



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee Remote Meeting

Date: Wednesday, 30th September, 2020

Time: 2.00 pm

Venue: Zoom - <https://zoom.us/>

Chair: Councillor S Merifield

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

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

Public Participation

Members of the public who would like to listen to the meeting live can do so [here](#). The broadcast will be made available as soon as the meeting begins.

At the start of each agenda item there will be an opportunity for members of the public to make statements to the Committee via the video conferencing platform Zoom subject to having given notice by 2pm on the day before the meeting.

Please refer to further information regarding public speaking 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

4 - 9

To consider the minutes of the previous meeting held on 9 September 2020.

- 3 UTT/20/0336/DFO - Land South East Of Great Hallingbury Manor, Bedlars Green Road, Tilekiln Green, Great Hallingbury 10 - 24**

To consider application UTT/20/0336/DFO.

- 4 UTT/19/2692/OP - Land at Old Mead Road, Henham 25 - 42**

To consider application UTT/19/2692/OP.

- 5 UTT/20/1270/HHF - Victoria Cottage, Deynes Road, Debden 43 - 48**

To consider application UTT/20/1270/HHF.

- 6 UTT/19/1437/FUL - 77 High Street, Great Dunmow 49 - 71**

To consider application UTT/19/1437/FUL.

- 7 UTT/20/0028/DFO - Land off Stevens Lane, Felsted 72 - 89**

To consider application UTT/20/0028/DFO.

- 8 UTT/19/1585/FUL - Almont House, High Lane, Stansted 90 - 122**

To consider application UTT/19/1585/FUL.

- 9 UTT/20/1603/FUL - Land R/O Chestnuts, Bishops Way, Newport 123 - 163**

To consider application UTT/20/1603/FUL.

- 10 UTT/20/2158/TCA - 32 Bridge Street, Saffron Walden 164 - 168**

To consider application UTT/20/2158/TCA.

REMOTE MEETINGS AND THE PUBLIC

Members of the public are welcome to listen to the debate of any of the Council's Cabinet or Committee virtual meetings. The broadcast, as well as all agendas, reports and minutes can be found on the Council's website www.uttlesford.gov.uk. For background papers in relation to this meeting please contact committee@uttlesford.gov.uk or phone 01799 510410/548.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting via the video conferencing platform Zoom. You will need to register with Democratic Services by 2pm on the day before the meeting. Please register your intention to speak on an application by contacting Democratic Services at committee@uttlesford.gov.uk.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

Facilities for people with disabilities

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510410/548 as soon as possible prior to the meeting.

For information about this meeting please contact Democratic Services

Telephone: 01799 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

PLANNING COMMITTEE held at ZOOM on WEDNESDAY, 9 SEPTEMBER 2020 at 2.00 pm

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, P Fairhurst, R Freeman, N Gregory (substitute for Councillor R Pavitt), G LeCount, M Lemon (Vice-Chair), N Reeve, G Sell (substitute for Councillor M Caton), A Storah and M Sutton

Officers in attendance: S Abel (Electoral Services Officer), W Allwood (Principal Planning Officer), R Beale (Planning Officer), N Brown (Development Manager), A Emanuel (Planning Officer), B Ferguson (Democratic Services Manager), C Gibson (Democratic Services Officer), M Sawyers (Planning Officer), M Shoosmith (Development Management Team Leader), E Smith (Interim Legal Services Manager) and C Theobald (Planning Officer)

Public Speakers: M Jackson, Councillor P Lavelle, Councillor P Lees, Councillor S Luck, D Malins, S Metson and T Moore.

PC43 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Caton, Loughlin and Pavitt.

Councillor Bagnall declared a non-pecuniary interest in Agenda Items 5 and 6 as a member of Takeley Parish Council.

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

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

PC44 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 19 August 2020 were agreed and would be signed by the Chair as an accurate record at the next opportunity.

The minutes of the previous meetings held on 17 January 2020, re-convened on 24 January 2020 (Stansted Airport application) were considered.

The following amendments were made to the minutes with no dissent:

PC103- Paragraph 6- "Regulations 201" to read "Regulations 2010".

PC106- Councillor Sell to be shown as a ward member for “Stansted North” rather than “Stansted South”.

PC108- Paragraph 2- insertion of the word “written” before “report”.

PC108- Number of flights- First bullet point to read “A member said that the November 2018 Planning Committee.....”

PC108- Number of flights – Second bullet point to show ATM’s capped at “274K” rather than “278K”.

Councillor Merifield proposed approval of the minutes and this was seconded by Councillor LeCount. This proposal was approved with 9 Members in favour and 2 abstentions, one of whom had not been in attendance at the meetings in question. The minutes were agreed and would be signed by the Chair as an accurate record at the next opportunity.

PC45 **UTT/19/2354/OP - LAND TO THE WEST OF BUTTLEY'S LANE, GREAT DUNMOW**

The Principal Planning Officer stated that the proposal related to outline planning permission for up to 60 dwellings with all matters reserved except for access, which was proposed to be from Stortford Road. He said that the indicative plan included a locally equipped area for play, a large area of public open space and also indicated new planting to the rear of properties along St Edmunds Lane to protect the amenity of neighbouring dwellings. He said that High Wood was located opposite the site and was a SSSI and an Ancient Woodland. Also located to the north of Stortford Road was land with consent for up to 790 dwellings.

The Principal Planning Officer said there were no clear reasons for refusing the application and that there were no adverse impacts that would significantly outweigh the substantial benefits that the application sought to deliver.

The application was recommended for approval with conditions and S106 legal obligation.

A representative of the Town Council and Councillor Lavelle, Ward Councillor both spoke against the application as being in an unsustainable location, having an unacceptable impact on the High Wood SSSI, and being unacceptable urban sprawl and neither desirable nor deliverable. Councillor Lavelle further said that this proposal would close a visual gap between Great Dunmow and Little Canfield.

The Principal Planning Officer acknowledged that the Council could not demonstrate a 5 year supply of deliverable housing sites in accordance with the NPPF and that as the Great Dunmow Neighbourhood Plan was more than two years old it could not be considered as having substantial weight in relation to land supply.

Members expressed views about potential urban sprawl, the visual gap between settlements, sustainability, proximity to High Wood, heritage concerns, accessibility, and 40% affordable housing. Some Members considered that this application should be considered on a tilted balance approach.

Councillor Fairhurst proposed refusal of the application on the grounds of urban sprawl and that the proposed development failed to deliver appropriate infrastructure in order to mitigate any impacts, and support the delivery of the proposed development.

Councillor Freeman seconded the motion.

RESOLVED to refuse the application for the following reasons:

1 The proposed development would result in urban sprawl at the western edge of Great Dunmow, within the open countryside as defined within the Adopted Uttlesford Local Plan 1995. The nature of this urban development within the countryside would adversely impact upon the setting of the Market Town of Great Dunmow. The existing function of the application site as agricultural land provides a positive function, enhancing this part of the countryside. The proposal is therefore considered contrary to the implementation of Policy 7 - The Countryside - of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

2 The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts, and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

T. Moore, Councillor P Lavelle and S Metson spoke on the application.

PC46 **UTT/20/1032/HHF - 5 STATION ROAD, GREAT DUNMOW**

The Planning Officer said that the application was for planning permission for proposed single front extension, remodelling of existing two-storey side extension, erection of two storey and single storey rear extension and replacement and remodelling of existing single storey rear extension. It also proposed alterations to roof including provision of roof lights to front elevation and dormer window to rear elevation and associated landscape works. This item had been deferred at the previous meeting, pending a site visit.

The Planning Officer said that there would be a 17.5% increase on the footprint and that there was an issue in respect of boundary wall encroachment.

The application was recommended for approval with conditions.

Members raised concerns about the boundary wall encroachment and the parking details.

The Development Manager said that the wall could come down and would not have to be replaced. He said that details of parking had to be given pre-implementation.

Councillor Fairhurst proposed approval of the application subject to conditions.

The Chair seconded the motion.

RESOLVED to approve the application subject to conditions

The Committee adjourned at 3.40 pm and reconvened at 3.50 pm.

Councillor Bagnall left the meeting at 3.50 pm.

PC47 UTT/20/0765/OP - THE CHASE, JACKS LANE, TAKELEY

The Planning Officer said that the application was for outline planning permission, with all matters reserved except for access, for two dwellings.

The application was recommended for approval with Conditions.

Councillor Bagnall rejoined the meeting at 3.55 pm.

Members expressed views on access, given that it was a private road, and the surrounding woodland made it a potentially awkward location.

Councillor Freeman proposed approval of the application with conditions.

Councillor Sell seconded the motion.

RESOLVED to approve the application with conditions.

M Jackson spoke on the application.

Councillor Gregory left the room at 4.04 pm.

PC48 UTT/19/0904/OP - LAND WEST OF THE WHITE HOUSE, DUNMOW ROAD, TAKELEY

The Senior Planning Officer said that the outline application proposal related to the erection of three detached dwellings with all matters reserved except for access. It was stated in the application that the dwellings would be constructed as self-build/custom build.

The application was recommended for approval with conditions.

Members raised concerns about the status of the Countryside Protection Zone and the fact that this application provided coalescence between Takeley and Little Canfield. Some members said that they were taking a tilted balance approach and would support the application.

Councillor Lemon proposed approval of the application with conditions.

Councillor Fairhurst seconded the motion.

RESOLVED to approve the application with conditions.

Councillor R Jones spoke on the application.

PC49 **UTT/20/1082/FUL - FORMER PARKING COURT ADJ. 3 GOLD CLOSE, ELSENHAM**

The Planning Officer said that the application related to the construction of a new three bedroom, four person bungalow together with parking and turning within the plot. He said that external materials would consist of red faced bricks to the walls, brown concrete pantiles to the roof, white uPVC windows and black uPVC gutters. He summarised the representations received.

The application was recommended for approval with conditions.

Two public speakers supported the application which had been identified for Council housing. The Council had identified that the property would be suitable for one specific family in need who would be near their family support network.

Members raised questions about the existing car parking arrangements by the residents of New Road/ Bedwell Road as well as Gold Close.

Councillor Gregory rejoined the meeting at 4.35 pm.

Councillor Bagnall left the meeting at 4.37 pm.

Councillor LeCount, as Ward Councillor, proposed approval of the application with conditions.

Councillor Freeman seconded the motion.

RESOLVED to approve the application with conditions.

Councillor P Lees and D Malins spoke on the application.

Councillor Bagnall rejoined the meeting at 4.40 pm.

PC50 **UTT/20/1270/HHF - VICTORIA COTTAGE, DEYNES ROAD, DEBDEN**

The Development Management Team Leader said that the application related to the demolition of an outbuilding and the construction of a two storey side extension to the side elevation and a lean to extension to the side elevation to create a storage space. She said that the initial proposal had raised concerns from Highways regarding parking provision and land ownership but following the revised proposals, Highways had withdrawn their objection.

The application was recommended for approval with conditions.

