority of the site comprises greenfield land
- 22) There is no need for additional housing
- 23) The site contains asbestos
- 24) Inaccuracies within the submitted documentation
- 25) The scale of the development has increased incrementally
- 26) Granting permission would set a precedent for further development
- 27) Works close to property boundaries could affect neighbouring foundations

10.2 The following comments are made in relation to the above points:

1) – 22) Covered in the below appraisal.

23) The safe removal of asbestos is secured under separate legislation.

24) A site visit has been carried out to ensure that a decision is made on the basis of correct information.

25) & 26) The application must be considered on its own merits.

27) Such impacts would be addressed by the Party Wall Act.

11. APPRAISAL

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

- | | |
|---|---|
| A | Location of housing (S7, H1, 78-79 & PPG) |
| B | Character and appearance (S7, GEN2, GEN5, 127, 170 & PPG) |
| C | Transport (GEN1, GEN8 & 102-111) |
| D | Accessibility (GEN2, 127 & PPG) |
| E | Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG) |

- F Crime (GEN2, 127 & PPG)
- G Flooding (GEN3, 155-165, PPG & SFRA)
- H Infrastructure (GEN6 & PPG)
- I Biodiversity (GEN7, 175 & PPG)
- J Archaeology (ENV4, 189-197 & PPG)
- K Agricultural land (ENV5 & 170)
- L Contamination (ENV12, ENV14, 178-179 & PPG)
- M Air quality (ENV13, 181 & PPG)
- N Affordable housing (H9 & PPG)
- O Housing mix (H10 & SHMA)
- P Housing land supply (11 & 73)
- Q Effective use of land (117-118)

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

- 11.1 The application site comprises both previously developed land (the residential curtilage) and undeveloped land (the paddock), located beyond the Development Limits of Newport. While Policy H1 permits the re-use of previously developed land for housing on a general level, Policy S7 and the associated Development Limits are clearly intended to restrict development in the countryside to that which requires such a location or is appropriate to a rural area. Housing does not satisfy either of these criteria so the erection of new dwellings on the site would be in conflict with the spatial strategy of the Local Plan.
- 11.2 The NPPF takes a slightly different approach to rural housing. Paragraphs 78-79 support the growth of existing settlements and seeks to avoid new isolated homes in the countryside unless there are special circumstances. Taking into account the PPG, it is considered that the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside. As the application site adjoins the village of Newport, it is considered that the location is consistent with the policies of the NPPF. Furthermore, the principle of residential development has already been accepted through planning permission UTT/16/1290/OP, and it is noted that the site is allocated for housing in the emerging Local Plan.

B Character and appearance (S7, GEN2, GEN5, 127, 170 & PPG)

- 11.3 The existing bungalow is situated within a relatively large curtilage compared to its neighbours, at the southern edge of the village. An L-shaped paddock wraps around the south and west of the property, and the open fields beyond provide a distinctly rural character.
- 11.4 The proposal would intensify development on the site, inherently causing a degree of harm to the rural setting at the southern edge of Newport. Mitigating factors include the containment of development to the southern boundary of the existing garden and, broadly, to the western extent of development established by existing housing to the north. Nevertheless, there would be a residual adverse effect.
- 11.5 Notwithstanding the above effect on landscape and settlement character, it is considered that the layout and design of the development is compatible with its surroundings. Plots 1-4, 19 and 20 would relate well to London Road, while buildings within the site would appropriately frame the new street

scenes. The design of the buildings is traditional and considered in keeping with residential development in the vicinity.

- 11.6 It should be noted that the areas of land to the rear of Plots 9-13 and to the south of Plot 1 are within the applicant's ownership but are not the subject of any development proposals other than a noise attenuation bund. The land currently forms part of an L-shaped paddock surrounding the garden of Bricketts, and the use would not be changed by the proposed development. The land to the rear of Plots 9-13 had initially been proposed as public open space but it was considered that this would have been poorly integrated with the design of the development. As open space provision is not a policy requirement, this proposal was removed.
- 11.7 It is concluded that the proposal conflicts with Policy S7 and paragraph 170 of the NPPF insofar as they relate to the protection of rural character. The design of the proposed development is considered compliant with other relevant policies, subject to the use of conditions to secure full details of external finishes, landscaping and lighting.

C Transport (GEN1, GEN8 & 102-111)

- 11.8 The site's location at the edge of a relatively large village ensures that future residents would have access to a small range of services and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.
- 11.9 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety, capacity or efficiency. Furthermore, the proposed parking provision would accord with the Council's minimum residential parking standards, as set out in the appended Accommodation Schedule. It is therefore concluded that the proposal accords with the above policies insofar as they relate to transport, subject to the use of appropriate conditions including in relation to the 30mph zone on London Road.

D Accessibility (GEN2, 127 & PPG)

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

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

- 11.11 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts, subject to the use of conditions to secure:
- Increase in fence height from 1.8 m to approximately 2.4 m to screen views from Plot 13 to 4A The Spinney. The increased height would comply with guidance on maintaining appropriate daylight levels.

- Obscure glazing in the north-facing upper-floor windows at Plots 14-16 to prevent overlooking of existing properties.
 - Removal of permitted development rights for additional north-facing upper-floor windows at Plots 14-16 unless these would be obscure-glazed.
- 11.12 Taking into account the comments of the Environmental Health Officer, it is considered that noise from London Road and the M11 would not have an adverse effect on the amenity of the future residents. Mitigation measures, including suitable trickle ventilation and the formation of an earth bund, would be secured using a condition.
- 11.13 It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Crime (GEN2, 127 & PPG)

- 11.14 Taking into account the comments of Essex Police, it is considered that the development generally incorporates crime prevention principles. Nevertheless, it has been noted that a suitable hedge species should be used as a deterrent on the western boundary of Plots 9-13. This point would be reflected in the landscaping condition, which would secure full details of all planting proposals.

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

- 11.15 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding but, as the proposal is a 'major development', national policy requires the use of a sustainable drainage system. The lead local flood authority has removed its initial objection following the submission of revised and additional information, and it is therefore concluded that the proposal accords with the above policies.

H Infrastructure (GEN6 & PPG)

- 11.16 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.
- 11.17 It is noted that Anglian Water has raised no objections, while the education authority has confirmed that there is no requirement to make a contribution towards education provision.

I Biodiversity (GEN7, 175 & PPG)

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

J Archaeology (ENV4, 189-197 & PPG)

- 11.19 Taking into account the comments of the Historic Environment Advisor, it is considered that the development has the potential to affect archaeological remains and that conditions would be necessary to secure appropriate trial trenching prior to commencement of the development. Subject to these conditions, it is concluded that the proposal accords with the above policies insofar as they relate to archaeology.

K Agricultural land (ENV5 & 170)

- 11.20 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

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

- 11.21 Taking into account the comments of the Environmental Health Officer, it is considered unlikely that there would be any adverse effects with respect to contamination risks. It is therefore concluded that no further studies are required, and that the proposal accords with the above policies insofar as they relate to contamination.

M Air quality (ENV13, 181 & PPG)

- 11.22 Taking into account the comments of the Environmental Health Officer, it is considered that any adverse effects on air quality would be negligible. Nevertheless, taking into account the cumulative effect of recent developments on congested junctions in Newport, it is considered appropriate to seek to minimise any effect through the use of conditions that secure appropriate cycle storage facilities and future-proofing for electric vehicle charging points.

N Affordable housing (H9 & PPG)

- 11.23 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable homes are appropriate in terms of number and design. These would be secured using a S106 agreement, thereby ensuring compliance with the above policies.

O Housing mix (H10 & SHMA)

- 11.24 Policy H10 requires that a significant proportion of market housing comprises small properties, with two or three bedrooms. As all of the proposed market houses would be in this category (1 x two-bed and 11 x three-bed), it is concluded that the proposal accords with Policy H10.

P Housing land supply (11 & 73)

- 11.25 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent

housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

- 11.26 Notwithstanding the above, it is noted that the Council's delivery of housing was greater than the housing requirement over the previous three years, as represented by a Housing Delivery Test calculation of 147%.

Q Effective use of land (117-118)

- 11.27 Paragraphs 117-118 of the NPPF encourage the reuse of previously developed land, a classification which applies to the majority of the application site. Therefore, weight should be given to the positive effect of the development in this regard.

12. CONCLUSION

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing and countryside character.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because important policies, including housing policies and their associated site allocations and Development Limits, are out of date. In this case, the limited adverse effect on countryside character would not significantly and demonstrably outweigh the benefits from the proposal's contribution towards housing land supply and its reuse of previously developed land.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accord with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.
- D** The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
- (i) On-site provision of 8 affordable homes**

- (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 19 September 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
- (i) **Inadequate affordable housing provision**

Conditions

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

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

2. Prior to commencement of the development, a Construction Traffic Management Plan must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details, which must provide for:
- i. Safe access into the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

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

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

- Details of half drain time of any storage devices. The storage features should be half empty within 24 hours of the 1 in 100 year storm event plus 40% allowance of climate change.

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

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

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

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

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

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

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

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

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

8. Prior to commencement of the development, either of the following must be submitted to and approved in writing by the local planning authority:

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 go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

- Walls
- Roof
- Windows
- Doors

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

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

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

- Retained features
- New planting (including as a burglary deterrent to the west of Plots 9-13)
- Earth bund
- Hard surfaces
- Boundary treatment
- External lighting equipment and associated emissions

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

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

landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area and in the interests of crime prevention, in accordance with Policy S7, Policy GEN5 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Prior to occupation of any dwelling, full details of the noise mitigation measures identified in the submitted Environmental Noise Assessment (Stansted Environmental Services, July 2018) and their respective timescales for implementation must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To protect future residents from noise nuisance, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12. Prior to occupation of any dwelling, the following details with respect to the access must be submitted to and approved in writing by the local planning authority:

- i) Minimum 5.5 metre carriageway width with appropriate radii
- ii) Two 2 metre-wide footways, together with any necessary relocation/replacement of the 30mph speed limit gateway and associated Traffic Regulation Orders (TROs)

The access must be formed in accordance with the approved details prior to occupation of any dwelling.

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

13. Prior to occupation of any dwelling, details of improvements to the passenger transport infrastructure on both sides of B1383 London Road within the immediate vicinity of the site must be submitted to and approved in writing by the local planning authority. This includes but is not limited to raised platforms, hardstanding, dropped kerb crossing points, flags, bus shelters and any other related infrastructure as deemed necessary by the Highway Authority. The improvements must be installed in accordance with the approved details prior to occupation of any dwelling.

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

14. Prior to occupation of each dwelling, details of its cycle parking and electric vehicle charging provision must be submitted to and approved in writing by the local planning authority. The provision must be made in accordance with the approved details prior to occupation of each dwelling.

REASON: To maximise the use of sustainable transport modes and minimise air pollution, in accordance with Policy GEN1, Policy GEN8 and Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

15. Prior to occupation of Plot 13, details of a screening fence/wall on the boundary with 4A The Spinney must be submitted to and approved in writing by the local planning authority. The fence/wall must be installed in accordance with the approved details prior to occupation of Plot 13.

REASON: To screen views of habitable rooms and the private sitting out area of 4A The Spinney, thereby protecting the privacy of existing residents in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

16. The eaves and ridge heights of the permitted dwellings relative to neighbouring buildings must be as shown on the following approved drawings:

1659-SBA-XX-ZZ-DR-A-100 Rev B Proposed Street Elevations/Sections
1659-SBA-XX-ZZ-DR-A-101 Rev C Proposed Levels (Sh1)
1659-SBA-XX-ZZ-DR-A-102 Rev B Proposed Levels (Sh2)
1659-SBA-XX-ZZ-DR-A-103 Rev A Proposed Levels (Sh3)

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

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

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

18. The upper-floor windows on the northern elevation of the following dwellings must be glazed with obscure glass prior to occupation of each dwelling and thereafter retained:

- Plot 14
- Plot 15
- Plot 16

Each of these windows must be non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent a harmful lack of privacy for the occupants of 4A and 4B The Spinney, in accordance with Policy GEN2 of the Uttlesford Local

Plan (adopted 2005) and the National Planning Policy Framework.

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no upper floor windows shall be inserted at the following dwellings under or in accordance with Schedule 2, Part 1, Class A, B or C of the Order without the prior written permission of the local planning authority unless they would be obscure-glazed and non-opening:

- Plot 13
- Plot 14
- Plot 15
- Plot 16

REASON: To prevent a harmful lack of privacy for the occupants of 4A and 4B The Spinney, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

20. Prior to occupation of any dwelling, the road junction at its centre line must be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 74 metres to the north and 2.4 metres by 100 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing No. JNY9852-03 Rev A. Such vehicular visibility splays must be provided prior to occupation of any dwelling.

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

21. Prior to occupation of any dwelling, a 2 metre footway shall be provided from the site access extending northwards along B1383 London Road tying into the existing footway network, as shown in principle on Drawing No. 505 Rev. I (Proposed Site Plan).

REASON: In the interests of pedestrian safety and accessibility, and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

22. Prior to occupation of each dwelling, the respective parking space(s) must be formed in accordance with the approved plans.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur, in the interest of highway safety and in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

24. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Ecological Impact Assessment (Greenwillows Associates Ltd, August 2018). This includes bat mitigation, bat sensitive lighting, due diligence regarding nesting birds, covering trenches, hedgehog friendly fencing and meadow planting.

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

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

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

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

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

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

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

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

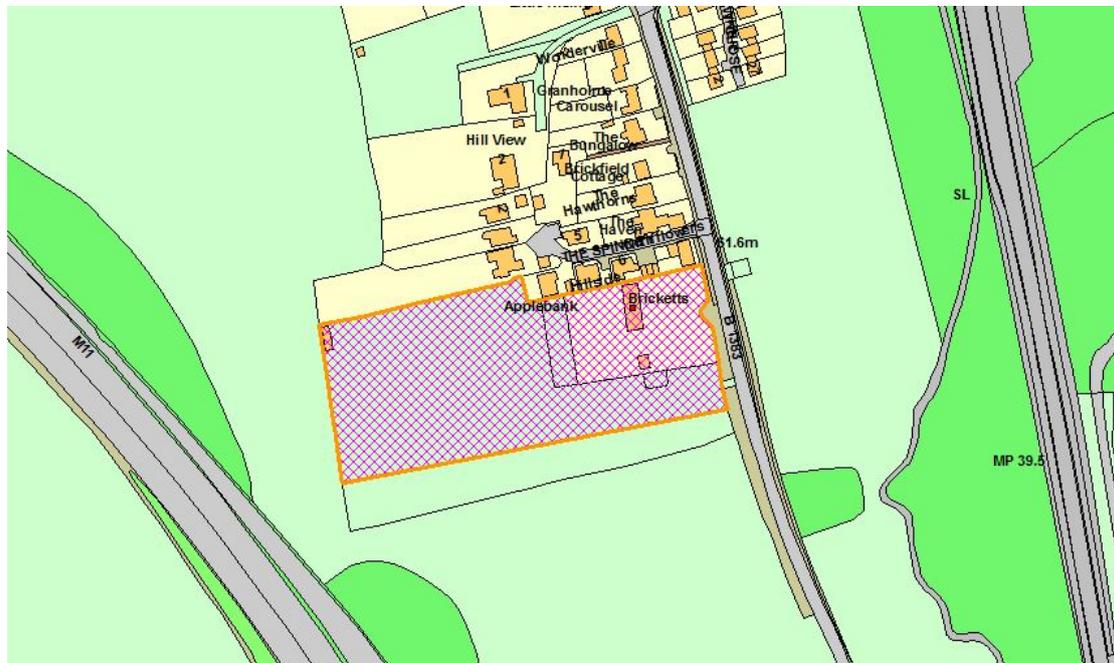
**Appendix:
Accommodation Schedule**

Plot	Beds	Tenure	Garden standard (sq m)	Garden size (sq m)	Parking standard	Parking spaces
1 (HT4)	2	Aff.	50	62	2	2
2 (HT4)	2	Aff.	50	51	2	2
3 (HT4)	2	Aff.	50	51	2	2
4 (HT4)	2	Aff.	50	53	2	2
5 (HT7)	3	Market	100	103	2	2
6 (HT7)	3	Market	100	102	2	2
7 (HT7)	3	Market	100	100	2	2
8 (HT7)	3	Market	100	100	2	2
9 (HT6A)	3	Market	100	241	2	2
10 (HT6A)	3	Market	100	185	2	2
11 (HT6A)	3	Market	100	190	2	2
12 (HT6A)	3	Market	100	196	2	2
13 (HT6A)	3	Market	100	205	2	2
14 (HT1)	2	Aff.	50	70	2	2
15 (HT1)	2	Aff.	50	59	2	2
16 (HT2)	3	Market	100	154	2	2
17 (HT3)	2	Market *	50	187	2	2
18 (HT5)	3	Market	100	153	2	2
19 (HT4)	2	Aff.	50	51	2	2
20 (HT4)	2	Aff.	50	51	2	2
Visitors	-	-	-	-	5	5

* Bungalow

Application: UTT/18/1827/FUL

Address: Bricketts, London Road, Newport, CB11 3PP



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Organisation: Uttlesford District Council

Department: Planning

Date: 04/09/2019

UTT/18/2297/OP – SAFFRON WALDEN

Major Planning Application

PROPOSAL: Outline planning permission with all matters reserved except for access for the erection of up to 12 dwellings with associated landscaping, parking and supporting infrastructure.

LOCATION: Land To The North Of De Vigier Avenue, Saffron Walden

APPLICANT: Turnstone St Neots Ltd

AGENT: Carter Jonas LLP

EXPIRY DATE: 20th September 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The site is located to the north east of De Vigier Avenue and north of the Ridgeon Development in the town of Saffron Walden. The site comprises of a triangular plot consisting of trees and vegetation.

3. PROPOSAL

3.1 This outline planning application with all matters reserved except access is for the proposed erection of up to 12 dwellings. The proposed access will be provided at two points from the Ridgeon's residential development to the south of the site.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The applicant has provided a design and access statement for the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted:
Biodiversity Mitigation
Wildlife protection plan
Retile survey
Flood risk assessment
Tree Survey
Ecology Appraisal

6. RELEVANT SITE HISTORY

6.1 UTT/13/2423/OP- 26/11/2014

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.

UTT/16/2701/DFO- Approved 13/2/2017

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.

These applications relate to the residential development to the south of the site.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S7 – The Countryside
Policy GEN2 – Design
Policy GEN4- Good Neighbourliness
Policy GEN6- Infrastructure and provision to support development
Policy GEN7 - Nature Conservation
Policy GEN1- Access
Policy H9- Affordable Housing
Policy H10- Housing Mix

7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)

Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide

8. PARISH COUNCIL COMMENTS

8.1 Objection

Other Members voted unanimously to object on grounds that the land in question was subject to a covenant that it must be kept as public open space for the benefit of the town and should not be developed for housing.

9.0 CONSULTATIONS

The Highways Authority

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

1. Prior to occupation of the development, a 6 metre shared surface, to connect into Mapletoft Avenue and Russel Green Garden, as shown in principle on DWG no. S067/pl3006, shall be provided. Reason: To ensure appropriate access is provided.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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

5. The payment of a financial contribution of £46,500 (index linked to the date of this recommendation) for pedestrian and/or highway safety improvements in the vicinity

of the site, to mitigate the impact of the development on the surrounding highway network.

Reason: In the interests of highway safety and efficiency.

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

Affinity Water

- 9.2 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Cadent- Gas

- 9.3 Thank you for consulting Cadent Gas for this application. We do not object to the proposal in principle.

However please note the presence of an intermediate pressure gas pipeline in close proximity to the proposal, this particular pipeline has a building proximity distance (BPD) of 10m. Cadent Gas will object to any habitable building proposed within 10m of the pipeline. It appears the property at the most northerly part of the land parcel may encroach into the 10m distance. Cadent Gas would recommend that trial holes are carried out with us in attendance to confirm the exact location of the pipeline, the developer can then set out the buildings position to comply with the 10m distance.

The developer is prompted to contact Cadent.

SUDS

- 9.4 No objections raised

Crime Prevention Officer

- 9.5 No objections raised

Ecology

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

Summary

We have reviewed the additional information supplied by the applicant in relation to the above site, including the letter from MKA Ecology, dated 17th May 2019, relating to the likely impacts of development on the chalk grassland, biodiversity metric calculations and the proposed translocation of chalk grassland from the De Vigier Avenue site to the adjacent 'Ridgeon's' site.

Additional relevant correspondence and information from the applicants:

- Wildlife Protection Plan for the Land at Ashdon Road (the adjacent Ridgeons

- site)
- Biodiversity Mitigation and Enhancement Plan for the Land at Ashdon Road (the adjacent Ridgeons site)
- MKA Ecology 29th October 2018
- MKA Ecology 30th November 2018
- Carter Jonas 1st February 2019
- Carter Jonas 11th February 2019 (with MKA Ecology's Defra Metric calculations)
- Carter Jonas 17th May 2019 (with MKA Ecology's revised Defra Metric calculations)

With the exception of the most recent e mail from Carter Jonas (17th May 2019) we have responded to the above with our following previous responses:

- 20th September 2018
- 29th October 2019
- 20th December 2018
- 1st February 2019

We are now satisfied that there is sufficient ecological information available for determination.

This provides sufficient certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate compensation and mitigation measures secured, the development can be made acceptable. The compensation mitigation measures identified in the ecology reports should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species, particularly for chalk grassland, reptiles, bats, nesting birds, hedgehogs. This includes providing off-site compensation within the neighbouring 'Ridgeons', Ashdon Road development site, situated to the east of this site

In addition, it is proposed to provide a boundary hedgerow to compensate for the loss of the scrub covering most of the De Vigier Avenue site. However, if it is located on the western boundary adjacent to the arable fields beyond, it would be situated within back gardens of the new properties and therefore there would be no method of controlling its retention and management in the future. To secure the long term maintenance of hedgerows it is best practice for them not to be in back gardens, where there is little control over their retention and long-term management.

In accordance with Paragraph 175 of the NPPF, the applicants should seek to avoid harm to biodiversity, before they mitigate or compensate (as a last resort) any losses, through the mitigation hierarchy. Where a development cannot satisfy the requirements of the mitigation hierarchy, planning permission should be refused. Applicants should also aim to achieve measurable net-gain for biodiversity using Good Practice Principles for Development.

A Biodiversity Mitigation and Enhancement Plan covering all relevant aspects of ecology and method statements for the reptiles and chalk grassland translocation will required for this site to set out the recommendations from the various ecological reports. The chalk grassland and reptile translocation and creation areas need to be managed for the long term through a management plan for the habitats, which are largely off-site, thereby also requiring integration with existing relevant plans for the Ridgeon's site. Amendments to the existing S106 agreement for the Ridgeon's site will need to be incorporated and secured prior to commencement. A monitoring

strategy will also be required, which can be tied into the management plan.

A Construction Environmental Management Plan (CEMP) will be required, to include the Wildlife Protection Plan.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 of the Natural Environment and Rural Communities (NERC) Act 2006.

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (MKA Ecology, July 2018); Botanical Assessment (MKA Ecology, July 2018) and Reptile Survey (MKA Ecology, July 2018); Biodiversity Defra Metric Calculations set out in MKA Ecology's letters of 11th February 2019 and 17th May 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

2. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY METHOD STATEMENT

"No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for translocation of reptiles and chalk grassland has been submitted to and approved in writing by the local planning authority.

The content of the method statements shall include the following:

- a) purpose and objectives for the proposed works;*
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) extent and location of proposed works shown on appropriate scale maps and plans;*
- d) persons responsible for implementing the works;*
- e) initial aftercare and long-term maintenance (where relevant);*
- f) disposal of any wastes arising from works.*

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 and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

3. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Wildlife Protection Plan*
- b) Risk assessment of potentially damaging construction activities.*
- c) Identification of “biodiversity protection zones”.*
- d) 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).*
- e) The location and timing of sensitive works to avoid harm to biodiversity features.*
- f) The times during construction when specialist ecologists need to be present on site to oversee works.*
- g) Responsible persons and lines of communication.*
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- i) Use of protective fences, exclusion barriers and warning signs.*
- j) Containment, control and removal of any Invasive non-native species present on site*

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).

4. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“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 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 & species)

5. PRIOR TO COMMENCEMENT : BIODIVERSITY MONITORING STRATEGY

No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure that the chalk grassland and reptile habitat has been created and managed correctly, in accordance with the LEMP. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on

site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

UDC Landscape Officer

9.7 No Objections Raised

Although to the north is open rural landscape the development will have little if any relationship to the outlying landscape setting to the north of the site. The proposed residential development would be in character with the neighbouring site and as such will be compatible with the form of surrounding area. The development will not encroach into the surrounding rural landscape to the north of the site.

10 REPRESENTATIONS

10.1 Neighbouring consultation date expiry- 27/9/2018 Site notice and advertisement 25/12/2018

2 objections received

10.2

Comments received	Case officer comments
The emerging local plan only has little weight at this early stage	The emerging local plan does hold some weight in the assessment of the application, this is referenced in the report.
The planning statement does not include any details of how the development accords with the NPPF	The case officer has made reference to how the development accords with the NPPF.
The site is not within the development limits	Although the site is not within the development limits it is considered to be tacked on to the settlement of Saffron Walden.
The site is heavily screened by trees and vegetation.	The character of the landscape of the site has been considered by UDC landscape officer and is addressed in the following report.
The site includes wildlife	Due consideration to wildlife and biodiversity is included in the report.
The planning statement does not	This is considered in the following

demonstrate the need for the development outweighs the harm to the site.	report.
UDC 5 year housing supply in not up to date and should not discard current planning policies.	The most recent housing trajectory document (March 2019), the Council's housing land supply is of 3.29 years for the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.
The site ground levels should ensure no overlooking to neighbouring properties	Landscaping matters are not considered in this outline planning application.
The building of the site will endure further noise and disturbance.	Noise and disturbance during then building of development is inevitable, however condition can be included on a subsequent reserved matter application.

10.3 All material planning merits will be considered in the following report.

11 APPRAISAL

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

- A The principle of the development of this site for residential (ULP Policy S7 ,ENV3, ENV13 and the NPPF)
- B Design and visual impact (ULP Policy GEN2)
- C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4)
- D Access and Highway Safety (ULP Policy GEN1)
- E Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6)
- F Any other material planning considerations

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

11.1 The scheme is for outline planning permission with all matters reserved except access for up to 12 dwellings. 5 dwellings would be affordable and the remainder would be market housing. In policy terms the dwelling is outside of the development limits of Saffron Walden as defined by Uttlesford. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.

11.2 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As such it considered the NPPF is a material consideration in the assessment of this development.

- 11.3 The application site as set out on the proposal map forms part of the allocation of development site within Regulation 19 of the emerging local plan. The assessment of the site is allocated for a development up to 14 dwellings. The site is classed a greenfield located at the northern eastern corner of Saffron Walden. The site specific requirement is consistent with current development management policies, this includes:
- The development provides a mixed and balanced community
 - Development respects the amenity of existing dwellings,
 - A transport assessment may be required to support a planning application and appropriate arrangements to be agreed with the Highway Authority,
 - A landscape and visual impact assessment will be required and should inform the design and layout of the site proposals.
- 11.4 Paragraph 78 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As such it is considered although the development is outside of the development limits it is tacked on the existing settlement of Saffron Walden it will in fact support the growth of existing settlement.
- 11.5 Paragraph 11 of the NPPF considers the presumption of sustainable development , this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). The most recent housing trajectory document (March 2019), the Council's housing land supply is of 3.29 years for the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and due weigh must be given to the proposal.
- 11.6 This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 11.7 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.8 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 11.9 The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) 5 affordable housing units. Saffron Walden is considered a sustainable location with good

services and facilities.

- 11.10 The proposal would have an impact by putting more strain on the local infrastructure and demand for school places; as such due consideration is made to whether a financial contribution is required and will be negotiated in the Section 106 legal agreement. The location of the application will provide local sustainable transport modes, this includes local bus routes and links to the train station.
- 11.11 In conclusion, the proposal in the form proposed would not be in conflict paragraph 2 of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development.
- 11.12 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is tacked on to the existing settlement and consists of a plot of land with trees and scrub. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.
- 11.13 The site forms part of a greenfield site, however is not considered to be deemed as public open amenity space (ENV3). The proposal will retain (where possible) landscaping to the north and west boundary and will preserve a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. The retention of a majority of the boundary trees line and landscape enhancement would help minimise the impact of the development on the character of the area.
- 11.14 The design and access statement submitted with the application includes details of the landscape character of the site and its surroundings. The site is not within or near any land subject to a national or local statutory landscape designation. There are no public rights of way within the site however there is a network of public right of way covering the wider area.
- 11.15 The site is predominantly contained by vegetation including trees and hedgerow along its boundary. Although the proposed development would be seen from outside of the development site this would be compatible with the neighbouring residential development and therefore in character with the surrounding area.
- 11.16 The proposed layout and existing vegetation has ensured a sensitive approach to the development allowing the proposals to be easily absorbed into the predominantly visually contained Site. Proposed landscaping throughout the development and along its boundaries has helped to enhance tree cover. With the additional proposed planting the sites biodiversity has a net gain. It is considered the potential effects relating to the site and surrounding landscape and visual amenity are mitigated This has guided the progression of design mitigation measures which have been incorporated into the layout of the site to limit potential effects identified within the assessment of landscape character, features and visual amenity.
- 11.17 The Council's Landscape Officer has been consulted; no objections have been raised. It is considered the existing site has very limited contribution to the character of the surrounding area, however development will result in some degree of visual intrusion. That being said the site has been included in the emerging local plan (regulation 19) for residential development, also the positioning of the development will be in close proximity to other new residential development (Ridgeons) and the

main settlement of Saffron Walden It is considered the proposed landscape and character of the site would be compatible with its surroundings.

- 11.18 In conclusion and with the imposition of conditions, it is considered that the residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on the landscape character or visual amenity.
- 11.19 This site very much nestles into the settlement and development that would not bring about any notable landscape or visual impact implications in its wider setting. This is a self-contained site, although to the north is open rural landscape, the development will have little if any relationship to the outlying landscape setting of Saffron Walden. It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable in terms of economic, social and environmental feature and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.
- 11.20 Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions. The site is not in an area currently monitored for air quality (AQMA). Additional traffic at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives requires. Users of the facilities can minimise the impact by adopting non car travel. Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel. As such it is considered the development accords with ULP Policy ENV13.

B Design and visual impact (ULP Policy GEN2)

- 11.21 The planning application is for outline planning permission with all matters reserved except access. Therefore the appearance, landscaping, layout and scale of the development will be considered in a subsequent reserved matters planning application, should outline consent be granted. That being said it is considered that the layout of the development, as set out on the indicative plans, is compatible with the layout of the neighbouring sites. The site could accommodate 12 dwellings with sufficient garden sizes that will be in accordance with the aims of the Essex Design Guide. The assessment of the visual impact of the development is limited in this outline planning application, however the development of the site for residential use is not considered to harm the character of the surrounding area. Landscaping mitigation will be considered in the reserved matters application. As such taking into consideration the details set out in the submitted plans it is considered the development accords with ULP Policy GEN2 and the NPPF.

C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4)

- 11.22 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.
- 11.23 The indicative scheme submitted shows that the proposed dwellings as sited are

unlikely to give rise to a significant loss of residential amenity to adjacent dwellings situated to the immediate east and south of the application sites, however a full assessment will be completed following the submission of a reserved matters application, should outline consent be granted. The comments submitted in regards to construction noise and disturbance is noted, the use of a planning condition in regards to the storage and loading and unloading of construction good will be imposed. Any noise from construction will not result in permanent issue and will be resolved on completion of the development. The proposal accords with ULP Policy GEN2 and GEN4

D Access and Highway Safety (ULP Policy GEN1)

- 11.24 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The application includes the formation of two new vehicular access points from the residential development to the south of the site. The Highways Authority have been consulted, no objections have been made subject to the impositions of conditions and securing a financial contribution of £46,500 for pedestrian and highway safety improvements. The proposal will not generate a volume of traffic that would impact on the surrounding transport network, the site is sustainable with regard to the viability of public transport and services within walking distance. It is therefore considered that the proposed development accords with Policy GEN1

Nature Conservation (ULP Policy GEN7)

- 11.25 The applicant's submitted a protected species survey with the application however, further information has also been requested by ECC Ecologists to make a detailed assessment. Following this no objection have been raised subject to the imposition of conditions. This provides sufficient certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate compensation and mitigation measures secured, the development can be made acceptable. As such it is considered the proposal is not considered not to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7.