Councillor Lemon referred to the Conservation Officer's comments and said that he could not support the application. Other members expressed concerns that they were unable to make a judgement based on the evidence presented. There was a lack of streetscene and pictures of the listed building.

The Chair proposed to defer the item, pending a site visit.

Councillor Storah seconded the motion.

RESOLVED to defer the application, pending a site visit.

Councillor S Luck spoke on the application.

Meeting Closed 4:59 pm.

Agenda Item 3

UTT/20/0336/DFO (Great Hallingbury)

PROPOSAL: Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of access, scale, layout, appearance and landscaping.

LOCATION: Land South East Of Great Hallingbury Manor, Bedlars Green Road, Tilekiln Green, Great Hallingbury.

APPLICANT: Rivertree Residential Limited.

AGENT: Phase 2 Planning.

EXPIRY DATE: 26 May 2020 (Extension of time agreed to 9 October 2020).

CASE OFFICER: Mr C Theobald.

1. NOTATION

- 1.1 Outside Development Limits / Within Countryside Protection Zone (CPZ) / Within 250m of Local Wildlife Site / Aerodrome Direction / Stansted Airport LEQ - Within 57dB 16hr LEQ.

2. DESCRIPTION OF SITE

- 2.1 The site lies on the east side of Bedlars Green Road to the immediate south of Great Hallingbury Manor, an established hotel, and comprises a field with an area of 2.19 ha now out of agricultural production which slopes gently up from the road frontage. Agricultural land lies to the immediate south and east of the site. Mature vegetation encloses the site along its northern and southern boundaries and also along its eastern flank boundary, whilst a substantial tree belt encloses the site along its western frontage flank boundary onto Bedlars Green Road. The interior of the site is devoid of any meaningful vegetation (unimproved grassland). The site is currently temporarily fenced off from an open field entrance into the site on its northern side from the rear service road which serves Great Hallingbury Manor.

3. PROPOSAL

- 3.1 This reserved matters application relates to the erection of 35 no. dwellings together with road infrastructure submitted pursuant to the grant of outline application UTT/16/3669/OP concerning the same and seeks permission for matters relating to access, scale, layout, appearance and landscaping ("the reserved matters").
- 3.2 The proposal would involve the erection of 24 market units and 11 affordable units (35 No. units total) whereby the dwellings would be positioned around and within a central internal loop road system which would be served by a new vehicular access into the site leading directly from Bedlars Green Road. The submitted scheme would include an area of public open space/children's play area to be provided within the centre of the site, whilst a dry drainage attenuation basin is shown for the northern boundary of the site.

3.3 A table showing the dwelling types, number of storeys, level of bedroom accommodation, housing tenure, garden sizes and allocated parking spaces for the proposed development is provided below whereby it should be noted that the dwellings for Plots 11, 12, 27, 29 and 32 would be in the form of bungalows.

Plot No.	Type	Storeys	No. of bedrooms	Housing tenure	Garden size (sqm)	Parking spaces
Plot 1	S/D	2	1	Aff. Rent	64	1
Plot 2	S/D	2	1	Aff. Rent	73	1
Plot 3	Terr.	2	2	Sh. O/ship	69	2
Plot 4	Terr.	2	2	Sh. O/ship	56	2
Plot 5	Terr.	2	2	Sh. O/ship	50	2
Plot 6	S/D	2	3	Aff. Rent	114	2
Plot 7	S/D	2	3	Aff. Rent	124	2
Plot 8	Terr.	2	2	Aff. Rent	63	2
Plot 9	Terr.	2	2	Aff. Rent	56	2
Plot 10	Terr.	2	2	Aff. Rent	51	2
Plot 11	Det.	1	1	Aff. Rent	89	1
Plot 12	Det.	1	3	Private	112	2
Plot 13	Det.	2	3	Private	128	2
Plot 14	Det.	2	5	Private	144	3
Plot 15	Det.	2	5	Private	199	3
Plot 16	Det.	2	5	Private	135	3
Plot 17	Det.	2	5	Private	170	3
Plot 18	Det.	2	5	Private	179	3
Plot 19	Det.	2	5	Private	133	3
Plot 20	Det.	2	5	Private	151	3
Plot 21	Det.	2	5	Private	153	3
Plot 22	Det.	2	4	Private	147	3
Plot 23	Det.	2	4	Private	147	3
Plot 24	Det.	2	4	Private	145	3
Plot 25	Det.	2	4	Private	145	3
Plot 26	Det.	2	4	Private	147	3
Plot 27	Det.	1	3	Private	107	2
Plot 28	Det.	2	3	Private	151	2
Plot 29	Det.	1	2	Private	108	2
Plot 30	Det.	2	3	Private	109	2
Plot 31	Det.	2	3	Private	110	2
Plot 32	Det.	1	3	Private	119	2
Plot 33	Det.	2	3	Private	100	2
Plot 34	Det.	2	3	Private	106	2
Plot 35	Det.	2	4	Private	133	3

4. APPLICANT'S CASE

4.1 The submitted planning statement sets out the planning background to the current reserved matters application making reference to approved and extant outline planning application UTT/16/3669/OP which has established the principle of housing development for 35 no. dwellings at this semi-rural location lying within the Countryside Protection Zone (CPZ) together with associated road infrastructure and also the principle of separate vehicular access for the development away from the existing rear service road access serving Great

Hallingbury Manor whereby the access positioning remains unchanged for the current reserved matters application. The statement describes the site and its surroundings, the reserved matters submission, relevant planning policy and consideration of the relevant planning issues. The planning statement concludes as follows:

- “The proposed development set out within this reserved matters application has been made within the context of the framework established by outline planning permission ref: UTT/16/3669/OP and supporting information and, as demonstrated above, accords with the provisions of the statutory development plan.
- For the reasons set out above, the application proposal demonstrates sustainable development. Having regard to this, the Council is respectfully requested to approve this reserved matters application as currently proposed”.

4.2 The submitted Design and Access Statement informs the design brief for the proposed development making reference to site context, conservation and analysis, development constraints & opportunities, development analysis and design, with supporting information. The statement concludes as follows:

“The proposal put forward as part of this planning application:

- demonstrates that the application represents a well-considered proposal, incorporating good quality design principles;
- achieves a residential scheme that is of an appropriate good quality design maximising the development potential of the site, whilst respecting the existing site characteristics and integrating the development into the local area;
- analyses the physical built and natural site context and describes the special features which contribute to the character and appearance of the buildings and surrounding area;
- explains that the proposal makes good use of the site without resulting in harm to the character of the area or amenities of neighbouring properties and making a positive contribution in enhancing the character of the locality of Great Hallingbury as a whole”.

5. RELEVANT SITE HISTORY

5.1 On 29 January 2019, the Council’s Planning Committee granted outline planning permission with all matters reserved for the erection of 35 no. dwellings at Land South-East of Great Hallingbury, whereby this committee resolution was contrary to an officer recommendation recommending refusal of the application on sustainability, highway, environmental, flood risk and noise grounds (ref; UTT/16/3669/OP refers). Notwithstanding the officer refusal recommendation, it was the case that Great Hallingbury Parish Council supported the proposal in principle for the following stated reasons:

- Whilst acknowledging the site’s location within the CPZ and the valuable purpose it serves, new developments have nonetheless previously been

granted planning permission within the zone within the immediate area of the site setting a precedent, including a development of new industrial buildings to the north-east of the application site, which in many people's opinion do not fit in well with its surroundings;

- The number of new dwellings proposed would contribute to local housing need and providing housing for both first time buyers and those wishing to downsize;
- Most resident traffic would use Start Hill onto the M11 rather than go through the village;
- It is possible to walk to the B1256 where a through route bus service is available;
- The application proposal includes a "gift" to UDC of 8 no. affordable homes which could be either rented or part owned by village residents or those with strong links to the village, which is an important factor as a previous housing needs survey for the village has shown that there is a need for affordable housing for local people".

5.2 As part of the Council's decision to approve the outline application, the principle of a new, separate vehicular access into the proposal site to the south of the existing service access to Great Hallingbury Manor directly from Bedlars Green Road was also agreed.

5.3 Following the grant of outline permission by the Council, the applicant engaged with your officers in a scoping meeting regarding a proposed reserved matters application submission whereby an indicative proposed site layout drawing was presented for officer consideration which was verbally agreed in principle subject to an appropriate housing mix being subsequently established. The housing layout as indicated for that scoping exercise, including the road layout and positioning of the dwellings around it, now forms the basis for the current reserved matters application (UTT/20/0336/DFO).

5.4 On 10 February 2020, a discharge of conditions application was submitted to the Council to discharge various pre-commencement conditions imposed under outline planning permission UTT/16/3669/OP, namely Condition 3 (Construction Method Statement), Condition 7 (Ecological Design Strategy); Condition 8 (Surface Water Drainage Scheme) and Condition 10 (Noise Assessment). All of these conditions have now been discharged in full to the satisfaction of the Council and do not specifically form matters for further consideration for the current DFO application (UTT/20/0335/DOC refers).

6. POLICIES

6.1 National planning policies

National Planning Policy Framework (Revised February 2019)

6.2 Uttlesford Local Plan (Adopted 2005)

ULP Policy GEN1 – Access

ULP Policy GEN2 – Design

ULP Policy GEN4 – Good Neighbourliness

ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy H10 – Housing Mix

6.3 **Other Material Considerations**

SPD “Accessible Homes and Playspace” (UDC, adopted November 2005)
Essex Design Guide (revised 2018)
Essex County Council Parking Standards – Design and Good Practice
(September 2009)
Uttlesford Local Residential Parking Standards (adopted February 2013)

7. **PARISH COUNCIL COMMENTS**

7.1 Support.

8. **CONSULTATIONS**

Highways England

8.1 No objections.

Highways Act Section 175B is not relevant to this application. This development is a little way off the strategic road network. The application is for agreement of matters not agreed at outline stage and is unlikely to change traffic generations or result in other impacts upon the Strategic Road Network. The granting of this permission is therefore unlikely to result in a severe impact upon the Strategic Road Network.

Natural England

8.2 Natural England has no comments to make on this approval of reserved matters application.

Thames Water

8.3 Waste Comments:

Thank you for consulting Thames Water for the discharge of matters relating to Surface Water. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted.

Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

NATS Safeguarding

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

MAG Stansted Airport

- 8.5 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objections to the proposal subject to aerodrome safeguarding conditions which should be imposed on any planning permission granted in the interests of aircraft safety.

ECC Highways

- 8.6 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions.

Further comments received 27 July 2020:

The Highways Authority has no additional comments to make on the revised drawings submitted to those made on 23 June 2020.

Place Services (Ecology)

- 8.7 No objections.

Summary:

We have reviewed the Hard and Soft Landscaping Proposals (Guarda Landscaping, 2020), the Plant Schedule and Outline Soft Landscape Specification (Guarda Landscaping, 2020) and the Landscape Layout Plan (Guarda Landscaping, 2020) and we are satisfied with the details contained within. We support the proposed native species planting and the provision of hedgehog friendly fencing which will enable to support wildlife post-construction. The finalised Biodiversity Enhancement Measures will be included in an Ecological Design Strategy, secured as a condition of consent for UTT/16/3669/OP.