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

- 11.26 Affordable Housing:
Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing
The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.27 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 0.49 hectares and as such a provision of 40% affordable housing would not be required for this scale of development. That being said it is considered the development is an accumulation with the neighbouring residential development and an extension of the wider scheme adjacent the application site, this demonstrates the application site was intended to be part of the wider development of the neighbouring site. As such the provision of 5 affordable units are required.

- 11.29 The Housing Officer has confirmed that the proposed mix of affordable housing is acceptable, however during this outline stage the proposed development is indicative however will be secured by a Section 106 legal agreement to provide the relevant affordable housing. The affordable housing is integrated across the development; therefore it is considered the proposal accords with ULP Policy H9 and H10.
- 11.30 The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.
- 11.31 The proposed development is located within the Saffron Walden. No requests have been made at this stage from the Essex County Council's Infrastructure Planning Officer in regards to the requirement of infrastructure contributions. However the infrastructure planning officer has instructed to be part of the S106 negotiations to ensure when the type and size of dwellings are approved this is taken into consideration.
- 11.32 The developer has indicated that they are prepared to enter into a Section 106 legal agreement if there is a requirement for further payment of contributions towards education provision, this will be negotiated. The proposal therefore subject to compliance with the Section 106 agreement requirements would comply with policy GEN6.

F Any other material planning considerations

- 11.33 Any other material considerations:
The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of countryside
D1- High quality design
TA1- Accessible development
EN8- Protecting the natural environment
EN17- Air Quality
EN19- Noise sensitive development
H6- Affordable Housing
H2- Housing Mix
INF1 Infrastructure Delivery

12 CONCLUSION

- 12.1 In conclusion, the proposed outline development is considered an appropriate form development that would represent an acceptable scheme terms of design in terms of access, countryside impact, impact on protected species and biodiversity and affordable housing provisions.
- 12.2 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore it is considered that planning permission should be granted for the development.

- 12.3 The affordable housing mix for the development is considered to be acceptable and complies with policy H9 and GEN6.
- 12.4 The proposal would not be harmful to protected/priority species subject to recommended mitigation and compensation measures (bats, hedgehogs) being conditioned and implemented (ULP Policy GEN7).
- 12.5 The indicative layout submitted shows that impacts on residential amenity are likely to be insignificant (ULP Policies GEN2 and GEN4).

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

The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 16th March 2020 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Provision of 40% affordable housing
- (ii) Payment of contributions towards highway improvements
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance. It is possible to secure this either by condition or obligation in a legal agreement.
- (vi) Pay the Council's reasonable legal costs
- (vii) Pay the monitoring fee

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

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

- (i) No provision of affordable housing
- (ii) non-payment of contribution towards education provision.
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance. It is possible to secure this either by condition or obligation in a legal agreement.

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

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

- 4 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (MKA Ecology, July 2018); Botanical Assessment (MKA Ecology, July 2018) and Reptile Survey (MKA Ecology, July 2018); Biodiversity Defra Metric Calculations set out in MKA Ecology's letters of 11th February 2019 and 17th May 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON:

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

- 5 Prior to commencement of the development hereby approved (including any demolition, ground works, site clearance) a Biodiversity Method Statement for translocation of reptiles and chalk grassland shall be submitted to and approved in writing by the local planning authority.

The content of the method statements shall include the following:

- g) purpose and objectives for the proposed works;
- h) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- i) extent and location of proposed works shown on appropriate scale maps and plans;
- j) persons responsible for implementing the works;
- k) initial aftercare and long-term maintenance (where relevant);
- l) disposal of any wastes arising from works.

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 and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7

- 6 Prior to the commencement of the development hereby approved a construction

environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Wildlife Protection Plan
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of “biodiversity protection zones”.
- d) 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).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site

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 in accordance with ULP Policy GEN7

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

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or 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 & species) and in accordance with ULP Policy GEN7.

- 8 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure that the chalk grassland and reptile habitat has been created and managed correctly, in accordance with the LEMP. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

REASON

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

- 9 Prior to the occupation of the development hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the

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

REASON

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

- 10 Prior to occupation of the development, a 6 metre shared surface, to connect into Mapletoft Avenue and Russel Green Garden, as shown in principle on DWG no. S067/pl3006, shall be provided.

REASON: To ensure appropriate access is provided and in accordance with ULP Policy GEN1.

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

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

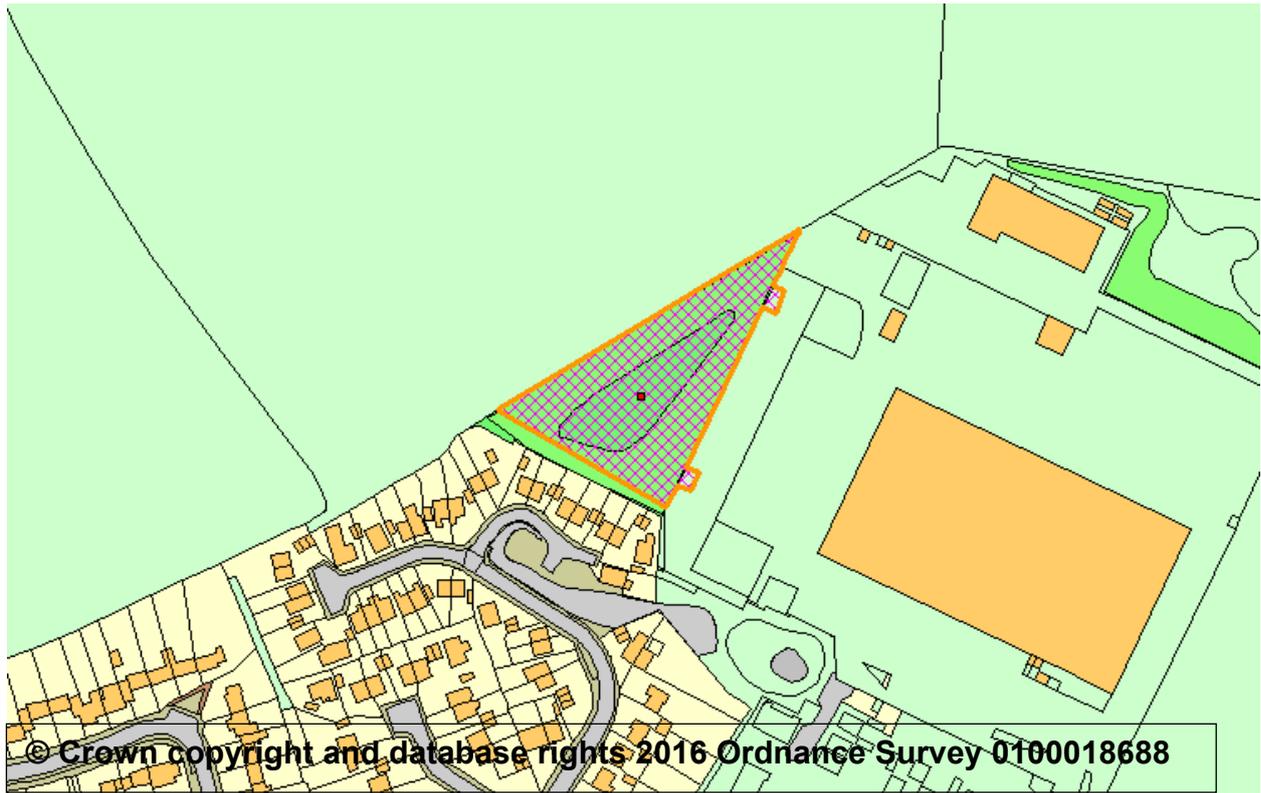
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 13 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

REASON

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with ULP Policy GEN1



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Organisation: Uttlesford District Council

Department: Planning

Date: 29 August 2019

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UTT/19/1583/FUL (TAKELEY)

(More than five dwellings elsewhere than Great Dunmow, Saffron Walden or Stansted)

PROPOSAL:	Erection of 8 no. 3 Bedroom Dwellings
LOCATION:	Land to the South of School Lane, Molehill Green, Takeley
APPLICANT:	Sole Concepts LTD
AGENT:	Sole Concepts Limited
EXPIRY DATE:	4 September 2019 (Extension of time granted to 23 September 2019)
CASE OFFICER:	Jonathan Doe

1. NOTATION

- 1.1 Countryside Protection Zone
Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The site comprises a rectangular parcel of land on the southern side of School Lane, close to the junction with Broxted Road, the main road leading through Molehill Green.
- 2.2 The site has a frontage of some 70m and an average depth of some 40m. At the time of the officer's site visit the site had been cleared and temporary fencing had been erected along the frontage of the site.
- 2.3 On the opposite side of the road, to the north, are semi-detached houses and a village hall at the junction of School Lane with Broxted Road. A substantial one-and-a-half storey dwelling, Blossoms Cottage, is to the west of the site and a bungalow, Sunny View, is to the east.

3. PROPOSAL

- 3.1 Erection of 8 no. 3 Bedroom Dwellings.
- 3.2 The houses would be set out generally in a line of four pairs of semi-detached houses facing the road. However, the detailed positioning of the semi-detached pairs of houses would be such that the faces of the houses would be slightly splayed, not perfectly parallel with the line of School Lane and the front elevations of each pair would not be level with each other but rather set out in a subtle saw tooth type arrangement. The appearance to the design is discussed below.
- 3.3 Parking would be provided on driveways running to the side of each semi-detached house. Two parking spaces, one behind the other, would be provided to each house. Parking spaces would be set back from the carriageway edge a sufficient distance, the length of the drives would be long enough such that causal parking for a third car could be accommodated in front of the parking spaces to the side of each house. Parking provision and the aspect of parking spaces relating to

the overall appearance of the design is discussed below.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The applicant's agent has submitted the ecology report submitted with the outline planning application; a transport statement; and, a planning statement.
- 5.2 The planning statement makes a case that the design within the current application gives an appearance to the design with a more relaxed, "cottagey" style with appropriate separation distances of six metres. The current design has, however, retained the lower eaves height to the front elevations. This is said to give openness to the proposed appearance across the site with a character of a "less developed" street scene.
- 5.3 A landscaping also forms part of the application documentation. This shows a line of shrubs set out to form a hedge with openings between shrubs set back 3m from the carriageway edge. A line of shrubs would also be set along the side boundaries of front gardens. Driveways would have a gravel surface (although the highway authority would require that the first 6m of the drive's 19m length be of an alternative, bound surface). Landscaping proposals also relate to the rear gardens.

6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission was granted by the Council in 2018 with all matters reserved except for access, layout and scale for the erection of 4 no. pairs of semi-detached dwellings at Land South of School Lane, Mole Hill Green, Takeley (UTT/18/0527/OP - date of decision 10 July 2018).
- 6.2 The Officer's report to the Council's Planning Committee for the proposed development summarised the main reasons for the approval recommendation as follows:
- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B The scale and layout are broadly acceptable.
- C The proposal would not adversely affect the biodiversity on site subject to mitigation measures.
- D The proposed development would not compromise the safety of the highway.
- E Development should not commence until an archaeological investigation has been completed.
- F The development should be acceptable in terms of minimising aircraft noise subject to acceptable mitigation measures.
- 6.3 The principle of building in this part of the Countryside Protection Zone was considered on balance to be appropriate; the Committee report stated at paragraph 11.2 that: "The site's location is some distance from Stansted Airport and so the development would not merge into the Airport's environs. The development would obviously create a built form in an open area and so would

impact on the countryside; however this negative consideration must be balanced against the NPPF's emphasis on sustainable development".

- 6.4 Paragraph 11.8 added that: "To summarise, the proposal must be assessed primarily against the NPPF as well as the Local Plan. The current lack of a five year supply of housing means that a development must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy the economic and social criteria and, on balance, the environmental role as well, although there would be some negative impact in this respect. Providing the proposal creates a net benefit in planning terms by complying with all other relevant policies, the principle of the development on the site is acceptable".
- 6.5 In terms of consideration of scale, the report noted at paragraph 11.11 that; "A proposal should relate to its immediate area and be generally sympathetic to nearby buildings without overly dominating the street scene in terms of scale or mass. Dwellings in the area are characterised by generously sized plots. The development would follow this theme, and provide each house with sufficient private amenity space to meet the LPA's guidelines. The properties' staggered building line follows the building line between the existing dwellings to the east and west of the site and corresponds to the lane. Like the semi-detached dwellings that face the site, the development would be set back from the road".
- 6.6 More recently, a planning application seeking full planning permission, UTT/19/0571/FUL, was refused. The single reason for refusal related essentially to design. The reason for refusal was:
"The development in the form proposed would lead to material harm to the openness and permanence of the Countryside Protection Zone at this site location and additionally would lead to overdevelopment of the site due to the excessive scale of the dwellings as shown for this 8 no. three bedroomed housing scheme which would give rise to a cramped appearance across the site and an overly urbanised streetscene detrimental to the rural amenities of the immediate area contrary to ULP Policies S8, S7 and GEN2 of the Uttlesford Local Plan (adopted 2005) and would as a result fail to represent a presumption in favour of sustainable development contrary to the NPPF (as revised) because of the degree of environmental harm which would be caused by the development."

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
ENV10 - Noise Sensitive Development and Disturbance from Aircraft

Emerging Local Plan

SP 1 - Presumption in Favour of Sustainable Development
SP 3 - The Scale and Distribution of Housing Development
SP 10 - Protection of the Countryside
H 10 - Accessible and Adaptable Homes

TA 3 - Vehicle Parking Standards
D 1 - High Quality Design
D 2 - Car Parking Design
EN 17 - Noise Sensitive Development

Supplementary Planning Documents/Guidance

Accessible Homes and Play Space

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

ECC Parking Standards
UDC Parking Standards
Essex Design Guide (2018 version)

8. PARISH COUNCIL COMMENTS

8.1 No response has been received to date.

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to measures regarding a sight splay; ensuring provision of parking areas; no unbound material; and, unloading and storage of construction materials clear of highway.

Ecological Consultant, Essex County Council, Place Services

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

Environmental Health

9.3 The proposal site is located in an area which will be subject to noticeable aircraft noise. This has been addressed by a condition on UTT/18/0527/OP.

9.4 NPPF 2018 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 requiring charging points for electric vehicles is requested.

9.5 There are residential properties adjacent to this site. A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction.

9.6 **RECOMMENDED CONDITIONS**
Provide an electric vehicle charge point at any garage or allocated parking space associated with a dwelling.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

Essex Police, Crime Prevention

9.7

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.

9.8

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.

9.9

National Air Traffic Services

No safeguarding objection.

9.10

Safeguarding Authority for Stansted Airport

No objection. Informative suggested regarding any crane, minimise dust or smoke, deter birds feeding on exposed ground.

10. REPRESENTATIONS

10.1

A site notice was posted. 24 letters were sent to occupiers of neighbouring properties. No written response has been received.

11. APPRAISAL

The principal issue to consider is whether the design in this current application has been sufficiently amended to overcome the reason for refusal to the previous application. The principle of development has been established by the extant outline planning permission. Nevertheless, in order that all considerations are addressed, the issues to consider in the determination of this application are the same as with the previous application, being:

- A Principle of development (NPPF, ULP Policies S7 and S8);
- B Design, including whether the scale and form of the proposed development would be compatible with existing built form / garden amenity standards (ULP Policy GEN2);
- C Access considerations (ULP Policy GEN1);
- D Whether parking arrangements would be acceptable (ULP Policy GEN8);
- E Impact on residential amenity (ULP Policy GEN2);

- F Impact upon priority and protected species (ULP Policy GEN7);
- G Noise sensitive development (Stansted Airport) (ULP Policy ENV10).