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

ECC Suds

- 8.8 Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

This reserved matters application is relating to details that do not relate to drainage. We therefore have no comments. Drainage conditions imposed at outline permission stage should remain in place.

UDC Housing Enabling Officer

- 8.9 I have looked at the above planning application and am happy with the proposed mix of affordable housing. My only question would be is why do all of the affordable properties have parking courts and the market housing have individual driveways? Parking courts can become a housing management issue. There would appear to be enough room on site if the parking courts are removed to allow for individual parking spaces for each property, even if it has to be tandem in-curtilage parking.

Further comments received 24 April 2020:

The application says the affordable housing mix was agreed with the council's enabling officer. The application is for 35 units in total, including 11 affordable. However, I note that this only achieves 31.5% affordable housing across the site. Was there an acceptable reason agreed by planning as to why this is not 40%? The tenure split of the 11 is as it should be and the mix of the affordable rented housing is good.

UDC Environmental Health Officer

- 8.10 Recommendation:

No specific comments to make.

Comments:

Thank you for consulting Environmental Health on this reserved matters application in relation to access, scale, layout, appearance and landscaping.

I have no specific comments to make on the submissions. However, as part of a separate DOC application, namely UTT/20/335/DOC, I have requested further information in relation to a noise mitigation scheme, which has now been submitted (noise condition now discharged).

UDC Landscape Officer

- 8.11 The submitted revised planting proposals are satisfactory and can be approved. The fencing and hard landscaping details are also satisfactory.

Further comments received 11 September 2020:

The revised soft landscaping plans submitted for the grassland area are considered satisfactory.

9. REPRESENTATIONS

- 9.1 None received. Neighbour notification period expires 26 March 2020. Advertisement expires 26 March 2020. Site notice expires 26 March 2020.

10. APPRAISAL

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

- A Access (ULP Policy GEN1);
- B Scale (ULP Policy GEN2);
- C Layout (including parking standards) (ULP Policies GEN2 and GEN8);
- D Appearance (ULP Policy GEN2);
- E Landscaping (ULP Policy GEN2).

A Access (ULP Policy GEN1)

- 10.1 The principle of separate vehicular access to this proposed housing development direct from Bedlars Green Road away from Great Hallingbury Manor was accepted by the Highways Authority and the Council as part of approved outline application UTT/16/3669/OP. As such, this previously indicated and approved siting position remains unchanged as shown for the current reserved matters application.
- 10.2 The proposed site layout drawings submitted demonstrate that the proposed vehicular access into the site would be able to be provided at 5.5m carriageway width with a 2m wide footway with appropriate clear to ground visibility splays onto Bedlars Green Road to the north and south, namely 2.4m x 74m to the north and 2.4m x 120m to the south and thus being in compliance with condition 4 imposed under UTT/16/3669/OP requiring adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety. A two way internal loop road system for the proposed housing scheme would feed off the main vehicular access into the site whereby it has been demonstrated through swept path analysis that refuse and emergency vehicles would be able to use the loop road system without detriment to highway safety for other road users.
- 10.3 ECC Highways have stated in their consultation response that they are satisfied with the access arrangements shown for the proposed housing scheme where safe and suitable access to the site has been shown to be able to be satisfactorily achieved subject to recommended highway conditions being imposed on any grant of reserved matters permission, to include a condition ensuring that clear to ground visibility splays along Bedlars Green Road are provided and subsequently maintained and also that a clear to ground visibility splay of 2.4m x 25m to the east along the new access road is provided for the adjacent farm track entrance (dwg.63432-001 Rev B). Given that ECC Highways have not expressed any adverse comments on the details submitted, Access as a reserved matter is considered acceptable under ULP Policy GEN1.

B Scale (ULP Policy GEN2)

- 10.4 The height, scale and massing of the dwellings would range between one and two storey dwellings whereby the dwellings have been designed to reflect the numerous types and existing forms of development within the immediate area of the site and would respect the character and visual characteristics of the village area in general, which is split between Start Hill to the immediate north-west incorporating linear housing and the more relaxed and vernacular built form of Church Road further to the south.
- 10.5 The ridge heights and plot spacing between the proposed dwellings would have due regard to the existing housing stock within the locality and are shown limited to two storey height to limit any impacts on the wider landscape whereby cross section drawing dwg. Ref. 19-009-A-004 shows the variation in ridge heights between the single storey and two storey units. The dwellings proposed are shown

to be simple two storey pitched roof units, with the smaller sized dwellings being grouped to the western side of the site to form an active street frontage reflecting a terraced and gabled aspect to the main view on entering into the site and the larger dwellings positioned on the eastern side of the site which would follow a similar pattern and form as the smaller units with the addition of side extension features in the form of intersecting 1.5 storey height chalet style roofs with dormer windows. This style of dwelling adopted within the traditional design approach would seek to compliment surrounding properties within the area.

- 10.6 From the above assessment, it is considered that Scale of the proposed development as shown for this housing scheme as a reserved matter is acceptable for this semi-rural location and would accord with ULP Policy GEN2.

C Layout (including vehicle parking standards) (ULP Policies GEN2 and GEN8)

- 10.7 The detailed housing layout as submitted for this DFO application differs from the indicative layout as shown in principle for outline application UTT/16/3669/OP insofar as the indicative layout for the outline application showed the housing layout having three road termini's rather than incorporating an internal road loop system as now shown. However, it should be emphasised that the outline indicative layout was shown for illustrative purposes only. The effect of this housing/road layout change for the current reserved matters application is to introduce a more uniform, if not rather grid like housing layout. However, as previously mentioned in this report, this changed layout reflects informal discussions which have taken place with officers following the grant of the outline scheme and before the submission of the current DFO application as to what could represent an appropriate layout for the site.
- 10.8 The proposed site layout as now submitted has nonetheless been designed so as to reflect the scale and simplicity of the development with a single access road feeding into the development incorporating a loop access road system with an area of shared access driveway serving the larger dwellings on the eastern side of the development site. This layout would allow each individual dwelling to be positioned to maximise the plot area and be orientated to ensure that the dwellings and living areas receive direct sunlight during the day without the potential for overshadowing or undue overlooking.
- 10.9 The layout includes provision of an area of public open space/children's play area with dedicated soft tactile landscaping features within the overall landscaping strategy for the development. The POS is shown to be provided close to the middle of the site between Plots 28 and 29 and to the rear of Plots 33 and 34, which is considered to be an acceptable siting position, including surveillance. All private garden amenity plots shown for the dwellings would comply with Essex Design Guide minimum garden amenity standards for 1, 2, 3 and 4+ bedroom dwellings respectively as referenced in the dwelling schedule above thereby affording an acceptable level of residential amenity for future occupiers of the proposed dwellings without incurring any significant intra-overlooking/loss of privacy occurring from adjoining plots.
- 10.10 Both resident and visitor parking has been integrated into the site layout to an appropriate degree and would avoid, where possible, the domination of car parking as viewed from outside of the site and from within the development itself whereby this has been achieved to a greater extent by the use of variation in external material finishes and landscaping screening to integrate the parking requirements within the overall layout design. It is accepted that a parking court

comprising twelve spaces for Plots 3-8 is shown on the proposed site layout plan in the north-west corner of the site between Plots 5-6. However, this courtyard parking, whilst not considered ideal taking into account the comments of the Council's Housing Officer, is not regarded to be excessive for the proposed development taken as a whole.

- 10.11 On-plot resident parking for all of the dwellings would accord with the Uttlesford Local Residential Parking Standards for 1, 2, 3 and 4+ dwelling units as shown within the above dwelling schedule. Tandem parking, where this is shown to occur, would be limited across the development. 9 no. visitor parking bays would be provided for the development which would be comprised within three separate visitor parking bay areas to be formed off the internal loop road whereby this level of visitor parking would also accord with adopted parking standards (35 dwellings / 0.25 = 8.75 VP bays).
- 10.12 The calculated housing density for the proposed housing scheme would be 25 dwellings per hectare, which in this instance would provide 35 dwellings based on a calculated area of 1.4 ha where this quantum of dwellings was set for the outline approved application. This density level is considered to reflect that of surrounding development for this edge of settlement location to the south-east of Start Hill and would be acceptable whereby it would be at the lower end of the housing density spectrum in order to make efficient and effective use of the land in accordance with the provisions of the NPPF.
- 10.13 The submission proposes a mix of 1, 2, 3, 4 and 5 bedroomed homes. This would include 11 affordable housing units which would be of an appropriate tenure and mix identified by the Council's Housing Enabling Officer. As such, it is considered that the development would contribute to meeting the housing needs of all sections of the community by providing an adequate number and range of accommodation, including affordable housing, and therefore represents an appropriate housing mix for the submitted scheme whereby this aspect of the scheme continues to be supported by the Parish Council.
- 10.14 The Council's Housing Strategy and Operations Manager has queried why the DFO application submitted as a 35 unit housing development, including the eleven affordable units, achieves only 31.5% affordable housing for the development rather than the normal 40% policy compliant figure whereby this would otherwise require that fourteen affordable units be provided. It is the case, however, that eleven affordable housing units were agreed and included within the signed s106 agreement for the approved outline application for this development under ref; UTT/16/3669/OP rather than fourteen units and is the reason why eleven affordable units have subsequently been shown to be included for this reserved matters application, which in itself does not consider the issue of affordable housing whereby this issue was addressed and agreed for this scheme at outline planning stage.
- 10.15 5% of the dwellings for the proposed development would be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable standard, these dwellings being Plots 11 and 29 as bungalows, with the remaining dwellings being built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition, to include the dwellings for Plots 12, 27 and 32, also as bungalows. This level of accessible dwelling provision would ensure compliance with ULP Policy GEN2 and the Council's SPD "Accessible Homes and Playspace" as well as compliance with Condition 9 of outline permission UTT/16/3669/OP. Overall, therefore, it is

considered that Layout as a reserved matter for the proposed development complies with ULP Policy GEN2.

D Appearance (ULP Policy GEN2)

- 10.16 The height, scale and massing of the proposed dwellings would reflect the varied types and existing forms of development within the immediate village area and would from this respect the character of the village whereby the dwellings would comprise simple double fronted and gable fronted houses with good pitched roofs with varied facing brickwork and stained timber painted boarding with predominate use of plain clay tiles and use of timber bargeboards. The use of hipped roofs and dormer windows would also be incorporated. External boundary treatments to the dwelling plots would include timber picket fences, post & rail fencing, hedgerows and low walls.
- 10.17 The appearance of the dwellings as shown with the inclusion of different housing styles and treatments is considered acceptable for this site location and Appearance as a reserved matter would comply with ULP Policy GEN2.