A Principle of development (NPPF, ULP Policies S7 and S8);

- 11.1 The principle of residential development of this "greenfield" site situated outside development limits falling within the Countryside Protection Zone (CPZ) as defined on the Proposals Map for the Council's adopted Local Plan has already been accepted under approved and still extant outline application ref; UTT/18/0527/OP for the erection of 4 no. pairs of 2 bedroomed two storey semi-detached dwellings with all matters reserved except for access, layout and scale.
- 11.2 The current revised housing proposal for the erection of 4 no. pairs of 3 bedroomed two storey semi-detached dwellings remains acceptable in principle, especially with regard to the sustainability of the site, in the light of this Council decision.

B

Design, including whether the scale and form of the proposed development would be compatible with existing built form / garden amenity standards (ULP Policy GEN2);

- 11.3 An assessment of the design begins with the fact that the placing of built form on the site has been deemed acceptable by outline planning permission UTT/18/0527/OP. The indicative design for that proposal shows a proposal very similar to that of the current application. The significant difference is that the outline design was for two-bedroomed houses, rather than the currently proposed three-bedrooms, with the houses being less deep than that as now proposed. The layout, of a staggered line, and the streetscene, of houses with eyebrow dormers separated by double widths of driveways, was the same as now proposed. It is, however, the case that appearance was a reserved matter.
- 11.4 The essential effect of the proposal on the character and appearance of the area and whether the site is an appropriate location for new housing development, having regard to the principles for sustainable development (two issues predominating in Inspectors' recent decisions for proposals outside the defined development limits) have been established by the granting of the outline planning permission.
- 11.5 This current planning application is effectively a re-submission of one recently refused, UTT/19/0571/FUL. That was refused only on design grounds. The principle issue is therefore whether the current design has sufficiently overcome the previous reasons for refusal.
- 11.6 The previous design filled the width of the site with houses except where paths lead down the sides of the semi-detached pairs. Parking spaces were to be provided side by side hard on the highway; it would not have been too far from an exaggeration to have said that the front gardens consisted of car parking spaces. As a consequence of the filling up of the streetscene with the hard form of houses and the extent of hardsurfacing of parking spaces it was considered that the previous proposal represented overdevelopment of the site.
- 11.7 The current design has more spacing between houses by running driveways between the semi-detached pairs of houses. The frontages of the plots would be front gardens albeit with driveways. A landscaping plan forms part of the current application documentation. This shows a grassed highway verge adjoining the

11.8 carriageway and an open hedge/spacing of shrubs at the fronts and the sides of the front gardens. This could be ensured to be implemented by condition.

11.9 A cottage style appearance has been retained in the current application with eaves dormers to six of the eight houses. Some visual variation and interest is provided to the sweep of view to the proposed houses by those at the ends, to the right hand side of the site and the left hand side of the site, having gables. The design of the houses is such that heights have been minimised. The maximum height of the houses would be 7.4m. The height to the eaves would be 5.1m. An alternation of open gable and sloping roofed canopies above entrance doors would provide interest and pattern to the appearance of the fronts of the houses.

11.10 It is therefore considered that the scale, form, layout and appearance of the houses as a result of the changes now shown are appropriate for this site and accordingly the proposal is now acceptable with regard to Policy GEN2.

C All the properties would have rear amenity spaces exceeding 100 sq m, acceptable with regard to an Essex Design Guide standard. The rear gardens would face south and have good proportions in terms of depths and widths. Garden amenity standards are acceptable.

11.11 **Access considerations (ULP Policy GEN1);**

D The local highway authority, Essex County Council, has raised no objection to the proposed vehicular accesses. ECC Highways has recommended a condition regarding implementation of a sight splay to the vehicular accesses to its standards. Accordingly the proposal is considered acceptable with regard to Policy GEN1.

11.12 **Whether parking arrangements would be acceptable (ULP Policy GEN8);**

E The number of parking spaces afforded to each unit would be compliant with locally adopted parking standards for a 3 bedroomed dwelling. The parking arrangement would be capable of providing visitor parking due to the generous lengths of the driveways. The proposal would accord with adopted parking standards and is considered acceptable with regard to Policy GEN8.

11.13 **Impact on residential amenity (ULP Policy GEN2);**

F The proposed dwellings would be generally linear in nature to continue the linear theme along School Lane and no residential amenity issues would arise as a result of the proposed development (ULP Policy GEN2).

11.14 **Impact upon priority and protected species (ULP Policy GEN7);**

G The application documentation includes an ecological impact assessment report to which the ECC Ecologist has no objection subject to securing biodiversity mitigation and enhancement measures. It is considered that the proposal complies with Policy GEN7.

11.15 **Noise sensitive development (Stansted Airport) (ULP Policy ENV10).**

Any grant of permission would need to carry an appropriate pre-commencement sound insulation condition to protect future residents of the proposed development from external noise from aircraft given the proximity of the site to Stansted Airport.

Environmental Health has referred to such a condition.

12. CONCLUSION

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

- A** The principle of the development has been established by an outline planning permission and this has been reinforced by a full application similar to this current application being refused only on the ground of design.
- B** The design of the current proposal provides spacing between the semi-detached pairs of houses by the width of two driveways. Other design features are incorporated within the current design to mitigate creating a “built up” character to the site.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. The development hereby permitted shall be 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

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

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

4. Prior to first occupation of a house hereby approved, an electric car charging facility shall be installed in the side elevation of that house 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 Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.

5. There shall be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splay shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between pedestrians and users of the accesses and the existing public highway for the safety and convenience of the users of the highway and accesses having regard to safety in the interest of highway safety and in accordance with Policy GEN1 of the adopted Local Plan.

6. Prior to the first occupation of the development the access arrangements and vehicle parking areas as indicated on drawing no. 3032-19A1-103 Rev. C (July 2019), shall be provided. The access and parking areas shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access and parking is provided in accordance with Policies GEN1 and GEN8 of the adopted Local Plan.

7. Notwithstanding any indication to the contrary on the plans hereby approved, 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 interest of highway safety.

8. Prior to first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials shall be provided clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

9. Prior to first occupation of any dwelling hereby permitted, all ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the EclA (Hybrid Ecology Ltd., August 2019) as submitted with the planning application.

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 s17 Crime & Disorder Act 1998 and to accord with Policy GEN7 of the adopted Local Plan.

10. Prior to construction above ground level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the EclA (Hybrid Ecology Ltd., August 2019), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented prior to first occupation of any house hereby permitted in accordance with the approved details and all features 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 s17 Crime & Disorder Act 1998 and to accord with Policy GEN7 of the adopted Local Plan.

11. Prior to first occupation of any house 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 bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To 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 s17 Crime & Disorder Act 1998 and to accord with Policies GEN5 and GEN7 of the adopted Local Plan.

12. No construction above ground level shall be undertaken until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

13. No construction above ground level shall be undertaken until a scheme of noise mitigation has been submitted and approved in writing by the Local Planning Authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax.

Living Rooms (07.00-23.00 hrs) 35 dB LAeq

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

REASON: In the interest of the residential amenity of future occupiers in accordance with Policy ENV10 of the adopted Local Plan.

14. 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.

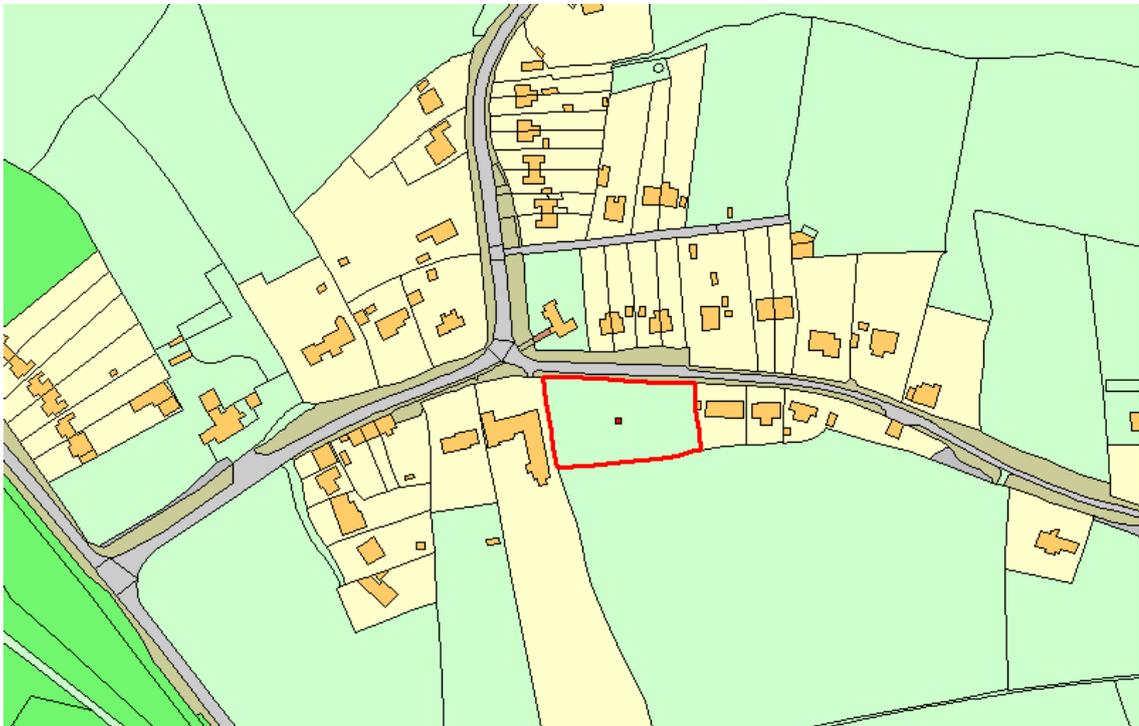
15. An archaeological post-excavation assessment shall be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum,

and submission of a publication report.

REASON: 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.

The soft landscaping scheme, as shown on approved plan 3032-19A1-103 revision C, shall be implemented within the first planting season following first occupation of any house hereby approved and retained as such thereafter unless the prior written consent of the local planning authority is granted for any alteration. The boundary fencing scheme, as shown on approved plan 3032-19A1-103 revision C, shall be implemented and retained as such prior to first occupation of any house hereby approved.

REASON: In the interest of visual amenity and good quality to the design in accordance with Policy GEN2 of the adopted Local Plan.



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UTT/19/1458/FUL (STEBBING)

(Major)

PROPOSAL: Variation of conditions 1 & 4 on UTT/14/1069/OP (development for up to 30 new homes), to allow changes to the landscaping details to provide visual and ecological improvements.

LOCATION: Land to the North of Stebbing Primary School and rear of Garden Fields and Parkside Garden Fields, Stebbing.

APPLICANT: Mr Moore

AGENT: Mr Chris Wragg

EXPIRY DATE: 16th September 2019

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Public Rights of Way. Within 100m of Local Wildlife Site. Within 100m of special Verge.

2. DESCRIPTION OF SITE

2.1 The application site is located to the north of Stebbing Primary School and to the rear of Garden Fields and ParkSide Stebbing. It comprises of 1.78 hectares of land

2.2 The site is made up of two parcels of land, the two are separated by a hedgerow and public footpath. The northern parcel of land is triangular in shape reaching its narrowest point at the northern end. To the north of the site beyond residential dwellings and to the east of the site are arable fields. To the west are residential dwellings. To the south of the site are the primary schools playing fields.

2.3 There is a public footpath that runs west to east through the site and continues through the fields to the east and links to footpaths to the B1057. There is a further public footpath that runs from the west to eastern footpath, north to south along the eastern boundary. This joins a local network of public rights of way

2.4 There is an existing field access to the west of the site between the residential dwelling Pidgeon Point and number 4 Hill Croft Cottages.

2.5 The southern part of the site slopes down to the west and south and is enclosed by hedgerows. The arable land to the rear of the site slopes away from the site. The southern larger rectangular field slopes down steeply adjacent to where it joins the road.

2.6 To the front of the site are two pairs of semi-detached dwellings.

2.7 Most of the houses approved under reserved matters application UTT/17/3538/DFO following UTT/14/1069/OP have been erected. A close boarded fence has been erected to the eastern boundary beyond the existing hedging to that boundary. The

hedging along this boundary had been trimmed quite substantially and there is now a large gap of approximately 2m between the hedging and the close boarded fencing that has been erected.

3. PROPOSAL

- 3.1 Variation of conditions 1 & 4 attached to UTT/14/1069/OP (development for up to 30 new homes), to allow changes to the landscaping details to provide visual and ecological improvements.
- 3.2 The proposal has been revised and now would enable the most western boundary to be planted with native hedging, the existing hedging to be removed and close boarded fencing of a height of 1.2m erected to the western side of the new proposed hedging. The new hedging would be planted before the existing hedging is removed. The application also includes a proposed fence to the western boundary of the site adjacent to plot 30.
- 3.3 The proposal has updated the Landscape and Ecology Management Plan (LEMP) to reflect the proposed changes to landscaping.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application is accompanied by the following documents:
- 5.2 Landscape and Ecology Management Plan and a supporting letter.

Summary of letter:

The building works have progressing on site and in accordance with the approved landscaping strategy a new 1.8m high close boarded close boarded timber fence has been erected along the eastern boundary, to the rear of plots 20-30. This has resulted in the fence visually dominating the views towards the village from the west. There is an existing hedge row towards the east of the site, behind plots 20, 25 – 29. The hedge is recognised in the approved Landscape and Ecological Management Plan (7566.LEMP.VF2) as a suitable mitigation area. In accordance with the LEMP, the hedge has been trimmed back to the recommended 2 to 3m width. This has resulted in the hedge running through the centre of the new garden spaces with an approximate 3 or 4 metre space between the hedge and eastern boundary fence. This has raised concern that when new residents move in they are likely to remove the hedge and maximise the garden space. This has the potential to lose the ecological mitigation area. The approved boundary treatment drawings also detail new individual plot boundary fences which cut through the existing hedge. The solid fence lines will remove the ecological corridor effect, segregating the existing hedge.

It would appear that the approval of the separate planning applications and discharge of conditions have led to a formal result that is not completely harmonious. We believe that we can improve on the current situation and provide a better long term solution.

We have been working closely with Ecology solutions Ltd with a clear view of creating a better situation for the countryside views, local wildlife and the new residents.

The proposal is to replace the recently erected 1.8m close boarded fence along the eastern boundary with a 1.2m high chain link fence. The chain link fence will return 2 to 2.5m along the individual plot boundaries of plots 20-30. The existing hedge along the eastern side of the development will be removed and a new hedge be planted along the eastern boundary. The hedge will be planted with a variety of native species and will be planted in a double staggered row to ensure the new hedge will be a substantial replacement to the existing hedge.

The perforated chain link fence will allow the new hedge to expand through and grow to an approximate 2 to 4m width and provide the necessary ecological corridor that will be lost with the current approval. As described in the revised LEMP report the new hedgerow will provide a suitable ecological mitigation habitat for local wildlife. The new level chain link fence will allow the hedgerow to grow through it so that the views towards the village are of a maturing hedge and not the close boarded timber fence.

It is the intention for the new hedge to be planted at the earliest opportunity giving it time to establish itself, while the existing hedge will be removed later in the year outside of the bird nesting season. This amendment has been informally discussed with Essex County Councils place Services and they have indicated that the proposals create a logical enhancement to the current situation.

The new hedge will be safeguarded by a Deed of Variation to the original S06 agreement.

6. RELEVANT SITE HISTORY

- 6.1 UTT/14/1069/OP: Outline application, with all matters reserved except of access, for the erection of 30 residential dwellings including open space and landscaping. Approved 17th February 2015
- 6.2 UTT/17/3538/DFO: Reserved matters application consisting of layout, scale, landscape & appearance following Outline Planning Consent UTT/14/1069/OP. Residential development comprising 30 dwellings, public open space, landscaping, new access and highways, associated and ancillary development. Approved with conditions.
- 6.3 UTT/16/0684/DOC: Application to discharge condition 11(site access) attached to UTT/14/1069/OP dated 17.02.2015. Refused.
- 6.4 UTT/16/3244/DOC: Application to discharge condition 11(site access) attached to UTT/14/1069/OP dated 17.02.2015. Refused
- 6.5 UTT/17/0144/DOC: Application to discharge Condition 11 (site access) attached to UTT/14/1069/OP dated 17 February 2015..Discharged in full
- 6.6 UTT/17/3583/DOC: Application to discharge conditions 1(landscaping) 4(ecological mitigation scheme) 5(archaeological trial trenching) 6(archaeological mitigation strategy) 7(post excavation assessment) 8(surface water drainage scheme) 11(site access) and 12(lighting details) attached to UTT/14/1069/OP dated 17.02.2015.Discharged in part.
- 6.7 UTT/18/1255/NMA: Non Material Amendment to UTT/17/3538/DFO - On various plots - Remove some dentil brick and render bead banding. Amend appearance of chimneys and porches. Approved.
- 6.8 UTT/18/2829/DOC: Application to discharge Conditions 5 & 6 (hard surface

treatment of Public Right of Way 14) attached to UTT/17/3538/DFO dated 16 April 2018. Discharged in part.