E Landscaping (ULP Policy GEN2)

- 10.18 The site backs onto agricultural land on two sides and therefore it would be necessary for any housing scheme of the size proposed to be able to be properly assimilated into the local landscape. Approved outline planning application UTT/16/3669/OP was accompanied by an Arboricultural Impact Assessment Report and Tree Protection Plan, whilst the current reserved matters application is accompanied by detailed hard and soft landscape proposal drawings for both landscaping treatment of the external boundaries and for the internal areas, including the public open space/children's play area.
- 10.19 The proposed dwellings on the western side of the site nearest to Bedlars Green Road would be substantially screened to the highway by an existing heavy tree belt. New planting is proposed throughout and surrounding the development, including a 13m wide soft planting buffer on the southern boundary and a minimum of a 2m wide planting buffer on the northern boundary, which would help to soften the new built form into the countryside setting and which would include new tree, hedge and shrub planting that would also help to increase natural biodiversity levels at the site, which is currently low, thereby in turn increasing natural habitat value. In this respect, bat foraging areas and bat commuting paths would be retained within landscaped corridors to maintain and enhance opportunities for biodiversity.
- 10.20 The landscaping scheme would incorporate ecological features which would include hibernacula and bat and bird boxes. Additionally, the mix specified for the native hedgerows would incorporate predominantly nut bearing species rather than fruit bearing species alongside species such as field maple in the interests of aircraft safety given the site's location underneath the flightpath to Stansted Airport. An area of existing grassland to the north of the proposed housing area shown within the application site edged in red would be maintained as a grass meadow, which would be accessed between Plots 10 and 11, whilst the dry attenuation basin to be formed on the northern boundary adjacent to the existing rear service road to Great Hallingbury Manor would be planted with a wet wildflower mix (see revised drawings 19-009-02-J and GUA-DR-L-010 Rev P07).

- 10.21 The revised hard and soft landscaping drawings submitted, including the revised Plant Schedule and Outline Soft Landscape Specification, have been considered by the Council's Landscape Officer, who has stated in his revised consultation response received on 11 September 2020 that the overall landscaping strategy and detailed hard and soft landscaping specifications submitted for this DFO scheme are acceptable. Given this assessment, no landscaping objections are raised as a reserved matter under ULP Policy GEN2.

11. CONCLUSION

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

- A Vehicular access arrangements for the proposed development are considered acceptable.
- B The scale of the proposed development is considered acceptable.
- C The layout of the proposed development, including indicated parking arrangements, is considered acceptable.
- D The appearance of the proposed development, which would involve a mix of dwellings styles, is considered acceptable.
- E The hard and soft landscaping measures specified for the proposed development for both external boundary treatments and internal areas are considered acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the visual amenity value of the development in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

2. Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the dwellings for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement justification: To ensure that the resulting development does not harm the visual amenities of the area at this semi-rural location.

3. Prior to first occupation, the access as shown in principle on drawing number 163432- 001 Rev B shall be provided with a 5.5m width, 2m footway, and associated clear to ground visibility splays onto Bedlars Green Road of 2.4m x 120m to the south and 2.4 x 74m to the north. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

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

4. The farm access to the south of the access road as shown in principle on drawing number 163432-001 Rev B shall be provided with clear to ground visibility splay of 2.4m x 25m to the east. Such vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

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

5. The dwellings shall not be occupied until such time as the associated vehicle and cycle parking indicated in principle on 19-009-01 Rev M has been provided and parking bays hard surfaced and sealed and retained for that parking use thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with ULP Policies GEN1 and GEN8 of the 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD, "Accessible Homes and Playspace".

7. The proportion of berry-bearing species shown for the indicated soft landscaping works/measures for the housing scheme hereby permitted shall be reduced to less than 20% for each type of planting.

REASON: Flight safety- Bird-strike Avoidance- in order not to result in a block of attractive feeding habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

8. Half of the orchard trees shown for the indicated soft landscaping works/measures for the housing scheme hereby permitted shall be replaced with nut trees or other non-berry and fruit bearing trees.

REASON: Flight safety- Bird-strike Avoidance- alongside the allotments is a small orchard of fruiting trees that has the potential to attract and support a number of hazardous bird species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. The attenuation basin shall not hold open water except during and immediately after a significant rainfall event and will drain to a dry basin within 48 hours.

REASON: Flight safety- Bird-strike Avoidance- a water body would be attractive to hazardous species of birds which, at this location, is an unacceptable risk to flight safety in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. All external lighting shall be capped at the horizon.

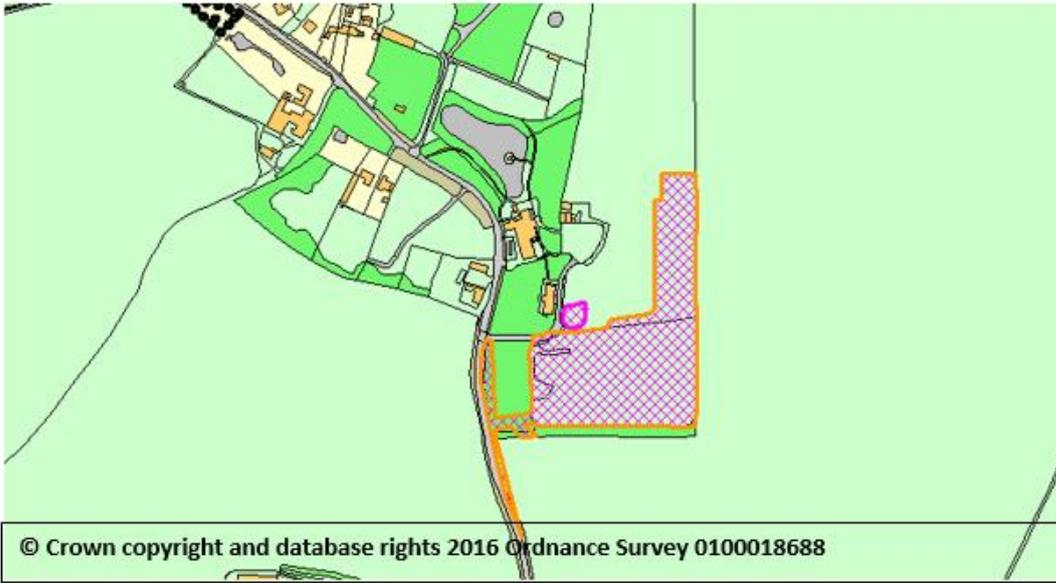
REASON: Flight safety- any lighting at this location has the potential to cause confusion or distraction to pilots in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. Robust measures shall be taken by the developer to control any dust and smoke during construction.

REASON: Dust and smoke are hazardous to aircraft engines; dust and smoke clouds are a visual hazard to pilots and air traffic control in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. Prior to dwelling occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council
Department: Planning
Date: 03 AUGUST 2020

UTT/19/2692/OP

(Referred back to Planning Committee from 1 July 2020 meeting for consideration of clarification of brownfield status together with possible S106 contributions in respect of affordable housing and possible highway links).

PROPOSAL: Outline planning application, with all matters reserved except access & scale, for the erection of up to 6 dwellings and associated works.

LOCATION: Land at Old Mead Road, Henham.

APPLICANT: Elsenham Nurseries & Poultry Farm.

AGENT: C/o Sworders.

EXPIRY DATE: Extension of time agreed to 09 October 2020.

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site lies on the east side of Old Mead Road to the north of the Elsenham railway level crossing and comprises for the purposes of the land edged in red a parcel of flat post and railed paddock land consisting of 0.44 ha which fronts onto the road, although described in the application as "*Part vacant railway, part vacant poultry farm*" whereby the southernmost part of the site comprises the curved alignment of a former branch railway line which is now long since vegetated. Further paddock land not within the application site lies to the immediate rear.

2.2 The site is framed on either side by dwellings, whilst a former poultry farm with farmhouse lies further to the north and east and a storage and distribution centre lies further to the south. A long row of recently constructed dwellings designed in somewhat harsh contemporary style stand at right angles to Old Mead Road opposite the site running parallel with the main railway line, whilst a shorter row of established dwellings extend along Old Mead Road on the north side of this new housing development.

3. PROPOSAL

3.1 This outline application relates to the erection of up to 6 dwellings with all matters reserved except access and scale with associated works. Indicative drawings have been submitted which show how up to six dwellings with detached garages, hardstandings and shared service road from Old Mead Road could be accommodated at the site and the type of dwellings envisaged, which are shown indicatively as two pairs of semi-detached dwellings and two chalet style detached dwellings comprising two house types as 3 and 4 bedroomed units. It is indicatively stated that the dwellings would be externally clad in brick, render and cladding, although appearance is a reserved matter.

- 3.2 A wildflower meadow is shown indicated on the drawings extending as a very long “buffer strip” eastwards from the rear boundary of the site, although this shown feature does not form part of the application site itself (but see section on ecology further in this report).

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

5. APPLICANT’S CASE

- 5.1 The application is accompanied by a planning supporting statement (Sworders, October 2019) which describes the site and its surroundings, the submitted scheme, the planning merits of the proposal with reference to the relevant planning issues, including consideration of the principle of development, access and scale, national and local planning policy and other material considerations. The statement concludes as follows,

“In conclusion, it is clear that in the context of paragraph 11 of the NPPF the adverse impacts of the proposal would not ‘significantly and demonstrably’ outweigh the benefits when assessed against the policies in the NPPF as a whole, and as such the proposal benefits from the presumption in favour of sustainable development and outline planning permission should be granted”.

- 5.2 The application is also accompanied by a Highway Impact Statement (Bancroft - revised November 2019) and a Preliminary Ecological Assessment (T4 Ecology Ltd, July 2019).

6. RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history relating to this undeveloped site. However, relevant to the current application is approved application ref; UTT/18/3370/OP for the erection of up to 9 no. frontage dwellings involving the demolition of existing poultry buildings on “Land South Of The Farmhouse, Old Mead Road, Henham” situated to the immediate north of the current proposal site, save for a dividing frontage dwelling within separate ownership positioned in between.

- 6.2 The committee report for that approved housing scheme remarked that the site was located within a five minute walk of Eisenham train station within reasonably close walking distance to village services and amenities, notwithstanding that the site was outside development limits and ULP Policy S7 applied. As such, it was considered that that the site could be regarded as being within a reasonably sustainable location relative to this sustainable transport mode and local services, albeit that the site lay north of the railway crossing. The report added that local combined bus and rail provision was deemed to provide a sufficient level of sustainable modes of choice for local residents and that other existing residential

properties within the vicinity of the site were located a similar distance away and therefore this locational benefit should be seen favourably.

- 6.3 Whilst the same report accepted that the proposed dwellings would encroach into a rural area, it was considered that a line of appropriately scaled dwellings along Old Mead Road which would be “book-ended” by The Farmhouse at the northern end of the site to provide a “stop” to the development and a dwelling at the southern end, with the rear boundary line of the development site being strongly landscaped would have less environmental impact in relative terms than the existing poultry building complex and was therefore a material consideration of weight in the tilted planning balance for that proposal.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy H1 – Housing Development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy ENV10 – Noise
ULP Policy ENV14 – Contaminated Land
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards

National Policies

NPPF

Other Material Considerations

Essex Design Guide
ECC Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

8.1 Henham Parish Council:

- The speed survey results of the highways impact assessment are unsound due to the sample size being too small and the limited sample time chosen is not representative as the majority of vehicle movements are in morning and evening peak times.
- Concerns regarding the chosen access point to the development due to safety and visibility of vehicles when leaving the site.

Elsenham Parish Council:

- It is essential that the developer adheres to UDC’s own local parking standards and enough parking spaces are allotted, including visitor/unallocated parking. There should be no parking allowed on the

road, which is close to the railway station, and is a rural, narrow and winding road.

- The access point is of concern; the visibility is very limited when leaving the site.
- It is noted that there are no garden sizes shown on the planning application. It is expected that the Essex Design Guide will be adhered too.

9. CONSULTATIONS

Network Rail

9.1 No objections.

NATS

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

MAG Stansted Airport

9.3 The Safeguarding Authority for Stansted Airport has assessed this proposal and it's potential to conflict aerodrome Safeguarding criteria and has no aerodrome safeguarding objections to this proposal.

ECC Highways

9.4 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions. It can confirm that it has no additional comments to add to the receipt of the revised highway impact statement (Bancroft) dated November 2019.

ECC Ecology

9.5 No ecology objections subject to securing biodiversity mitigation and enhancement measures as referenced in the submitted Preliminary Ecological assessment.

ECC Archaeology

9.6 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation. Reason: The proposed development lies within an area of known sensitive archaeological deposits.

UDC Environmental Health Officer

9.7 This is an outline application for the development of a site, parts of which have links to use for poultry farming and as a former railway line, to provide up to 6 new dwellings. The site lies some 40m to the east of an existing railway line and some 30-35m north of a small industrial estate which accommodates several different commercial units.

Land Contamination:

- 9.8 No contaminated land assessment has been submitted in relation to this site. The site has a history associated with use as a commercial poultry farm, with the southern part of the site comprising land which was formerly part of a railway line. Both uses have the potential to give rise to historic contamination risks and therefore in the absence of at least a detailed Phase I Desk Top Study the assertion in the Planning Statement that the site has a low risk of contamination is at best presumptive and premature without robust evidence to support it. It should also be remembered that there is an existing industrial estate some 30-35m to the south of the site which is a potential source of off-site contamination.
- 9.9 As such, and in view of the contamination-sensitive proposed end residential use with gardens over the whole site, it is essential to ensure that any contamination risks (both on-site and off-site) are identified and assessed, and where necessary remediated, to render the site suitable for its intended use. Whilst it is always preferable to be fully informed of any potential contamination risks and the need (and economic viability) for any remediation works front end, this is a matter that can be controlled by way of a suitably worded five part contamination condition to identify and remove any contamination risks.

Noise:

- 9.10 The site lies some 40m to the east of an existing railway line which will be an intermittent noise source, as will noise from the more distant M11 which will provide a more pervasive contribution to the ambient noise environment. Old Mead Road itself will also be a source of transport noise, particularly when used by HGVs accessing the industrial estates to the immediate south and south-west of the site. Planning permission was granted for the development of a site to the north for up to 9 dwellings under UTT/18/3370/OP, and this included a condition requiring the submission of a scheme for noise mitigation against transport noise sources.
- 9.11 However, the application site is located further south and much closer to an existing industrial/commercial estate, with the service yard to the estate just some 30-35m from the boundary of the site. The rear aspects and gardens of the proposed dwellings will have a line of site and therefore be exposed to noise arising from activities on the industrial estate. Commercial noise is very different in nature and impact to transport noise sources, which are generally considered more steady and anonymous. Commercial noise can contain a range of elements to make it more distinguishable and intrusive, and can arise at noise sensitive times (early morning, late evenings, night-time and weekends) and the proximity to the site in question means that any noise that arises from the site could impact on future residential occupiers.
- 9.12 Whilst it is noted that there are some existing dwellings in the vicinity of the industrial estate, the application is seeking to introduce new noise sensitive receptors at this location. As such, there is both the risk of noise impacts on future occupiers, together with the risk to established and lawful businesses if complaints were to arise from these new receptors about noise from commercial operations which could result in restrictions having to be placed on the businesses under noise nuisance legislation. This would be contrary to the provisions of paragraph 182 of the revised NPPF.
- 9.13 It is for these reasons that a robust noise impact assessment needs to be undertaken of both transport and commercial noise sources as they impact on the application site prior to any permission being granted. I am therefore unable to

support the application in the absence of the required noise impact assessment and object to it as presently submitted. Should, however, you be minded to grant permission for the development as proposed, I would recommend that a noise condition is attached to any permission granted.

10. REPRESENTATIONS

- 10.1 No representations received either for or against the proposal following advertising and publicity of the application and neighbour notification.

11. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S7, H1, ENV10 and GEN3);
- B Whether proposed access arrangements would be acceptable (ULP Policy GEN1);
- C Whether the indicative housing layout shows that the proposed development could be satisfactorily accommodated at the site (ULP Policies GEN2 and GEN8);
- D Housing Mix (ULP Policy H10);
- E Infrastructure provision - affordable housing requirements / highway contributions (footpath link) (ULP Policies GEN6, H9 and GEN1);
- F Impact on residential amenity (ULP Policy GEN2);
- G Impact on protected/priority species (ULP Policy GEN7).
- H Contamination risk (ULP Policy ENV14).

A Principle of development (NPPF, ULP Policies S7, H1, ENV10, ENV14 and GEN3)

- 11.1 The NPPF has a presumption in favour of sustainable development whereby paragraph 11 of the Framework states that LPA's should approve development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining planning applications are out of date to grant planning permission unless i) the application policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.
- 11.2 The site is within a five minute walk of Elsenham train station and is within reasonably close walking distance to village services and amenities. As with approved application UTT/18/3370/OP for the erection of 9 dwellings as referenced in the relevant planning history above, it is considered that the site can be regarded as being within a reasonably sustainable position relative to this sustainable transport mode and these local services. The social objective of the NPPF would therefore be met. The economic strand would also be met from employment arising from the development build itself and the probability of some reliance by the occupiers of the dwellings on local services and amenities, although this would not be significant in itself.
- 11.3 The site lies outside development limits and is therefore within the countryside for the purposes of definition for ULP Policy S7, which states that the countryside will be protected for its own sake and that development, including new housing, will not be permitted unless it needs to take place there or is appropriate

to a rural area. As such, the proposal is contrary Policy S7. However, this policy has been found to be partially consistent with the NPPF which takes a more positive stance towards housebuilding in the rural areas if it can be demonstrated that this would meet sustainability objectives.

- 11.4 The proposed dwellings would line the east side of Old Mead Road between a two storey dwelling to the north and two bungalows to the south and would face onto the line of the new two storey dwellings constructed on the west side of the road. A material consideration in this instance is the outline grant of permission by the Council in 2019 for the erection of 9 no. dwellings for former poultry land just to the north of the application site under ref; UTT/18/3370/OP which, if subsequently built pursuant to the grant of any reserved matters application, would also face Old Mead Road in linear fashion meaning that the proposed 6 no. dwellings proposed for the current application site would extend this line southwards towards the level crossing. The site is currently flat paddock land and does not have any high environmental value and it is considered that the development would not give rise to any significant or demonstrable environmental harm. As such, it is considered that the environmental objective of the NPPF would be met whereby paragraph 118 of the Framework states that planning policies and decisions should *“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing...”*.
- 11.5 Concerns have been raised by the Council’s EHO over the impacts of noise and contamination for the proposed development given the closeness of the site to the London-Cambridge railway line and to a large storage and distribution depot to the south of the site. To some extent, the site has been shielded by train/track noise from the railway by the new linear residential development which has been constructed opposite the site, although clearly noise from this noise source would still be audible from the site. There would also be noise transmitted associated with the normal working operations of the storage and distribution depot.
- 11.6 Whilst emphasising these noise sources and the effects they could have on the living conditions of occupants of the proposed dwellings, the Council’s EHO has commented that a noise assessment report could be submitted at subsequent reserved matters stage for LPA approval so that appropriate noise attenuation measures could be incorporated into any final approved build scheme for the site where it is noted that the same stance was applied by officers to the 9 dwelling scheme approved under ref; UTT/18/3370/OP. No noise objections are therefore raised at this outline stage under ULP Policy ENV10 subject to the recommended noise condition being imposed.
- 11.7 The site is located within Flood Zone 1 which represents the lowest risk of flooding. As such, the site is not at risk of fluvial flooding and no objections are raised in this respect under ULP Policy GEN3.
- 11.8 Given the above planning assessment, it is considered that the principle of housing development at this undeveloped frontage site within a sustainable location close to the railway station and nearby local services through the introduction of up to six dwellings is considered acceptable against national and local plan policy.

B Whether proposed access arrangements would be acceptable (ULP Policy GEN1)

- 11.9 The proposed development would be served by a new vehicular access and shared service road leading from Old Mead Road, which is a class 3 local connector road between Elsenham and Henham, and where a 40mph speed limit exists along this section of road outside the site. The new access would be formed across a frontage ditch equidistant between the northern and southern flank boundaries of the site, whilst the new service road would extend in front of the new residential properties whereby this indicated new access and frontage service road arrangement would be the same access layout form as shown for approved outline application UTT/18/3370/OP for 9 dwellings to the north of the site as referenced above.
- 11.10 ECC highways have been consulted on the application and have reviewed the submitted highway impact assessment submitted with the application (Bancroft) which was revised in November 2019. They have commented that they have no objections to the proposal on highway safety grounds subject to appropriate conditions, including (1) that prior to occupation of the development that the new access at its centre line be provided with a clear to ground visibility splay and that such vehicular visibility splays be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times and (2) prior to the occupation of any of the proposed dwellings, the proposed private drive be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate vehicular crossing of the verge.
- 11.11 The comments from Henham Parish Council and Elsenham Parish Council about the suitability of the proposed access point for the proposed development along Old Mead Road in terms of site visibility have been noted whereby it should be emphasised that the road at the southern end of the site gently rises and dips outside the indicated vehicular access location into the development site to take account of the alignment of the former railway line. However, it is considered that a highways reason for refusal or a request for the access position to be moved from its currently shown position along the road frontage to take account for this situation cannot be reasonably justified in light of the lack of a highway safety reason for refusal by ECC Highways and no objections are raised under ULP Policy GEN1.