- 6.9 UTT/18/2830/DOC: Application to discharge Condition 12 (details of fixed lighting) attached to UTT/14/1069/OP dated 17 February 2015. Discharged in full.
- 6.10 UTT/18/2889/NMA: Non Material Amendment to UTT/17/3538/DFO - Proposed amendments to the material specification of the hard landscaping and boundary fences. Approved.
- 6.11 UTT/19/0896/NMA: Non Material Amendment to - UTT/17/3538.DFO - Reduce the length of the garages of plots 29 and 30. Approved.

7. POLICIES

Uttlesford Local Plan (2005)

- S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV7 – County Wildlife Site
- H9 – Affordable Housing
- H10 – Housing Mix

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace
Essex Design Guide
ECC Parking Standards
UDC Parking Standards
Stebbing Conservation Area Appraisal approved March 2010

National Policies

National Planning Policy Framework (NPPF) (February 2019)

8. PARISH COUNCIL COMMENTS

3rd September 2019

- 8.1 The problem remains that the original hedge formed a natural boundary between the development and the open countryside, and it was agreed this would be the limit of development. Now good grade agricultural land, with its crop of oats, freshly harvested is stealthily being encroached upon to form the gardens of a new housing estate.

Para 109 of the National Planning Policy Framework states: The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes Something this application does not do.

The new Ecological Mitigation & Management Plan is fine on words but we fear, stands for little.

Should, at some point it be accepted, Stebbing Parish Council would require the Developer to fund the work and submit an annual report on the ecological progress

and management of the site for at least ten years when it would be reviewed. Five years maintenance is not enough

August 2019

- 8.2 We continue to object most strongly to this application. UTT/17/3583/DOC, UTT/17/3538/DFO & UTT/18/2889/NMA all endorse, in the shown plans, the established hedge boundary which was included in planning permission UTT/14/1069/OP. The drawings continue to endorse existing landscape buffer to be retained and enhanced where necessary with native species of tree and hedgerow along the original hedge line. At no point has permission been granted to scrub out the original hedge but this is proposed by the developer. We have looked at all the documents and only in the Landscape Management Report is new planting referred to.
- The problem remains that too many large houses are being crammed into a small plot.
- The hedge forms a natural boundary between the development and the open countryside and it was agreed it should be retained. If the developers architect made an error, it is for him to sort out.
- Too often this type of cynical ploy is used to extend sites.
- A new hedge will take many years to reach the condition of the existing.
- Also, it is unrealistic for Mr Wragg to refer to a Deed of Variation. Experience shows such conditions are virtually unenforceable and rely on neighbours actions. Not a satisfactory arrangement.
- Too often, when seeking permissions, developers promise the earth, and then after receiving approval, renege on their promises. All to the detriment of the local community, which has no means of redress.

July 2019

- 8.3 We object most strongly to this application. UTT/17/3583/DOC endorses the established hedge boundary which was included in planning permission UTT/14/1069/OP. We can find no change to the landscaping altering this to a 1.8m high close boarded fence. When was this change agreed? We understood the existing mature hedge was the extent of the planned development.
- The problem is that too many large houses are being crammed into a small plot.
- The hedge forms the natural boundary between the development and the open countryside and it was agreed it should be retained.
- If the developers made an error, it is for them to sort out.
- The hideous fence should not have been erected. We can find no evidence of permission having been granted. Nor for the site to be extended further into open countryside.
- A new hedge will take many years to reach the condition of the existing.
- We also fear the low fencing will be replaced by new owners erecting a mishmash of high fencing panels, since by facing open countryside they may not feel secure.
- There have been burglaries at the site with access from across the fields from the Clay Lane byway.
- Photographs of the existing situation were sent to UDC when the fence was erected at some distance from the hedge and we understood that Planning had instructed the developer that the hedge was under no circumstances to be removed. But it has already been scrubbed out for much of its length and with the remaining sections acting as a division across future residents gardens, there is little likelihood of any of it remaining for very long.
- From the footpath at the rear of the site, the development looks more like a prison than a desirable place to live.
- We feel this is a calculated, cynical and deliberate ploy by the Developer to push the

Parish & District Councils into accepting an extended site.
We understood that Planning had instructed the developer the historic hedge was under no circumstances to be removed, and it had been made very clear this was the rear boundary to the development.

9. CONSULTATIONS

ECC Ecology

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

We have reviewed the revised Landscape and Ecology Management Plan (Ecology Solutions, June 2019) in relation to the above proposed changes to the development.

We are satisfied that there is sufficient ecological information available for determination.

The changes to the proposals will involve the removal of an existing boundary hedgerow (H3) and the planting of a new hedgerow at the end of the gardens to prevent the new gardens having a hedgerow running through the middle of them. As a general principle, existing hedgerows (which are priority habitat) should be retained if at all possible, but to secure their long term maintenance it is best practice for them not to be in back gardens, where they can become dissected and there is little control over their retention and management.

Consequently, given the current situation, where H3 is now highly vulnerable due to its distance from the rear fence of the gardens, while not ideal, it may be preferable to plant a new hedgerow outside the back garden boundary fence. An appropriate length of compensatory hedgerow planting has been proposed and this needs to be managed for the long term through the S106 agreement.

This situation reinforces the need to ensure that other similar schemes do not try to encompass old hedgerows within back gardens.

The revised Landscape and Ecology Management Plan (LEMP) provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 of the Natural Environment and Rural Communities (NERC) Act 2006.

10. REPRESENTATIONS

10.1 This application has been advertised and neighbours notified. Three representations have been received. Expiry date: 29th July 2019. Following revised plans neighbours have been re-consulted and the revised expiry date is 3rd September 2019.

10.2 Summary of issues raised:

These are long established hedges to which much wildlife, birds in particular, return on a regular / annual basis. Ripping this hedge out simply to solve the building design mistakes and allowing the house plots to creep out must not be approved. A new hedge will take years to mature, by which time much wildlife will be lost.

10.3 The preservation of this hedge was undoubtedly part of the original planning approval as part of the ecological factors taken into consideration when assessed. It was not made clear at the beginning of the planning process that this hedgerow was not the boundary of the development, as the site now appears wider than originally illustrated.

10.4 This hedgerow was always assumed to be the extent of the development, as a

significant point was made about its retention. If the outer edge of the site the other side of the established hedgerow was always intended to be where the plot boundary ended, it was always going to be very unlikely anyone purchasing such a property would leave an old wild hedge in place, if their plot extended to the other side of it.

- 10.5 With regard to the wildlife element, this seems to have been disregarded entirely, it will take many years for any new hedge to reach the current stature of the existing hedge. (Which was reduced to its current size by about a third before building commenced, something we witnessed when a tractor with flail removed a considerable proportion last year) There should be protection placed on the established hedge until the proposed one reaches a more substantial size, which itself should be protected from any resident / house owner commencing removal or heavy pruning. With regards to measurements that do not adhere to the original site, we have also noticed a very serious error on the positioning of the house on plot 30. The revised dimension plan dated 29th January 2018 shows a measurement of 6.3 meters from the edge of the house at the point shown to our boundary. Having measured this distance, it appears to be barely even 5 meters to the boundary. We would like to know why this has been permitted and what will be done about it, as it is not in the location shown on the originally approved planning application. It raises questions as to what other measurements do not adhere to the original approval. We would encourage the council to look at these and other measurements, and also nearby residents to look at distances to their properties and see if anything else has been done incorrectly.
- 10.6 The red line depicting the perimeters of the site shown on various plans cannot be taken as accurate as on numerous occasions the red line on our boundary has encroached into our garden, beyond our own hedge. This quite clearly is incorrect and therefore it must be assumed that other boundaries shown by the red line are also incorrect. In other words merely an indicator of the outer limits of the site. The only accurate measurements for the site would therefore appear to be those registered with Land registry records and this proof is readily available for public scrutiny for a small fee from the Land Registry office which would show the date of the transfer as well as the definitive size of the plot at that time. This would therefore indicate whether the hedge, at the time of the planning application, was indeed the eastern boundary of the site. Quite obviously, the developer will have all this information to hand to confirm that in his opinion the eastern boundary of the site extends several feet further than the hedge in question. In that case it would seem somewhat strange to initially agree to the retention of the hedge as the developer would already have been aware that the hedge would cut through the middle of the newly built homes. It is questionable on several points as to accuracy on measurements, to honesty with regard to ecological surveys, and to the developer's purported wish not to cause animosity by the development of his sites. It would appear to date that this wish is unlikely to be fulfilled.

11. APPRAISAL

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

- A Whether it is acceptable to vary condition 1 attached to UTT/14/1069/OP
- B Whether it is acceptable to vary condition 4 attached to UTT/14/1069/OP
- C Other Material planning considerations:

A Whether it is acceptable to vary condition 1 relating to planning application UTT/14/1069/OP

11.1 Condition 1 states that Approval of the details of the layout, scale, landscaping and appearance (hereafter called “The Reserved Matters”) shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved. Reason: to comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

11.2 Following the outline application, application UTT/17/3538/DFO was submitted and approved. The hedging had been pruned (prior to the DFO application being submitted) resulting in there being a larger gap between the hedging and the red line boundary of the site. The landscape plans submitted within the Landscape and Ecology Management Plan were;

2017/50_001_REV B,
002_Rev B , 003_Rev B,
2017_004 Rev B and
proposed site plan 13/11/51 Rev B

which showed the eastern boundary to plots 20 – 30 as hedging which was to be strengthened by additional planting. The red line of the development was beyond the existing hedging line. Plans 2017/50_001_Rev B and 2017/50_002_Rev B within the LEMP indicated that the existing hedging was to be retained and pruned to reduce the overall size of the hedge to a width of 2.5m wide.

11.3 Subsequently UTT/17/3583/DOC discharged conditions 1,4, 6,7, 8 and 11 attached to UTT/14/1069/OP. The plan 2017_50_001 Rev E was submitted as a result of a representation raising concern that the trees to be planted so close to present buildings that their roots could undermine the foundations of the present buildings. As a result the revised plans 2017_50_001 Rev E were submitted substituting the Hawthorn along the western boundary with hazel. On the same plan it showed a close boarded fence to the eastern boundary.

11.4 As part of UTT/18/2829/DOC an application to discharge conditions 5 and 6 (hard surface treatment of public right of way 14) attached to UTT/17/3538/DFO, the plan drawing number 2017/50_002_Rev G also included changes to the eastern boundary as well as the hard surfacing of public right of way 14. These changes included the erection of 1.8 close boarded fencing to eastern boundary beyond the existing hedging. This application was then followed by a UTT/18/2889/NMA which requested amendments to the material specification of the hard landscaping and boundary fences. Plan 2017/50_001_Rev G attached to this application showed the fencing in its current location.

11.5 The variation of condition 1 would allow for the current unsatisfactory situation to be rectified, for the unsightly close boarded fencing, to the eastern boundary, to be removed and repositioned to the western side of any boundary hedging. The changes to the proposals will involve the removal of an existing hedgerow (H3) and the planting of a new hedgerow at the end of the gardens to prevent the new gardens having a hedgerow running through the middle of them. As a general principle, existing hedgerows (which are priority habitat) should be retained if at all possible, but to secure their long term maintenance it is best practice for them not to be in back gardens, where they can become dissected and there is little control over

their retention and management..

- 11.6 The application is to replace the close boarded fence with low chain link fencing that demarks the approved boundary line to the eastern boundary. This would allow the new hedging to grow through and be visible when viewed from the countryside. Additionally a new fence would be erected to the western boundary adjacent to plot 30. This, however, would still leave the hedging within the gardens of the individual properties and therefore at threat from removal or pruning. Consequently, given the current situation, where H3 is now highly vulnerable due to its distance from the rear fence of the gardens, while not ideal, it is considered that it would be preferable to plant a new hedgerow outside the back garden boundary fence.
- 11.7 Consequently, this application has been revised, to enable the most western boundary to be planted with native hedging, the existing hedging to be removed and close boarded fencing erected to the western side of the new proposed hedging. The existing hedge should be removed later in the year outside of the bird nesting season. The new hedging would be planted before the existing hedging is removed. An appropriate length of compensatory hedgerow planting has been proposed and this needs to be managed for the long term through the S106 agreement.
- 11.8 As such it is considered that it is acceptable to vary condition 1.

B Whether it is acceptable to vary Condition 4 attached to UTT/14/1069/OP

- 11.9 Condition 4 states: The development hereby permitted shall be implemented in accordance with the ecological scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made. Reason: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan adopted 2005
- 11.10 The approved Ecological and Landscape Management Plan has been revised to reflect the proposed changes and would form part of the deed of variation to the S106 ensuring long term management of the new hedging
- 11.11 Specialist ecological advice has been sought and they have no objections to the variation of the condition 4.
- 11.12 The Parish Councils comments have been noted in respect of a request for the Developer to fund the work and submit an annual report on the ecological progress and management of the site for at least ten years when it would be reviewed. Five years maintenance is not enough. The LEMP states that for the first five years after planting, regular health checks of the new hedgerow and tree planting within the open spaces will be undertaken especially during periods of dry weather, to ensure that they are not affected by drought. Planting of the new hedgerows and trees will be undertaken in spring, autumn or winter, with subsequent monitoring required to identify any potential gaps where plants have not survived. Any failed planting will be replaced. Specialist landscape advice has been sought and states that after five years the hedging should be established and no new planting required. The retained and new hedgerows will be maintained around 2-4m in height and with a width of at least 2m. It is considered that the LEMP is sufficient to protect the long term management of the new hedging.
- 11.13 It is therefore considered that it is acceptable to vary condition 4 attached to UTT/14/1069/OP

C Other Material Considerations

- 11.14 Comments have been received in respect of whether the red line of the application is correct. Prior to the DFO application being received the hedging to the eastern boundary was pruned resulting in a larger distance between the hedging and the outer red line of the site. This would give the impression that the red line had been resited. With regards to position of the dwelling on plot 30 the matter has been passed to the enforcement team to investigate.

12. CONCLUSION

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

- A** The variation of condition 1 is considered to be acceptable as an improvement to the current approved situation.
- B** The variation of condition 4 would ensure the long term management of the new hedging and is considered therefore to be acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS and subject to compliance with the deed of variation of the S106, which would incorporate the updated LEMP

Conditions

1. The development, hereby permitted shall be implemented in accordance with all the measures contained in the LEMP Dated August 2019, 7566. LEMP.VF3, submitted in support of the planning application.

Reason: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the adopted 2005 Uttlesford Local Plan

2. The development shall be carried out in accordance with the drainage scheme as approved under UTT/17/3583/DOC.

Reason: The proposed development will only be acceptable if the surface water drainage scheme as detailed in the Flood Risk Assessment undertaken by WSP submitted with this application is implemented. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with Policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

3. The parking provision for cars, cycles and powered two wheelers shall be in accordance with the Parking Standards Design and Good Practice September 2009 and Uttlesford Local Residential Parking Standards February 2013.

Reason: To ensure that there would be adequate on-site parking provision in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

4. The development shall be carried out in accordance with the plans submitted and agreed in respect of the access under UTT/17/0144/DOC.

Reason: In the interest of Highway safety in accordance with policy GEN1 of Uttlesford Local Plan adopted 2005.

- 5 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies. In accordance with Policies GEN7 of Uttlesford Local Plan adopted 2005

- 6 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

- 7 All the measures contained in the LEMP, submitted in support of the planning application, should be implemented in full in accordance with the approved details.

Reason: In the interest of the protection of the wildlife value of the site in accordance with ULP policy GEN7 and Policy ENV8 of the Uttlesford Local Plan adopted 2005.

- 8 Parking, storage facilities and wheel cleaning facilities to be provided on site from commencement and throughout the period of construction.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011

- 9 Prior to first occupation, the parking, traffic calming, and turning areas shall be implemented as shown in the submitted drawings 5922-WSP-00-XX-DR-C-100 Rev P02 (under UTT/17/3538/DFO), hard surfaced, sealed and maintained in perpetuity thereafter and in accordance with changes that have been agreed to be non material under UTT/18/2889/NMA.

Reason: To ensure that that appropriate parking and turning is provided in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Local Plan Policies GEN1 and GEN8 of the Uttlesford Local Plan

- 10 The hard surface treatment of public right of way 14 discharged under UTT/18/2829/DOC shall be implemented prior to first occupation

Reason: To make adequate provision within the PROW for the additional pedestrian traffic generated as a result of the proposed development in accordance with ULP policy GEN1

- 11 All construction traffic shall not enter the site between the hours of 8.30 and 9.15 am and 14.45 and 15.30 pm during school term times

Reason: In the interests of highway safety in accordance with ULP policy GEN1.

- 12 Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the side elevations of the dwellings on plots 1, 10, 11, and 30 without the prior written consent of the local planning authority.

Reason: In the interest of neighbour's amenity in accordance with Uttlesford Local Plan Policy H8.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2, Part 1 and Class A of Part 2 shall be carried out within the curtilage of the dwelling house on plot 30 without the prior written consent of the local planning authority.

Reason: to prevent the site from becoming overdeveloped in accordance with Uttlesford Local Plan policy GEN2

- 14 The fixed lighting shall be installed in accordance with the information submitted and discharged under UTT/18/2830/DOC.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies. In accordance with Policies GEN7 of Uttlesford Local Plan adopted 2005



UTT/19/1725/FUL (GREAT CHESTERFORD)

(Referred to Committee by Cllr Gregory. Reason: Overdevelopment of the site and access)

PROPOSAL: 3 new dwellings with associated garages from new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO).

LOCATION: Land at Acre Croft, High Street, Great Chesterford

APPLICANT: Mr Clark

AGENT: Mr Ryan Alborne, BBR Architects

EXPIRY DATE: 16th September 2019

CASE OFFICER: Robert Davis

1. NOTATION

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

2. DESCRIPTION OF SITE

- 2.1 The site is located on the south side of High Street on the south-west side of The Plough Public House (Grade II listed) and associated car park and comprises the long rear garden and tennis court of Acre Croft, a modern detached dwelling which fronts onto High Street at the north-east end of a continuous row of dwellings of varied character and age of construction which extend up the street frontage from the village centre. The site is relatively flat and is enclosed to the flank boundaries by trees and single storey curtilage buildings, whilst the rear boundary is enclosed by a more substantial tree screen onto the Thorpe Lea site. The site has an area of approximately 0.36 ha.
- 2.2 Two recently constructed detached dwellings of considerable size and proportions known as Ashbee House and Webb House border the site to the south west. To the rear of the site is a new residential development of 31 dwellings at Thorpe Lea.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of three detached dwelling houses on land to the rear of Acre Croft following the insertion of a new access to the side of the dwelling.

4. APPLICANT'S CASE

- 4.1 The application includes the following documents:
- Design & Access Statement
 - Heritage Statement
 - Archaeological evaluation report

- Arboricultural Assessment
- Biodiversity Validation Checklist
- Preliminary Ecological Appraisal
- Ecological Impact Appraisal Update
- Transport Statement

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1424/OP Outline application for the erection of 3 no. Dwellings and garages with all matters reserved except access and scale. Approved.

UTT/16/0328/DFO Details following outline application UTT/15/1424/OP for the erection of 3 no. dwellings - details of appearance and layout. Approved.

The above approval was for three identical dwellings. These dwellings are the same as now sought within this application for Plots 2 and 3. This development was required to be commenced within two years of the decision dated 21st October 2016. As such the consent has lapsed.

- 5.2 UTT/16/0341/FUL Removal of condition number 10 of UTT/15/1424/OP (The three dwellings shown in indicative form for the development hereby permitted by this outline permission shall have a combined gross internal floorspace not exceeding 1,000sqm for any reserved matters application that may be submitted to the local planning authority for subsequent approval) to allow floor area in excess of 1000m² with no change to design footprints or scale. Approved.

Since the granting of the outline application, there had been a change in government policy as set out in updated NPPG advice in respect of tariff style financial contributions relating to affordable housing affecting the quantum of dwellings which are now subject to financial contributions. Given this change in government policy advice and whether the Council ought still to be reliant upon its adopted Developers Contributions SPD document in relation to tariff style contributions (where otherwise it would rely on ULP Policy H9 of the adopted local plan for 40% affordable housing provision for 15 or more dwellings or sites of 0.5ha or more where neither of these circumstances apply to the application proposal for Acre Croft), it is considered that there was no justified policy basis as to why condition 10 of the outline permission should not be removed given the condition was imposed solely to prevent a trigger for affordable housing contributions under the Council's SPD document for any subsequent reserved matters application for the proposed development and not in respect of the planning merits of the development itself.

- 5.3 UTT/19/0436/FUL 3 new dwellings with associated garages from new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO). This was refused for the following reason:

The proposed development fails to address the housing mix requirements of the District and would therefore have an adverse effect on the community, in conflict with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

This application was a resubmission of the previously approved, but time lapsed, scheme.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework
- Planning Practice Guidance

6.2 Uttlesford District Local Plan 2005

- S3 Other Development limits
- S7 The Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flooding
- GEN6 Infrastructure
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV1 Design of Development within Conservation Areas
- ENV2 Development affecting Listed Buildings
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- H3 New Houses within Development Limits
- H4 Backland Development
- H9 Affordable Housing
- H10 Housing Mix
- SPD Lifetime Homes
- SPD Parking

6.3 Uttlesford District Regulation 19 Local Plan

- SP9 Development within Development Limits

6.4 Strategic Housing Market Assessment (SHMA) 2017

7. PARISH COUNCIL COMMENTS

7.1 Great Chesterford Parish Council objects to this application as the Council considers it over development of the site. The proposal overlooks neighbouring properties (PP Gen 2) and includes material change from the approved scheme due to the significant increase in size of two of the properties. The Council continues to have strong reservations regarding the limited width access (PP Gen 1) and is not convinced that sufficient parking spaces are provided (PP Gen 8.)

7.2 The Council also notes concerns relating to the accuracy of the plans and written documents, including the locations of trees within the plans. The Council has requested that District Cllr Gregory calls this application in to Planning Committee

and notes that should the application be approved despite the Council's objections, then the Council would request S106 funds towards recreational facilities

8. CONSULTATIONS

Essex County Council Highways

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

Essex County Council Ecology

- 8.2 We have reviewed the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) and Update (Greenwillows Associates Ltd., June 2017) 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.
- 8.3 The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

9. REPRESENTATIONS

- 9.1 Two representations received in objection which in the main raise the following concerns:
- Sets inappropriate precedent and overdevelopment of garden plots
 - Plots 01 and 02 still overbearing
 - Garage on Plot 01 under tree canopy
 - Landscape proposal should be provided
 - Does not demonstrate safe vehicular access and exit in regard to the construction phase, general household traffic movements, refuse collection and emergency services.
 - Extremely narrow access point
 - Correct plot size and scale of development should be examined
 - Does not address housing mix by reducing one dwelling
 - Unreasonable to live with continued threat of village development
 - Potential damage from construction vehicles on High Street and required turning circle
 - Village location unsuitable in size for 2 x 8-bed dwellings over 3 floors & 1 x 3-bed dwelling.

10. APPRAISAL

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

- A Location of housing (S3, S7, H3, H4, NPPF)
- B Character, appearance and heritage (S3, S7, GEN2, ENV1, ENV2, NPPF)
- C Transport (GEN1, GEN8, NPPF)
- D Accessibility (GEN2)
- E Amenity (GEN2, NPPF)
- F Flooding (GEN3, NPPF, PPG)

G Infrastructure (GEN6)
H Biodiversity (GEN7, NPPF)
I Archaeology (ENV4)
J Affordable housing (H9)
K Housing mix (H10, SHMA)

A Location of housing (S3, S7, H3, H4, NPPF)

- 10.1 The 2005 Local Plan places part of the site beyond the Development Limits for Great Chesterford, and therefore in a countryside location that is inconsistent with policies on the location of housing.
- 10.2 Notwithstanding the above conflict with development plan policies, the proposal accords with the more up-to-date national policy in the NPPF. Paragraphs 78-79 take a less restrictive approach compared with the Local Plan, supporting the growth of existing settlements while preventing isolated homes that could lead to sporadic development in the countryside. The site's location adjacent the built-up area of the village ensures its consistency with paragraphs 78-79. This has been evidenced by the previous planning consent on the site. It is further noted that the Regulation 19 Local Plan expands the development limits to incorporate the site and the Thorpe Lea development beyond.
- 10.3 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 - Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

B Character, appearance and heritage (S3, S7, GEN2, ENV1, ENV2, NPPF)

- 10.4 Notwithstanding the scale of the dwellings the backland location of the proposed houses ensures that they would not be prominent in the street scene, and that there would be no significant impact on the conservation area or the setting of nearby listed buildings. Furthermore, their traditional designs are considered compatible with the varied architecture in the surrounding area. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character, appearance and heritage.

C Transport (GEN1, GEN8, NPPF)

- 10.5 The site's location within a relatively large village ensures that the occupants of the proposed dwellings would have access to a small range of services and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.
- 10.6 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or efficiency. Furthermore, while the parking bays in the proposed double garages would be shorter than required by the Council's minimum standards, there would be space for one vehicle and the ample driveways ensure that the total parking provision would be compliant.

D Accessibility (GEN2)

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

E Amenity (GEN2, NPPF)

- 10.8 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, NPPF, PPG)

- 10.9 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The site is not in an area at risk of flooding and, as the proposal is not a 'major development', national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

G Infrastructure (GEN6)

- 10.10 It is noted that Great Chesterford Parish Council have requested a financial contribution towards the provision of recreational facilities. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all the following tests:
- a. Necessary to make the development acceptable in planning terms;
 - b. Directly related to the development , and
 - c. Fairly and reasonably related in scale and kind to the development.
- 10.11 Taking into account the nature and scale of a residential development of three dwellings, it is considered that there would be no requirement for any financial contribution to provide off-site infrastructure as this does not fulfil the above tests as outlined in the CIL Regulations.

H Biodiversity (GEN7, NPPF)

- 10.12 The tree survey report concludes that the proposed development should be possible to be carried out without the need to remove or disturb the majority of the boundary trees subject to a suitable arboricultural method statement being produced. As before Plot 3 is proposed to have a garage which would be located under part of the tree canopy for an Ash tree (T3). A condition is recommended to ensure suitable foundations are provided given that trench type foundations can hinder the extent of rooting systems.
- 10.13 In recognising the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. The proposed biodiversity enhancements, as

sought by Paragraph 170d of the NPPF should be secured as a condition of any consent. It is therefore concluded that the proposal accords with the above policies.

I Archaeology (ENV4)

10.14 Suitable archaeological investigation was carried out in connection with conditions 6 and 7 of planning permission UTT/15/1424/OP. It is therefore concluded that the proposal accords with the above policies insofar as they relate to archaeology.

J Affordable housing (H9)

10.15 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. This has been effectively superseded by paragraph 63 of the NPPF which states that the provision of affordable housing should not be sought for residential developments which are not major developments. The proposal qualifies as a small scale (minor) development of 10-units or less and there are no other material circumstances that indicate that it would be justifiable to seek a contribution for affordable housing.

K Housing mix (H10, SHMA)

10.16 Policy H10 requires that small market housing comprises a significant proportion of the total number of units, while the SHMA confirms that the greatest need is for three-bedroom plus properties. While 'significant proportion' is not defined in the policy, the SHMA indicates that the need for three-bedroom properties is approximately 44% of the total. In the analysis of the previous application, ref. UTT/19/0436/FUL, it was considered that at least one of the three dwellings should have no more than three bedrooms to comply with the policy. This has now been achieved with the dwelling on Plot 1. A condition removing permitted development rights for extensions and roof alterations is nevertheless recommended to enable the Council to have control over future development in order to maintain the integrity of the housing mix.

11. CONCLUSION

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

- A The planning consents UTT/15/1424/OP and UTT/16/0328/DFO, although lapsed, have accepted that the site would be suitable for the erection of three large detached dwellings.
- B The dwellings on Plots 2 and 3 are identical to that previously approved.
- C The provision of a dwelling with three bedrooms on Plot 1 ensures that the development reasonably complies with Policy H10 – Housing Mix, the sole reason for the refusal of application ref. UTT/19/0436/FUL.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

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

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

2. The development hereby permitted shall be 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.

3. The external finishing materials shall be as specified on the submitted plans and application form. Where alternative materials be sought the details of such materials shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to secure a high quality of design and appearance in accordance with Policy GEN2.

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

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

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

6. Prior to occupation of the development the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be not

less than 5m, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge.

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

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

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

8. The first floor bedroom en-suite/dressing room windows shown for the south-west elevation of the dwelling approved for Plot 1 on approved plans Drwg No.5 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

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

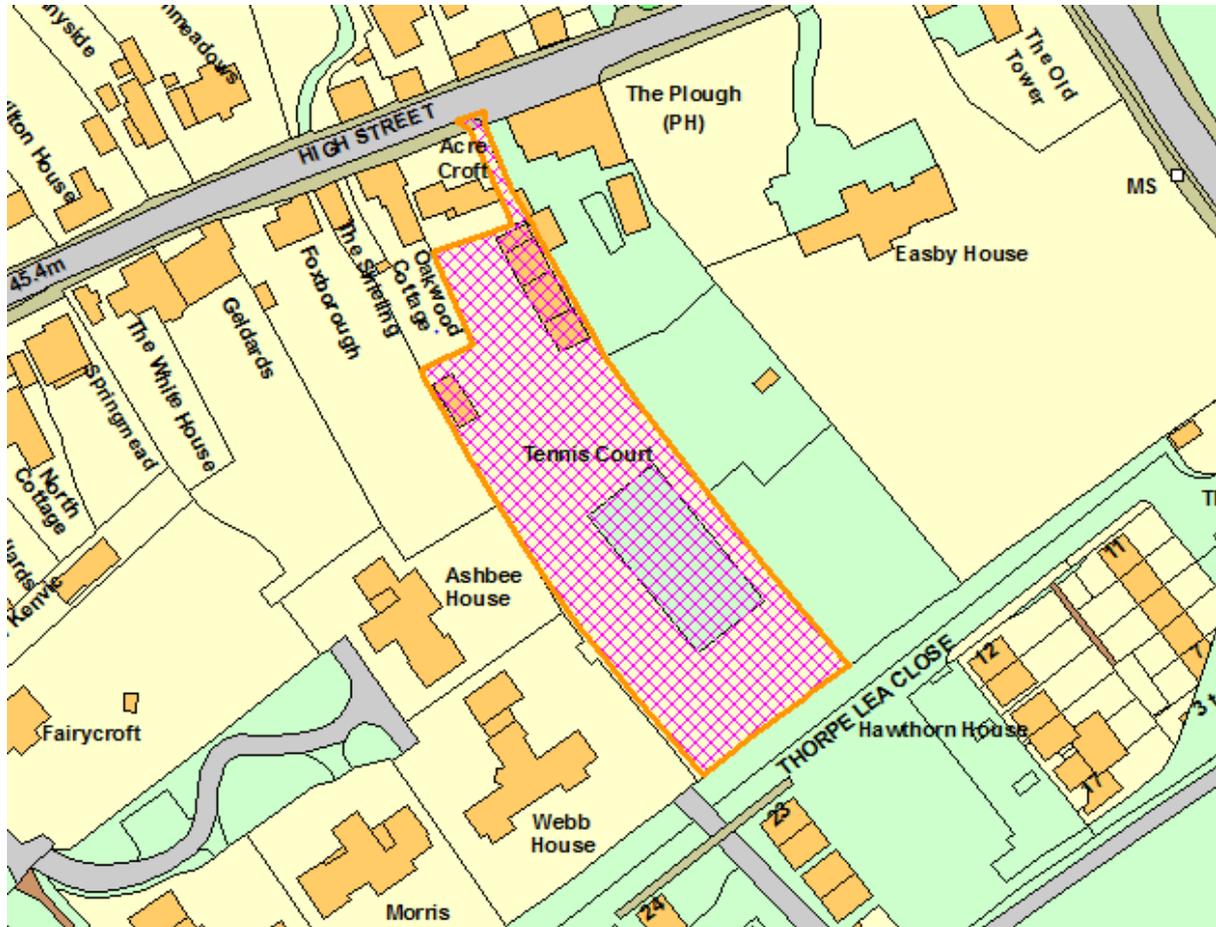
9. No trench foundations for the garage shall be used within the root protection of the Ash Tree (T3) as detailed within the Arboricultural Assessment.