C Whether the indicative housing layout shows that the proposed development could be satisfactorily accommodated at the site (ULP Policies GEN2 and GEN8)

- 11.12 The submitted housing scheme is for up to six dwellings whereby layout revisions have been made to the indicative site layout subsequent to application submission, albeit that Layout is a reserved matter. The dwellings are shown in a line with the exception of the southernmost dwelling which would be set back slightly from the others whereby all of the dwellings would face onto the frontage shared service road. The scale of the dwellings has been indicated whereby Scale falls to be considered for this outline application. The dwellings are shown in 1½ storey chalet style form of two different house types which is considered to be an appropriate scale and built form for this section of Old Mead Road where a mix of bungalows and two storey frontage dwellings make up the established pattern of housing, but with also the more imposing and harsher two storey new development now built opposite the site.
- 11.13 All of the dwellings as indicated would have private rear garden amenity spaces exceeding 100sqm in accordance with the Essex Design Guide minimum garden

standards, albeit that one of the gardens is shown slightly tight by way of comparison with the others. All of the dwellings would have the appropriate level of parking provision for 3 and 4 bed roomed dwellings either in the form of 7m x 3m single detached garages or frontage 5.5m x 2.9m hardstanding spaces to comply with Essex and Uttlesford adopted parking standards where there would be slight over parking provision for the layout as a whole which would allow for visitor parking provision. The indicative housing layout therefore shows that the proposed development could be satisfactorily accommodated at the site and no objections are raised under ULP Policies GEN2 and GEN8 in terms of scale. Landscaping is a reserved matter.

D Housing Mix (ULP Policy H10)

- 11.14 The indicative scheme as submitted shows two house types which would comprise 2 no. x 3 bed units and 4 no. x 4 bed units (6 no. total). This housing mix is considered acceptable for this location and no objections are raised under ULP Policy H10, although housing mix is strictly an issue for a reserved matter application.

E Infrastructure provision - affordable housing requirements / highway contributions (footpath link) (ULP Policies GEN6, H9 and GEN1)

(Members deferment from 1 July 2020 meeting for further consideration of this issue).

- 11.15 The outline application as submitted does not include provision for any affordable housing on the basis that the number of dwellings proposed is “up to 6 dwellings” and therefore falls below the 15 no. dwellings or more threshold at which point 40% affordable housing provision may be sought by the Council for housing developments via a legal obligation where this policy requirement is set out in the preamble for ULP Policy H9 of the adopted Local Plan, whilst the stated site area for the application as edged in red at 0.44 ha falls below the 0.5 ha threshold as similarly stated in the policy preamble.
- 11.16 It is the case that the red line area shown for the current application site is not physically contiguous with the red line area shown for approved application UTT/18/3370/OP for the erection of 9 dwellings whereby the two sites are physically divided by a dwelling in the middle (The Chalet) which Land Registry enquiries have confirmed is within separate ownership, having been sold by Elsenham Nurseries And Poultry Farm Limited, the applicant for both the current application and the approved application, in 2005. However, it is also the case that the blue land for Elsenham Nurseries & Poultry Farm (i.e. that land within the applicant’s ownership or control) encompasses both the current application site and the approved application site. Given this, given that the number of dwellings proposed for both sites combined would exceed 15, and given that the site area for both sites would exceed 0.5 ha, it falls to be considered whether in the circumstances the sites can be reasonably described as being a conjoined site for the purposes of requiring affordable housing and whether it can be asserted from this that the current application can be described as contrived by avoiding such a legal obligation.
- 11.17 Further to Members’ request for officers to further explore the issue of any affordable housing requirements which may fall due for the application site, the applicant in response to this request has sought its own legal opinion on this issue and an opinion was received by the Council on 4 August 2020 which officers have

read. The opinion provides an analysis making reference to the High Court case in *R on the application of Westminster City Council v Secretary of State for Transport, Local government and the Regions and Brandford Ltd (2020)* where this court decision has been relied upon for the cited case of *New Dawn Homes Ltd v Secretary of State for Communities and Local Government and Tewksbury Borough Council (2016)* and where the opinion draws a clear distinction between the facts in the New Dawn Homes Ltd. case and the current planning application at Old Mead Road, Henham.

- 11.18 It is asserted within the analysis for the received legal opinion by applying the tests within the *Westminster City Council v Secretary of State for Transport, Local Government and the Regions and Brandford Ltd* to the current application that;
- (i) The Council's ULP Policy H9 does not contain any wording to provide that separate sites which come forward can be regarded as part of an overall phased development;
 - (ii) The fact that the northern and southern sites are within the same ownership cannot as a matter of law amount in itself to a reason to amalgamate those sites;
 - (iii) The northern and southern sites form part of a larger holding that is within a single ownership, but are separated by some distance by a detached house and garden which were sold off several years ago. The northern and southern sites do not share any common boundaries.
 - (iv) The northern and southern sites will be developed separately. The northern site is currently the subject of an offer to purchase by a developer – contracts are expected to be exchanged in two months. The purchaser is already working up the reserved matters application. In contrast to the New Dawn Homes Ltd. case, the northern and southern sites will form separate building sites, each with its own access, and will be developed independently.
- 11.19 The opinion adds that the only criterion in the *Brandford* decision which would arise with the current planning application is the single ownership point, but where this is not in itself sufficient to justify combining the approved application site under ref; UTT/18/3370/OP and the current application under consideration by the Council for the purposes of the affordable housing threshold under ULP Policy H9. The opinion concludes from the analysis that *"There is therefore no proper basis on which the District Council could conclude that the development of the southern site should be required to make provision for on-site or off-site affordable housing"*.
- 11.20 Though the legal opinion obtained by the applicant is by its nature self-serving, the fact remains that each planning decision must be considered on its own merits and that the current site and that consented under UTT/18/3370/OP do not have a common boundary. Further, it is also a fact that the two sites are separated by a substantial plot of land in third party ownership, and, given that the registered title at HMLR shows the current owner of the property was registered as such in 2005, the argument that this might be a sham transaction is not even remotely tenable. Any argument that the cumulative impact of the two developments would give rise to an affordable housing requirement when the issue of vacant building credits (see post) is also taken into consideration, is doomed to fail at appeal.

11.21 Turning to the issue of vacant building credits (VBC's), the applicant has provided the Council with a breakdown comparison calculation showing the amount of floorspace which represented the old poultry buildings which stood on previously developed land on the site of approved application UTT/18/3370/OP versus the estimated combined floorspace of the dwellings shown for UTT/18/3370/OP and the current application. It should be emphasised for this calculation process that the floorspace for the proposed dwellings on both sites are shown in indicative form only given the outline nature of both applications.

11.22 In summarised form, the calculations are shown as follows:

(Difference between proposed and existing floorspace / proposed floorspace) x policy requirement)

<https://lichfields.uk/blog/2020/january/23/vacant-building-credit-in-2020/>

1486 / 3636 x 0.40 = **0.16**

0.16 X 6 (proposed units) = 96% of an affordable unit.

11.23 It will be seen from this VBC's calculation that the difference between the existing (former) poultry building floorspace and the indicative floorspace for the proposed dwellings combined equates to the requirement for 0.96, or if rounded up, 1 no. affordable housing unit for the current application site. It is considered from this exercise that the provision of a single unit of affordable housing accommodation would be both unviable for any registered social landlord and unattractive to any potential occupant, whilst also being unsuitable for the current application as a small housing development sited north of the level crossing whereby it should be noted that the 9 no. dwelling housing scheme approved under UTT/18/3370/OP does not provide for any affordable housing. This view is reinforced by the preamble to ULP Policy H9 which states that "*Appropriate sites should still be large enough to ensure a viable scheme and not lead to the provision of only 1 or 2 affordable units on a site which would lead to a fragmented approach to affordable housing in the rural areas*".

11.24 Paragraphs 54, 55 and 56 of the NPPF give advice on planning conditions and obligations whereby paragraph 56 states that planning obligations must only be sought where they meet all of the following tests;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

A development shall also be required to meet the CIL requirements test under Regulation 122.

11.25 At their meeting on 1 July 2020, Members sought clarification from their officers for the current proposal as to whether it would be possible to require the applicant to provide a footpath link to the station from the application site as a potential s106 infrastructure contribution so as to provide better pedestrian access to and from the site to Station Road where currently there are no footpaths on either side of Old Mead Road leading northwards along the lane from the level crossing.

11.26 The Council has since received a communication from the applicant in response to Members' request which states as follows;

“In response to the suggestion of the provision of a new public footpath from this site, presumably to the train station, we could not agree to this. The footpath would be on third party land outside of the applicant’s control. It would likely be on private land in part and would cost a significant sum. A footpath was not required for the 4 dwellings at Cott Moor, the 9 dwellings further north of this site by the same applicant, nor the 16 dwellings opposite. It would seem somewhat inconsistent to require a footpath now on this application for 6 units, which is closer to the train station than these other consents.

To my mind, this request would also not meet the tests set out in paragraph 56 of the NPPF, which I have replicated below (along with paras 54 & 55) as this development is not unacceptable in principle without the provision of a footpath; this is suggested by the officer’s recommendation and the previous approvals by the planning committee at Cott Moor for 4 dwellings and the 9 dwellings to the land north of this site. A requirement for a footpath would seem entirely unreasonable in the circumstances”.

11.27 Officers have duly considered Members’ request and also the response from the applicant and consider that it would be both inappropriate and unreasonable in the circumstances to provide such a footpath link for the reasons as set out in the applicant’s response whether this provision would be desirable or not in the interests of sustainable transport and that to require one would be contrary to the advice contained within paragraph 56 of the NPPF and would also fail to meet the CIL test under Regulation 122.

11.28 In conclusion to this section, therefore, it is considered in light of the reasons set out above that it would be inappropriate under ULP Policies GEN6, H9 and GEN1 for the Council to require the applicant to provide on-site affordable housing at the application site, or in the alternative to require an off-site S106 commuted sum contribution, and that it would be both unreasonable and inappropriate for the Council to ask the applicant to provide a footpath link from the site to the train station where this would be against NPPF advice and be contrary to CIL requirements.

F Impact on residential amenity (ULP Policy GEN2)

11.29 Impact on residential amenity can only be properly considered at reserved matters stage. However, the indicated site layout and house types show that there would unlikely to be any intra-site amenity issues, whilst there would not be any overlooking/loss of privacy issues arising from adjoining residential properties into the development site due to mature hedged and vegetated flank boundaries to the site (ULP Policy GEN2).

G Impact on protected species (ULP Policy GEN7)

11.30 The site comprises undeveloped paddock land with trees and bushes along its southern boundary and has been found following a Preliminary Ecological Assessment (PEA) not to contain any habitats which are conducive to protected or priority species, whilst the assessment further states that the development would not impact on any known nearby species sites. As such, the assessment advises that no further species surveys are necessary.

11.31 The PEA report adds that there is an opportunity through the development proposal to provide a net gain for biodiversity at the site given the present low

levels of natural habitats and recommends various biodiversity measures as to how these net gains could be achieved, including the planting of a wildflower meadow to the rear of the site on land which is within the same ownership and control as the applicant whereby this proposed meadow is shown on the submitted site layout drawing. ECC Place Services have reviewed the PEA and are satisfied that there is sufficient information to enable the application to be determined and have recommended ecology conditions to reflect the recommendations made in the PEA report. No objections are raised under ULP Policy GEN7 on this basis.