REASON: In the interests of protecting the root system to ensure the longevity of the tree in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions and/or roof alterations shall be erected on any elevations of the dwellings hereby permitted

REASON: In the interests of protecting the character and amenities of the locality, including the provision of a mix of housing sizes, in accordance with Policies GEN2 and H10 of the Uttlesford Local Plan (adopted 2005).

UTT/19/1725/FUL



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Organisation: Uttlesford District Council

Department: Planning

Date: 5th September 2019

UTT/19/0899/FUL (HENHAM)

(Referred to Committee. Reason: Member Call-In by Cllr Lees
Reason: Trading hours and impact on local area)

PROPOSAL: Section 73 retrospective planning application for change of use of barn to gym, (alternative to that approved under UTT/16/2801/FUL), to include construction of external ramps, raised decking and training equipment on agricultural land, retention of air conditioning units, increase in opening hours, and provision of part-time beauty room and hairdressers. Change of use of part of brewery to additional gym space and part-time physiotherapy room to include small single storey link between the two buildings.

LOCATION: Parsonage Farm, Church End, Church Street, Henham

APPLICANT: Clare And Hozier Ltd

AGENT: Mrs L Carpenter

EXPIRY DATE: 24.6.19 Extension of time 23.9.19

CASE OFFICER: Mark Sawyers

1. NOTATION

1.1 Outside development limits, Henham Conservation area, within 6km of Stansted Airport, Adjacent listed building.

2. DESCRIPTION OF SITE

2.1 The application site outlined in red on the submitted location plan is located on the southern side of Church Street on the settlement edge of Henham. Historically the farm consisted of a large agricultural holding consisting of a grade two listed farm house, barns and ancillary outbuildings.

2.2 Over the last 20 years a number of the ancillary farm buildings have been converted into a number of different uses which include holiday homes and a brewery.

2.3 The building subject to this planning permission as outline in red on the submitted location plan is currently a disused steel frame agricultural building which is externally finished from metal sheet cladding and concrete blocks. The subject building adjoins onto a brewer which was converted approximately 7 years ago. Vehicle access into the site is via Church Street with off street parking located on the tarmac parking area in front of the buildings.

3. PROPOSAL

3.1 The application is for a Section 73 retrospective planning application for change of use of barn to gym, (alternative to that approved under

UTT/16/2801/FUL), to include construction of external ramps, raised decking and training equipment on agricultural land, retention of air conditioning units, increase in opening hours, and provision of part-time beauty room and hairdressers. Change of use of part of brewery to additional gym space and part-time physiotherapy room to include small single storey link between the two buildings.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.
- 5.2 It concludes that the design of the proposal is sympathetic and in keeping with the general location of the premises and the refurbishment would enhance and improve the setting of the surrounding area.

6. RELEVANT SITE HISTORY

- 6.1 There have been a number of planning and listed building application submitted to the Council over the years however the most recent and relevant applications to the proposed application are listed below:

UTT/0384/92/FUL - Change of use from redundant agricultural barn to one residential dwelling (approved)

UTT/0385/92/LB - Conversion of barn to one residential dwelling (approved)

UTT/0291/99/FUL - Change of use of redundant farm buildings to holiday homes (approved)

UTT/1995/07/FUL - Erection of Barn/Grain store (approved)

UTT/13/2197/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and entrance doors. (approved with conditions)

UTT/13/2910/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and external walls (approved with conditions)

UTT/16/2801/FUL - Change of use of the existing agricultural building to be used as a studio/gym (approved with conditions)

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy S7 – Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy GEN8 – Vehicle Parking Standards
- Policy E5 – Re-use of Rural Buildings.
- Policy ENV1 – Design of development within Conservation Areas
- Policy ENV2 – Development effecting listed buildings

Supplementary Planning Documents/Guidance

- 7.2 N/A

National Policies

- 7.3 National Planning Policy Framework – (9 February 2019)

Other Material Considerations

- 7.4 Uttlesford Emerging Local Plan –
The following policies are relevant regarding this proposal, however until the plan adopted little weight can be given to them -
SP10 - Protection of the Countryside
TA1 – Accessible Development
D1 – High Quality Design
SP12 - Sustainable Development principles
EN16 - Pollutants
EN17 - Air Quality
EN18 - Contaminated Lane
EN19 - Noise Sensitive Developments
EN20 Light Pollution
TA4 – Vehicle Parking Standards
C2 – Re-Use of Rural Buildings
EN2 – Design of Development within Conservation Area
EN4 – Development affecting Listed Buildings

8. PARISH COUNCIL COMMENTS

- 8.1 Henham Parish Council would like to raise objection to certain areas of this application.
- 8.2 Trading hours:

Henham PC does not wish to curtail commercial viability, however request that UDC restrict the use of outside space until 10am on Sundays and Bank Holidays. Other local amenities such as the Elsenham clay pigeon shoot are restricted to not commence activity until 10am.
- 8.3 Outside space:

Current retrospective application is for construction of external ramps, raised decking and training equipment on agricultural land.

The area already constructed is sizable.

The outside space contravenes this permission. The area is clearly visible, and activities undertaken on it can readily be heard from other properties within the Henham conservation area.

To protect other properties and residents Henham PC requests that this permission be upheld and that suitable screening of the outside area and noise calming measures are undertaken to stop the local impact.

9. CONSULTATIONS

Environmental Health

- 9.1 There are no environmental health objections to the additional gym space, physiotherapy room, hairdresser and beauty salon, nor the retention of the raised decking and external ramps.

The other elements have the potential to have noise impacts on neighbouring properties and are considered below.

Noise Impact

A BS:4142 assessment is appropriate for the evaluation of plant noise such as the air-conditioning units and the report's conclusion that the air-conditioning units are inaudible at neighbouring properties is accepted. There is therefore no objection to retention of the air-conditioning units. The report states that noise associated with the gym operation was inaudible at the receptor 35m to the north. Traffic movements would certainly be audible at this location, so I assume this is referring only to activities within and behind the gym building.

BS 4142 is not intended for the assessment of recreational noise or music, but the measurements reported show that the noise produced by the gym would be below the background noise level at a distance of 35m from the south façade. From these figures I calculate that it would not exceed the background noise at a distance of approximately 25m from the gym building. It would therefore appear that the gym is adequately insulated against noise to avoid adverse impacts on neighbouring properties.

The extended opening hours applied for include 6-9am Monday-Saturday and 8am-2pm on Sundays and Bank Holidays. This will increase vehicle movements by patrons and staff at these times. Parsonage Farmhouse is adjacent to the access road and car park, and could suffer from additional noise of patrons arriving at 6 a.m. on weekdays. However no HGV movements are anticipated, and most homes are exposed to noise from passing cars. The front garden is unlikely to be in use at 6 am and it would seem disproportionate to restrict the opening hours if vehicle-related noise can be managed. I recommend a condition requiring the gym to ask staff and patrons arriving in the early morning to park in the centre of the courtyard rather than near the boundary, and to enter the building quietly.

Outdoor activities will not benefit from the noise insulation installed to the barn. The noise survey identified an occasion when music played outside during a boot-camp gave rise to unacceptable noise levels. A condition is recommended to prohibit the playing of amplified music outdoors. Subject to this condition being applied, there would be no objection to the retention of

the external training equipment.

RECOMMENDED CONDITIONS

The proprietor of the gym shall instruct staff and patrons arriving in the early morning to park in the centre of the courtyard and to enter the building quietly, and issue reminders as necessary.

No amplified music shall be played outside the gym building.

9.2 ECC HIGHWAYS

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

9.3 CONSERVATION

I have no objection to the proposed works subject to the reversibility of the partition wall in the brewery (i.e. causing no damage to historic fabric) and the use of appropriate external materials for the link.

Should permission be granted, I recommend the following conditions (or similar to that effect) to be included:

a) works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such;

b) works shall not be commenced until details of the proposed internal partition to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

10. REPRESENTATIONS

10.1 10 Neighbours consulted – expired 23.05.19 – One representation in support received, one representation in objection received.

11. APPRAISAL

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

- A Whether the proposal is acceptable in principle (NPPF and Local Policies S7 & E5)
- B Whether the layout, design and appearance of the proposal is acceptable (NPPF and Local Policy GEN2)
- C Whether the proposal would result in harm to the setting of the adjoining listed building and the conservation area (Local Policies GEN2, ENV1 & ENV2 & NPPF)

- D Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- E Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).
- F If there are any ecology issues would arise from the development (ULP Policy GEN7).

A Whether the proposal is acceptable in principle (NPPF and Local Policies S7 & E5)

- 11.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 11.2 Policy S7 of the Local Plan advises that there will be strict control on buildings in the countryside, with planning permission only being given for development that needs to be there.
- 11.3 The review of the Local Plan policies considered that Policy S7 of the adopted Local Plan is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. Therefore, Policy S7 is still relevant to the consideration of this application.
- 11.4 In addition paragraph 170 of the Framework identifies that the intrinsic character and beauty of the countryside should be recognised.
- 11.5 Given that the proposal is for the conversion of the existing building, the majority of the built form on the site has already been established. The alterations necessary to convert the building are deemed to be minor given the circumstances of the site and surrounding area. The link extension does not adversely affect the openness of the countryside.
- 11.6 In view of the above, it is considered that the proposal would not cause significant harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out in policy S7 and at paragraph 170 of the National Planning Policy Framework.
- 11.7 Policy E5 is inconsistent with the National Planning Policy Framework as it includes no preferences for any particular new use of a converted building and it does not have to be structurally sound or require the historic, traditional or vernacular of the converted building to enhance the character and appearance of the rural area. In accordance with paragraph 213 of the NPPF, only limited weight can be given to policy E5. However in saying this, it should be noted that the existing barn is structurally sound capable of conversion without the need for major works and its design would be one of traditional features to enhance the surrounding rural area.
- 11.8 Furthermore, the proposed change of use is of one that is of a sustainable

development and within a sustainable location. When considered in the round, against the three-stranded definition in the Framework, the proposal would comply with the economic, social and environmental dimensions to sustainable development.

- 11.9 The principle of the development is considered to be appropriate in accordance with local policies and the NPPF.

B Whether the layout, design and appearance of the proposal is acceptable (NPPF and Local Policy GEN2)

- 11.10 The guidance set out in Paragraph 127 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

- 11.11 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale, form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.

- 11.12 The overall size and scale of the existing building would not change as a result of the proposed change of use. The proposed new openings and the change of external finishing materials are such that the building would still appear as a traditional building that would be found within a rural area. The character and appearance of the building would still be one of which is sympathetic and in proportion with the surrounding buildings within this historical farm complex.

- 11.13 The design and appearance of the proposed building as a result of the change of use is considered to be appropriate and in accordance with NPPF and policy GEN2 of the Adopted Local Plan.

C Whether the proposal would result in harm to the setting of the adjoining listed building and the conservation area (Local Policies GEN2, ENV1 & ENV2 & NPPF)

- 11.14 The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and the relevant policies contained within Uttlesford District Council's Adopted Local Plan.

- 11.15 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly section 66(1), of preserving a listed building or its setting or any features of special architectural or historic interest which it proposes and secondly Section 72(1) planning applications affecting conservation areas.

- 11.16 Paragraph 195 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

- 11.17 Furthermore, paragraph 196 of the Framework states that 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 its optimum viable use.
- 11.18 The proposal for the change of use included the insertion of new window and door openings and alterations to the buildings external finishing. The change of use to a gym/studio and the proposed alterations to the building were considered to be acceptable as they would preserve and enhance the conservation area. In addition the proposals were considered to not result in detrimental harm to the historical significance and setting of the nearby listed building. A link extension is proposed to be constructed with the adjacent curtilage listed building. This is considered to be of appropriate materials and is of an appropriate scale and design. This does not result in harm to the setting or character of the adjacent listed building.
- 11.19 Consequently, officers consider that the proposal would cause less than substantial harm to the heritage assets and as such the development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework.

D Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

- 11.20 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 11.21 The existing vehicle access into the site will be utilised for both staff and clients which is a shared access to the remaining parts of the site. It is noted that other heavy goods vehicles and farm machinery would also utilise this access to enter and exit the site however it is considered that the traffic movements and number of additional vehicles as a result of the new use are such that no significant harm would occur in terms of highway safety. Furthermore, the access into the site has adequate sight splay lines and the hard standing area is such that there is sufficient room for vehicles to pass one another.
- 11.22 The development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 11.23 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.
- 11.24 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided per 20sqm of floor area of the proposed D2 use. The Floor area of the proposed use amounts to 241sqm which equates to a total of 12 off street vehicle spaces required as per the parking standards.

11.25 The proposal makes provisions for 15 off street vehicle space on the hard standing area towards the front of the existing building. This is in accordance with the above standards and as such the proposal would not result in an overspill of vehicles on surrounding highways.

E Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

11.26 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures.

11.27 Policy GEN4 requires development to not adversely affect neighbouring properties due to noise, vibration, or other pollutants. Concerns have been raised in respect of the use of amplified music for outdoor boot camps. The Council's Environmental Health Officer has recommended a condition restricting the use of amplified music and it is considered that this is appropriate to ensure loss of residential amenity does not arise as a result of the proposals.

11.28 The relative separation distance between the existing building in which the proposal is to take place and that of adjoining dwellings to the north are such that it is considered that no significant adverse harm would be cause to the amenities of adjoining property occupiers in terms of visual blight, and a loss of privacy.

11.29 In relation to general noise and disturbance, it is considered that the comings and goings of clients and staff to and from the site would not result in significant harm to adjoining occupiers. However if permission is granted it is considered necessary to impose a condition that the building is appropriately insulated to restrict amplified music emitting outside of the building to protect the amenities of adjoining occupiers.

11.30 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

F If there are any ecology issues would arise from the development (ULP Policy GEN7).

11.31 No ecology issues were identified in the original application relating to the conversion of part of brewery building to additional gym space and with the addition of a single storey link extension between existing gym building and brewery. An upto date Bat Survey has been provided in which there are no evidence of any bats and therefore no ecology objections are raised under ULP Policy GEN7.

12. CONCLUSION

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

A The proposal is considered in principle to be appropriate that is located within a sustainable location that would re-vitalise a current disused

redundant building.

- B** The design of the proposal is acceptable in that it would appear sympathetic to the character and appearance of the surrounding locality.
- C** The proposal would result in less than substantial harm to the heritage assets of that being the Henham Conservation Area and the adjoining listed farm house and curtilage listed building.
- D** The proposal would not result in detrimental harm upon highway safety and adequate parking provisions have been provided to accommodate the use.
- E** The proposal would not result in excessive harm to the amenities enjoyed by adjoining property occupiers.
- F** There was no evidence of any Bats when the site was surveyed, therefore the development will not cause any detrimental harm to ecology.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. The development hereby permitted shall not be used outside the hours of 6am to 9pm Monday to Fridays, 8am to 2pm on Saturdays and 8am to 2pm on Sunday and Bank Holidays unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protecting the amenities of adjoining property occupiers in relation to policies GEN2 and GEN4 of the Uttlesford District Local Plan as Adopted (2005) and the Nation Planning Policy Framework.

3. No amplified music shall be played outside the gym building.

REASON: In the interests of protecting the amenities of adjoining property occupiers in relation to policies GEN2 and GEN4 of the Uttlesford District Local Plan as Adopted (2005) and the Nation Planning Policy Framework.