H Contamination risk (ULP Policy ENV14)

- 11.32 The curved southern end of the site comprises part of the former branch railway line which led off from Elsenham Station to Thaxted. Therefore, it is likely as the Council's EHO advises that the site will contain historic contamination as a result of this historic land use. The remainder of the site is set to paddock, although appears to have previously formed part of the wider former poultry farm to the north and east. The EHO has advised that any contamination which does exist at the site would need to be investigated and remediated, but that this could be achieved via the normal contamination/remediation four stage condition and no health objections are therefore raised under ULP Policy ENV14 subject to this condition being imposed.

12. CONCLUSION

- 12.1 The proposal is considered acceptable in principle subject to appropriate planning conditions being imposed whereby pre-commencement conditions have been agreed with the applicant.

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

- A The principle of frontage residential development at this sustainable edge of village location within a low risk flood zone is considered acceptable. The raised issue of noise can be addressed through planning conditions.
- B The proposed access arrangements are considered acceptable.
- C The scale of the development is considered acceptable.
- D The housing mix is considered acceptable.
- E it would be inappropriate for the Council to require the applicant to provide on-site affordable housing at the application site, or in the alternative to require an off-site S106 commuted sum contribution, and that it would be both unreasonable and inappropriate for the Council to ask the applicant to provide a footpath link from the site to the train station where this would be against NPPF advice and be contrary to CIL requirements.
- F Impacts on residential amenity are likely to be negligible.
- G The development would not be harmful to protected or priority species whereby the proposal makes provision for off-site bio-diversity enhancements and net gains (wildflower meadow).

- H Historic contamination which is likely to exist on the site due to its former poultry use and existence of a former railway branch line can be appropriately remediated by conditions at reserved matters stage.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

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

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

4. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay as shown on DWG no. F19096/01 ("Proposed site access and horizontal visibility assessment" dated 15/08/19). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

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

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

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

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

7. Prior to commencement of the development, a scheme supported by a robust noise assessment shall be submitted for the protection of the dwellings from noise arising from the adjacent industrial and commercial units and road & rail transport noise sources for approval in writing by the Local Planning Authority. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

REASON: To provide reasonable living standards within an acoustic environment for the occupiers of the dwellings in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development does not prejudice the living standards and well-being of future occupants of the proposed dwellings.

8. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

- A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
- A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
- A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
- If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

- A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

Pre-commencement condition justification: To ensure that the development does not prejudice the health and well-being of future occupants.

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4ecology Ltd, July 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes due diligence for transitory mammals and nesting birds.

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

10. Prior to commencement of development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

Pre-commencement condition justification: To ensure that biodiversity gains can be achieved for the proposed development.

11. Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior 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)

12. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits. Cropmarks evidence within the proposed development indicates the potential of enclosures and a possible ring ditch to the east of the proposed (EHER 18898). Excavations to the south west of the proposed development identified Roman activity and medieval features indicative of a medieval settlement (EHER 48393). There is therefore the potential for multi-period deposits being impacted on by the proposed development (ULP Policy ENV4).

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

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD "Accessible Homes and Playspace"

14. Prior to dwelling occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

UTT/20/1270/HHF - (DEBDEN)

(Referred to Committee as related to staff member)

This application was deferred from Planning Committee on 9.9.20 to allow members to visit the site

PROPOSAL: Demolition of outbuilding and erection of two storey side extension and a lean to timber clad single storey side extension to create a storage area

LOCATION: Victoria Cottage, Deynes Road, Debden, CB11 3LG

APPLICANT: Mr Jamie Millership

AGENT: Mr Danny Sutton

EXPIRY DATE: 28 July 2020 (Extension of time agreed 14 September 2020)

CASE OFFICER: Rosemary Clark

1. NOTATION

1.1 Within Development Limits, adjacent to Listed Buildings

2. DESCRIPTION OF SITE

2.1 The application site comprises a detached two-storey dwelling situated within the rural village of Debden on Deynes Road to the north of the High Street. The properties on Deynes Road vary in styles and sizes. To the rear of the site is The Maltings a terrace of cottages and beyond that the recreation ground. A pedestrian path runs to the west of the site. To the west of the site is a range of Grade II Listed Buildings.

3. PROPOSAL

3.1 This application relates to the demolition of an outbuilding to the east and the construction of a two storey side extension to the side (east) elevation and a lean to extension to the side (west) elevation to create a storage space.

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 None

6. RELEVANT SITE HISTORY

6.1 UTT/13/3360/HHF – Demolition of single storey rear and erection of two storey rear extension – approved 13.3.14

7. POLICIES

7.1 National Policies

7.2 National Planning Policy Framework (2018)

7.3 Uttlesford Local Plan (2005)

Policy S3 – Within Development Limits

Policy GEN2 – Design

Policy H8 – Extensions

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 – Development affecting setting of listed building

Supplementary Planning Document – SPD1 – Home Extensions

8. PARISH COUNCIL COMMENTS

8.1 Debden Parish Council do not wish to submit any comments - expiry date 02.7.20 – Re-consulted on revised plans – expiry date 23.7.20

9.0 CONSULTATIONS

9.1 Conservation Officer

The building is not listed, however it is adjacent to the group listed of the 'L' shaped range of houses including Shirley to the west, Grade II listed (entry number: 1305861). The building is visible through cartographic evidence from the late nineteenth century (OS 25inch, 1892-1914), where it denoted the edge of the settlement, therefore it is considered a non-designated heritage asset. The proposed single-storey extension is upon the west elevation of the building, immediately adjacent to the designated heritage asset. Furthermore, it will introduce built form closer to the listed building, impacting the experience and relationship of the heritage asset within its setting.

Regarding the two-storey extension, the design is considered to not be in keeping with the character of the area or to preserve the special interest of the non-designated heritage asset. Victoria Cottage is a modest building with a rendered external face. The proposed prominently features timber cladding which is not viewed as a sensitive approach towards an extension upon this modest building. The proposed scale of the two-storey extension should be reduced in ridge height and it is preferred to not feature a dormer. Specified materials should match existing where possible in order to preserve the character of the building (Paragraph 127c of the NPPF 2019).

I am unable to support the proposed. The proposals would, in my opinion, fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the

NPPF, the level of harm to the designated heritage is considered to be 'less than substantial' (Para. 196). Furthermore, the proposed would cause harm to the significance of a non-designated heritage asset, therefore Paragraph 197 is relevant.

9.2 Nats

No safeguarding objection

9.3 Highways

The initial proposal raised concerns from Highways regarding parking provision and land ownership. The proposal has been revised and Highways re-consulted. They raise no objection to the revised proposals as shown on DWG no. 1015-20.PL.008REV.A

10 REPRESENTATIONS

10.1 Neighbouring properties consultation-
Expiry date 25.6.20, re-consulted on revised plans expiry 23.7.20 – No comments received

10.2 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 development (NPPF, ULP Policies S3, GEN2, H8, SPD1, NPPF)
- B Whether the proposal would have a detrimental impact on the historic fabric, character or appearance of the listed building and the character of the surrounding conservation area as outlined in Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policies ENV2, NPPF).
- C Whether the proposal would adversely impact neighbouring residential amenity (GEN2 and H8)
- D Whether the proposal would adversely impact parking provision (GEN8)
- E Other matters

A The principle of development (NPPF, ULP Policies S3, GEN2, H8 and SPD1, NPPF)

- 11.1 The dwelling is situated within the development limits of Debden, therefore the principle of modest extensions and alterations is acceptable in accordance with ULP Policy S3.
- 11.2 Local Plan Policies GEN2 and H8 as well as the Supplementary Planning Document (SPD) – Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance, in addition the SPD required that all development should respect the scale, height and proportions of the original house.
- 11.3 It is acknowledged that the property has previously been extended to the rear. However, the cumulative increase in footprint would not be excessive and out of proportion with the original property. A small outbuilding to the east will be removed

and replaced with the two storey side extension.

- 11.4 The two storey side extension is set back 1.9m from the front elevation, 1m in from the rear at two storey level and is set down from the original ridge height of the existing dwelling. Dormer windows will feature to the front and rear with a double casement obscure glazed window to the side. The roof has been hipped to reduce the impact of the new extensions and it is considered that the proposed two storey extension is a subservient addition to this property.
- 11.5 The lean-to proposal to the west (side) elevation would replace an existing area of close boarded fencing and standard garden shed. This modest structure will be finished in black weatherboarding and will have the appearance of an outbuilding, albeit attached to the property. It is considered that this proposal for a designated storage area would be an improvement to the existing fencing and garden shed and therefore would not adversely impact the character and appearance of the dwelling or the locality.
- 11.6 There would be sufficient amenity space remaining as a result of this proposal, in line with advice from the Essex Design Guide.

B Whether the proposal would have a detrimental impact on the historic fabric, character or appearance of the listed building and the character of the surrounding conservation area as outlined in Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policies ENV1, ENV2, NPPF).

- 11.7 The Conservation Team have made comments regarding this proposal. Whilst these comments have been noted it is considered that the single storey lean-to extension would not be unduly harmful to the setting of the listed building that is some 3m away and would be more aesthetically pleasing than the existing boundary treatment. The two-storey extension has been set back and down making it subservient and given the variety of styles and sizes of the surrounding properties, this proposal would not be unduly harmful to any neighbouring listed buildings.
- 11.8 The extensions have been sympathetically designed to not harm the character and appearance of the original dwelling. Due to the distance and the nature of the proposal in relation to the neighbouring Listed Buildings it is not considered that the proposal would be unduly harmful to the character and setting of the adjacent listed buildings. Therefore in this instance it is considered that it would be unreasonable to refuse the proposals as being harmful to the listed buildings or the existing non-designated heritage asset of the property itself, in accordance with Policy ENV2 and the NPPF

C Whether the proposal would adversely impact the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing (ULP Policy GEN2, H8, SPD1)

- 11.9 Due to the location of the proposals there would be no adverse impact on the residential amenity of any neighbouring properties. As discussed in paragraph 11.3 and 11.4 it is considered that the street scene as a whole would not be unduly harmed as a result of this proposal.

D Whether the proposal would adversely impact Parking Provision (ULP GEN8)

- 11.10 The proposals would not reduce the amount of parking provision currently provided.

The property would remain as a three-bedroomed dwelling house with the two parking spaces to the side remaining. Therefore it would be unreasonable to insist on any additional parking. ECC Highways have been consulted and raise no objections to the revised proposals.

E Any other material considerations and other matters

- 11.11 Due to restrictions caused by the COVID 19 pandemic it is was not possible to carry out a site visit. Sufficient information including photographs were supplied by the agent. In this instance, it was not considered that a site visit was required in order to make the assessment.