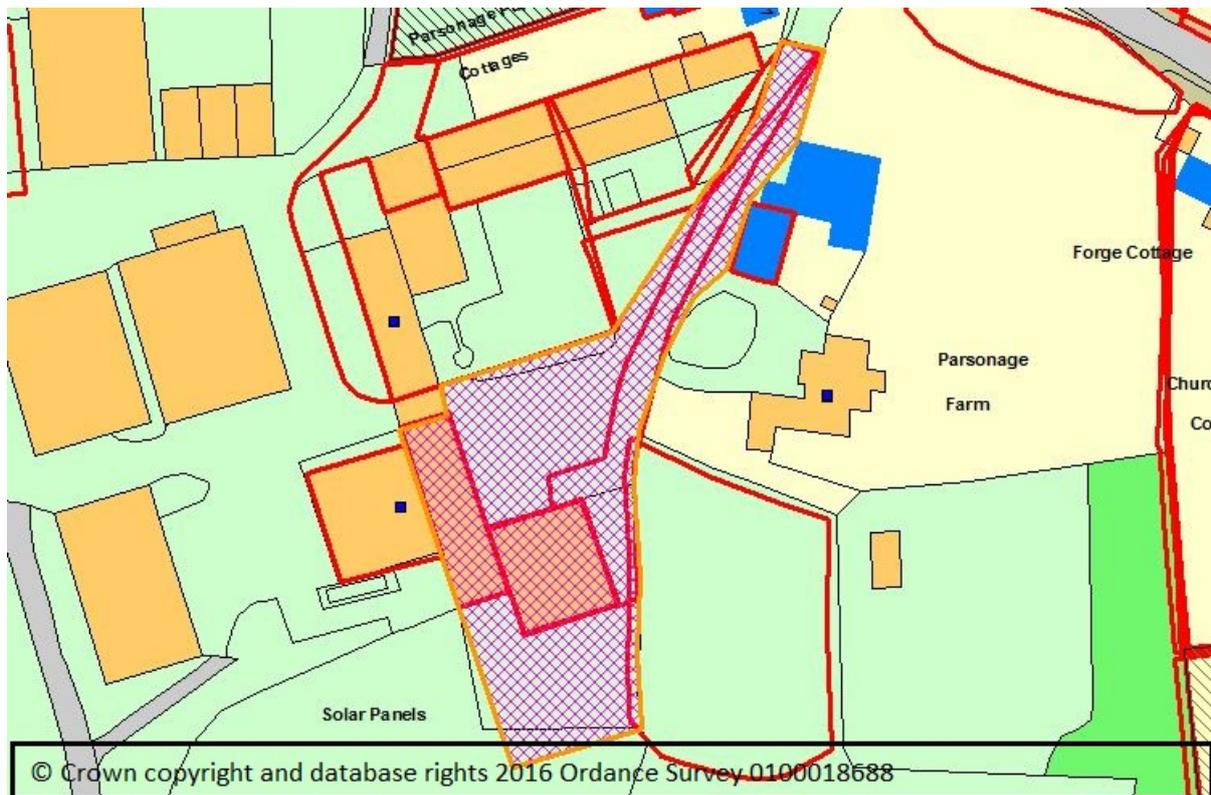
4. Works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP polices ENV1 & ENV2

5. Works shall not be commenced until details of the proposed internal partition

to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP polices ENV1 & ENV2



Organisation: Uttlesford District Council

Department: Planning

Date: 05 September 2019

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UTT/19/0900/LB (HENHAM)

(Referred to Committee. Reason: Member Call-In by Cllr Lees
Reason: Trading hours and impact on local area)

PROPOSAL: Conversion of part of brewery building to additional gym space and physiotherapy practice room. Single storey link extension between existing gym building and brewery building.

LOCATION: Parsonage Farm, Church End, Church Street, Henham

APPLICANT: Clare And Hozier Ltd

AGENT: Mrs L Carpenter

EXPIRY DATE: 24.6.19 Extension of time 23.9.19

CASE OFFICER: Mark Sawyers

1. NOTATION

1.1 Outside development limits, Henham Conservation area, within 6km of Stansted Airport, Adjacent listed building.

2. DESCRIPTION OF SITE

2.1 The application site outlined in red on the submitted location plan is located on the southern side of Church Street on the settlement edge of Henham. Historically the farm consisted of a large agricultural holding consisting of a grade two listed farm house, barns and ancillary outbuildings.

2.2 Over the last 20 years a number of the ancillary farm buildings have been converted into a number of different uses which include holiday homes and a brewery.

2.3 The building subject to this planning permission as outline in red on the submitted location plan is a curtilage listed structure (now called the brewery) associated with Parsonage Farmhouse, a Grade II listed (HE Ref: 1230805) building, and a modern barn located within its setting. It has external materials of a red brick plinth and black weatherboarding. The buildings are located within the Henham Conservation Area. Vehicle access into the site is via Church Street with off street parking located on the tarmac parking area in front of the buildings.

3. PROPOSAL

3.1 The application is for the Conversion of part of brewery building to additional gym space and physiotherapy practice room. Single storey link extension between existing gym building and brewery building.

3.2 This application also seeks to regularise the site after it was discovered that Listed Building consent was not sought when the change of use from agricultural to B1 & B2 was granted under application UTT/0265/07/FUL in

2007.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. They have also submitted an additional Bat Survey.
- 5.2 It concludes that the design of the proposal is sympathetic and in keeping with the general location of the premises and the refurbishment would enhance and improve the setting of the surrounding area.

6. RELEVANT SITE HISTORY

- 6.1 There have been a number of planning and listed building application submitted to the Council over the years however the most recent and relevant applications to the proposed application are listed below:

UTT/0384/92/FUL - Change of use from redundant agricultural barn to one residential dwelling (approved)

UTT/0385/92/LB - Conversion of barn to one residential dwelling (approved)

UTT/0291/99/FUL - Change of use of redundant farm buildings to holiday homes (approved)

UTT/1995/07/FUL - Erection of Barn/Grain store (approved)

UTT/13/2197/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and entrance doors. (approved with conditions)

UTT/13/2910/FUL - Change of use from redundant farm building to light industrial B1/B8 use incorporating alterations to roof and external walls (approved with conditions)

UTT/16/2801/FUL - Change of use of the existing agricultural building to be used as a studio/gym (approved with conditions)

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy ENV1 – Design of development within Conservation Areas
Policy ENV2 – Development effecting listed buildings

Supplementary Planning Documents/Guidance

- 7.2 N/A

National Policies

- 7.3 National Planning Policy Framework – (9 February 2019)

Other Material Considerations

- 7.4 Uttlesford Emerging Local Plan –
The following policies are relevant regarding this proposal, however until the plan adopted little weight can be given to them -
EN2 – Design of Development within Conservation Area
EN4 – Development affecting Listed Buildings

8. PARISH COUNCIL COMMENTS

- 8.1 Henham Parish Council would like to raise objection to certain areas of this application.

- 8.2 Trading hours:

Henham PC does not wish to curtail commercial viability, however request that UDC restrict the use of outside space until 10am on Sundays and Bank Holidays. Other local amenities such as the Elsenham clay pigeon shoot are restricted to not commence activity until 10am.

- 8.3 Outside space:

Current retrospective application is for construction of external ramps, raised decking and training equipment on agricultural land.
The area already constructed is sizable.
The outside space contravenes this permission. The area is clearly visible, and activities undertaken on it can readily be heard from other properties within the Henham conservation area.
To protect other properties and residents Henham PC requests that this permission be upheld and that suitable screening of the outside area and noise calming measures are undertaken to stop the local impact.

9. CONSULTATIONS

Conservation

- 9.1 I have no objection to the proposed works subject to the reversibility of the partition wall in the brewery (i.e. causing no damage to historic fabric) and the use of appropriate external materials for the link.
Should permission be granted, I recommend the following conditions (or similar to that effect) to be included:

a) works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by

the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such;

b) works shall not be commenced until details of the proposed internal partition to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

10. REPRESENTATIONS

- 10.1 10 Neighbours consulted – expired 23.05.19 – One representation in support received.
2 additional letters or objection were received on the 31.07.2019.

11. APPRAISAL

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

A Whether the proposal would result in harm to the setting of the adjoining listed building and the conservation area (Local Policies GEN2, ENV1 & ENV2 & NPPF)

- 11.1 The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and the relevant policies contained within Uttlesford District Council's Adopted Local Plan.
- 11.2 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly section 16(2), of preserving a listed building or its setting or any features of special architectural or historic which it proposes.
- 11.3 Paragraph 195 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 11.4 Furthermore, paragraph 196 of the Framework states that 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 its optimum viable use.
- 11.5 The proposal for the change of use would include the insertion of new window and door openings and alterations to the buildings external finishing. The change of use to a gym/studio and the proposed alterations to the building are such that it is considered that the proposal would preserve and enhance the conservation area. In addition it is also considered that the proposal would not result in detrimental harm to the historical significance and setting of the nearby listed building.
- 11.6 Consequently, officers consider that the proposal would cause less than substantial harm to the heritage assets and as such the development is in

accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework.

12. CONCLUSION

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

- A** The proposal would result in less than substantial harm to the heritage assets of that being the Henham Conservation Area and the adjoining listed farm house.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

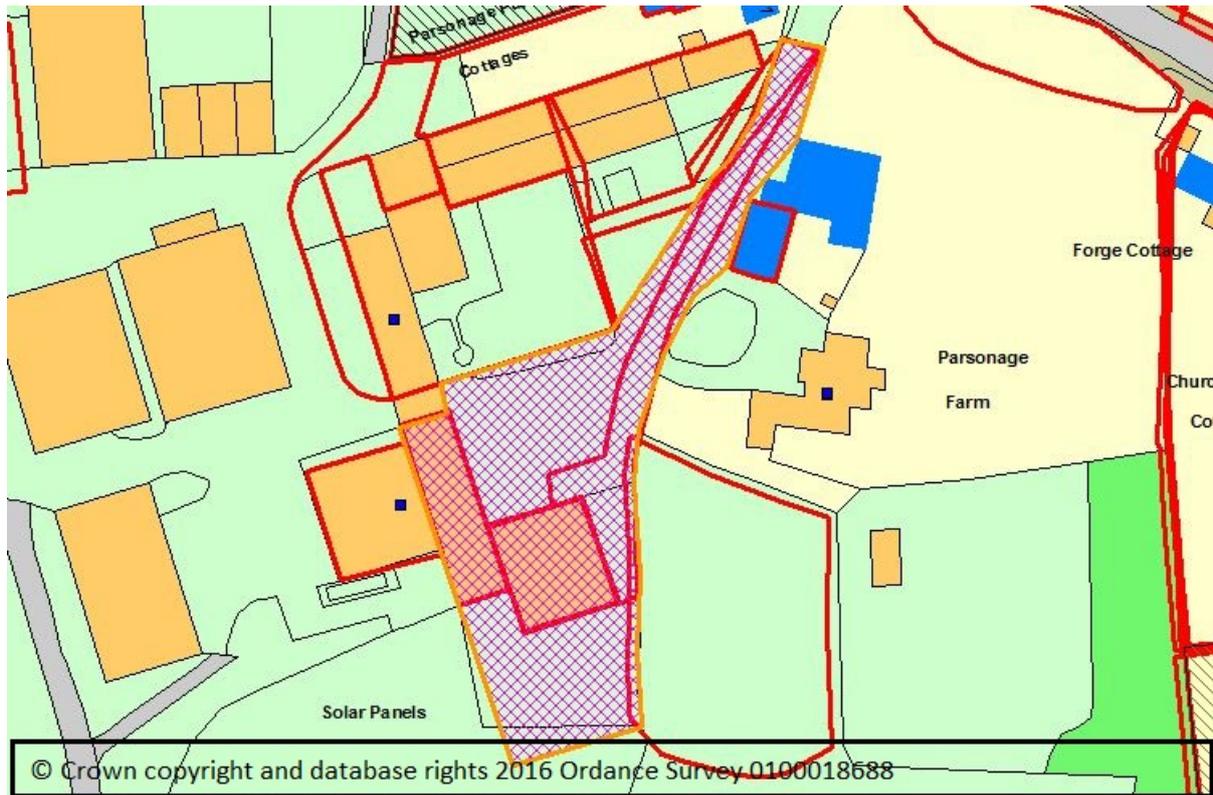
REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Works shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP policies ENV1 & ENV2

3. Works shall not be commenced until details of the proposed internal partition to be installed in the brewery, including a method statements for works to be carried out, has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the Conservation Area and Listed Building and its setting in accordance with ULP policies ENV1 & ENV2



Organisation: Uttlesford District Council

Department: Planning

Date: 05 September 2019

UTT/19/1490/HHF QUENDON AND RICKLING GREEN

(Referred to Committee – Related to employee)

PROPOSAL: Retrospective application for open covered area with flat roof including 3 no. skylights

LOCATION: Woodview House, Woodview Drive, Rickling Green, Saffron Walden, Essex CB11 3YZ

APPLICANT: Mr Philip Scales

AGENT: N/a

EXPIRY DATE: 19 August 2019 (extension of time 20 September 2019)

CASE OFFICER: Rosemary Clark

1. NOTATION

1.1 Within Development Limits

2. DESCRIPTION OF SITE

2.1 The application site comprises a detached two storey property situated off Woodview Drive, a private road accessed from Brick Kiln Lane to the north-west of the rural village of Quendon

3. PROPOSAL

3.1 This application relates to a retrospective application for an open covered area to the rear of the property with a flat roof with 3. No skylights

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 - Works carried out to date have been constructed under permitted development however the full application is now being submitted because of the intention to include a roof

6. RELEVANT SITE HISTORY

6.1 None relevant

7. POLICIES

7.1 National Planning Policy Framework

Uttlesford Local Plan (2005)

- 7.2 S3 – Development within settlement limits
GEN2 – Design
H8 - Extensions

Supplementary Planning Documents/Guidance

- 7.3 SPD1 – Home Extensions

National Policies

- 7.4 National Planning Policy Framework

Other Material Considerations

- 7.5 Emerging Local Plan –
SP9 – Development within settlement limits
D1 – High Quality Design
H4 – Home Extensions

8. TOWN / PARISH COUNCIL COMMENTS

- 8.1 Parish consulted – expired 23.7.19 – No comments received

9. CONSULTATIONS

- 9.1 No consultations required due to the scale and nature of the development

10. REPRESENTATIONS

- 10.1 17 Neighbours were notified of the application by letter – No responses received

11. APPRAISAL

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

- A Whether the development respects the size, scale and form of the original dwelling (ULP Policies S3, GEN2, H8 and SPD1)
- B Whether the development adversely impacts any neighbouring residential or visual amenity (ULP Policies GEN2 and H8)

A Whether the development respects the size, scale and form of the original dwelling

- 11.1 The works were started in May 2019 and was intended to be an open structure that would have fallen under the Town and Country Planning (General Permitted Development) Order, (as amended), 2015. The applicant has since decided to add a flat roof to the structure and hence the submission of this application for determination
- 11.2 The covered area would be of a size and scale that respects the existing dwelling house and would be finished in materials to match the existing property. It is therefore considered that the proposal complies with the relevant Local Plan Policies.

B Whether the development adversely impact any neighbouring residential or visual amenity

11.3 Due to the nature and location of the proposal there are no concerns regarding neighbouring or visual amenity

11.4 The structure is to the rear of the property and away from the boundaries of the neighbouring property that fronts Brick Kiln Road. There is mature planting to the boundaries that would result in no increase to the potential for overlooking or loss of privacy.

11.5 The property is set well back from any public viewpoint and the character and appearance of the locality would not be harmed as a result of this development.

11.6 It is therefore considered that the development complies with ULP Policies GEN2 and H8.

12. CONCLUSION

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

A The Development respects the size, scale and appearance of the existing dwelling house in accordance with ULP Policies GEN2, H8 and SPD1.

B The development would not adversely impact the neighbouring residential or visual amenity of the area, in accordance with ULP Policies GEN2, H8 and SPD1

RECOMMENDATION – UNCONDITIONAL APPROVAL



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Organisation:	Uttlesford District Council
Department:	Planning
Date:	30 August 2019