12. CONCLUSION

- 12.1 In conclusion, the proposal is considered an appropriate form of development that would represent an acceptable scheme in terms of the dwellinghouse and its surroundings. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

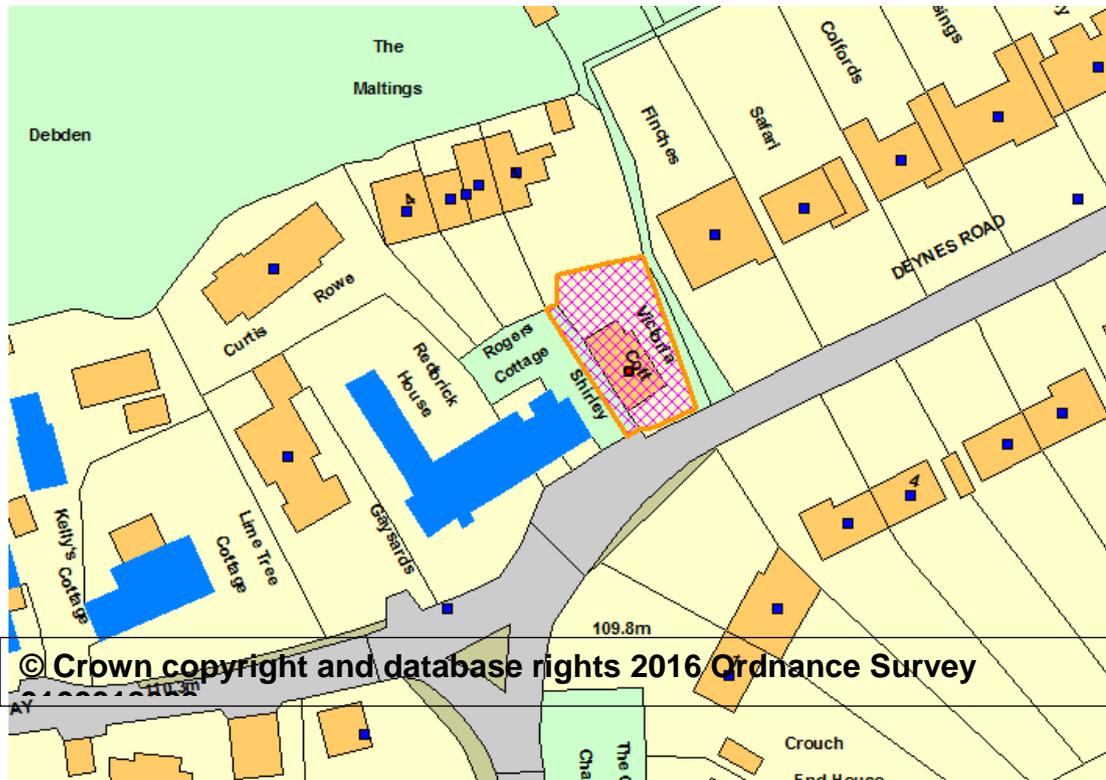
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. The materials to be used shall match those of the existing dwelling with timber featheredge boarding to the single storey side extension to the west unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the appearance of the dwelling in accordance with ULP Policy GEN2.

UTT/20/1270/HHF



Organisation: Uttlesford District Council
Department: Planning
Date: 27 August 2020

UTT/19/1437/FUL

(MAJOR)

PROPOSAL: Demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping

LOCATION: 77 High Street, Great Dunmow, CM6 1AE

APPLICANT: K & J Archer & McCarthy And Stone

AGENT: The Planning Bureau Ltd.

EXPIRY DATE: 16.09.2019 (EOT 5th October 2020)

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Within Development Limits. Tree preservation. Groundwater Protection Zone. Conservation Area. Within 500m of Pollution Control Site. Archaeological Site. Listed building adjacent to site access.

2. DESCRIPTION OF SITE

- 2.1 The site is located to the southeast edge of the town centre, on the north eastern side of the High Street to the rear of 77 High Street, adjacent to the Great Dunmow conservation Area
- 2.2 The site is 0.3 hectares, is irregular in shape and has vacant light industrial commercial units associated with a vehicle repair workshop business, which has been vacant for some time.
- 2.3 Access to the site is via a shared driveway from the High Street, between number 75 and 77.
- 2.4 There is a Grade II listed building located adjacent to the south west of the site and further listed buildings located on the opposite side of the High Street.
- 2.5 To all boundaries of the site are residential properties. A car park serving Twyford Court is to the east of the site.
- 2.6 The site levels fall from the south of the site to the north.

3. PROPOSAL

- 3.1 The proposal is for the demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping
- 3.3 The development would consist of 11 x 1 bedroom and 18 x 2 bedroom apartments, a communal lounge, laundry room, guest suite and managers office.

- 3.4 23 parking spaces would be provided together with a communal green space to the rear of the building. There would also be storage and charging points provided for electric mobility scooters.
- 3.5 Access is via the High Street, utilising the existing access and will lead into a 6m wide internal access road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The applicants case is supported by the following documents:

- 5.2
- Design and Access Statement
 - Heritage Statement
 - Land Contamination Assessment
 - Preliminary Ecological Appraisal
 - Statement of Community Involvement
 - Sustainability Appraisal
 - Transport Statement
 - Tree survey
 - Biodiversity Checklist
 - Suds Checklist
 - Viability Assessment
 - Drainage Strategy
 - Flood Risk Assessment
 - Planning Statement
 - Archaeological Desk Based Assessment
 - Bat Survey

6. RELEVANT SITE HISTORY

- 6.1 DUN/004/68: Site for dwelling and workshop. Refused.
- 6.2 DUN/0138/58: Alterations and additions. Unconditional approval.
- 6.3 DUN/0149/51: Formation of new cycle store. Unconditional approval.
- 6.4 DUN/0155/70: Site for dwelling and vehicle workshop. Conditionally approved.
- 6.5 DUN/0182/58: Alterations to form showroom and office. Approved with conditions.
- 6.6 DUN/0226/66: Redevelopment of garage. Approved with conditions.
- 6.7 DUN/0255/59: Erection of new workshop. Approved with conditions.
- 6.8 DUN/0418/67: Formation of workshop stores. Unconditional approval.
- 6.9 UTT/0062/75: Proposed erection of workshops. Conditionally approved.

- 6.10 UTT/0500/02/FUL: Demolition of former filling station and erection of 2 commercial units and 8 two-bed apartments, cycle store, bin store, car parking for 12 cars and alterations to existing access. Conditionally approved.
- 6.11 UTT/0726/78: Erection of workshop buildings for light industrial use. Conditionally approved.
- 6.12 UTT/0855/81: Provision of further workshop space and renewal of existing machine shop for renovation of collectors' cars within existing business curtilage. Conditionally approved.
- 6.13 UTT/1161/87: Installation of an additional underground storage tank. Conditionally approved.
- 6.14 UTT/1233/83: Reposition office and extend showroom area. Petrol sales motor car sales and service. Conditionally approved.
- 6.15 UTT/0731/77: Change of use from office to private hire taxi office. Conditionally approved.
- 6.16 DUN/0182/58: Alterations to form showroom and office. Conditionally approved.
- 6.17 DUN/0255/59: Erection of new workshop. Conditionally approved.

7. POLICIES

National Policies

National Planning Policy Framework (Feb 2019)

Uttlesford Local Plan (2005)

ULP Policy S1- Development Limits for the main urban limits
 ULP Policy H4 – Back land development
 ULP Policy H9 – Affordable Housing
 ULP Policy ENV3 – Trees and Open Spaces
 ULP Policy GEN1 – Access
 ULP Policy GEN2 – Design
 ULP Policy GEN3 – Flood Risk
 ULP Policy GEN4 – Good neighbourliness
 ULP Policy GEN7 – Natural Conservation
 ULP Policy GEN8 – Vehicle Parking Standards
 ULP Policy GEN6 – Infrastructure Provision to Support Development.
 ULP Policy E2 – Safeguarding of Employment Land
 ULP Policy ENV2 – Development affecting Listed Buildings
 ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance.
 ULP Policy ENV12 – Protection of Water Resources.
 ULP policy ENV14 – Contaminated Land
 ULP policy H1 – Housing Development.
 ULP Policy H3 – New Houses within Development Limits
 ULP Policy ENV1 – Development within Conservation Area.
 ULP Policy E3 – Access to Workplaces.
 ULP Policy GD1 – Town Centre

Great Dunmow Neighbourhood Plan (made 2016)

Policy DS1 - Town Development Area
Policy DS8 – Buildings for Life
Policy DS12 – Eaves Height
Policy DS13 – Rendering Pargetting and Roofing
Policy DS15 – Local Housing Needs
Policy LSC1 – Landscape Setting and Character
Policy NE4 – Screening
Policy DS14 – Integration of Affordable Housing
Policy LSC- A - The Historic Environment
Policy HSTC- E Town Centre Development.
Policy E2 – Loss of employment Land.

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

Other Material Considerations

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

8. TOWN COUNCIL COMMENTS

- 8.1 Great Dunmow Town Council supports this application but has concerns that the number of parking spaces proposed will be insufficient for the number of residents, visitors and staff.

9. CONSULTATIONS

Aerodrome Safeguarding

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal however, we would like to draw the applicant's attention to the requirement within the British Standard Institute Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in proximity to an aerodrome.

ECC Highways

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

ECC Ecology

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

Crime Prevention Officer

- 9.4 It would appear that a number of the ground floor and lower ground floor apartments have external doors opening into public/semi public space increasing

the risk of crime to these properties, we would like to see either these doors changed to windows or this garden area become a secure area. To comment further we would require the finer detail such as the proposed lighting, access control, visitor entry, mail delivery and physical security measures.

Education. Infrastructure Officer

- 9.5 As the proposed development comprises sheltered housing (retirement living) accommodation, an education contribution will not be requested.

ECC SUDS

- 9.6 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to appropriate drainage conditions being imposed on any planning permission being granted.

UDC Housing Enabling Officer

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

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 29 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

This housing scheme is specifically for retired persons over the age of 65 years. The Council would support a mixed tenure scheme, delivering 12, 1 and 2 bed flats for shared ownership with various share tranches from 25% to 75%. This tenure will be in keeping with the aspirations, attitudes, expectations and requirements of private owners and will meet the requirements of the lease.

These 12 flats for shared ownership will meet a strong need in the District of residents in owner occupation who wish to down size whilst having the security and confidence that sheltered housing provides. A one bedroom flat should accommodate 2 adults, whilst a 2 bed flat should accommodate at least 3 adults.

Following the submission of a viability assessment, which has been independently verified, the Council would accept a commuted sum in lieu of on site provision of affordable housing.

Affinity Water

- 9.8 No objections in respect of Assets Affected, Wastewater Services, Used Water Network and Surface Water Disposal subject to appropriate mitigation and Anglian Water informatives.

Environmental Health

- 9.9 No objection subject to imposition of recommended conditions below to address construction environmental and land contamination aspects of the proposed development.

NHS Clinical Commissioning Group

- 9.10 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation

A developer contribution will be required to mitigate the impact of the proposal. West Essex CCG calculates the level of contribution required, in this instance to be a total of £8,850. Payment should be made before the development commences.

West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

ECC Conservation

- 9.11 This application is for the demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping.

The site affected by this application is adjacent to the Great Dunmow Conservation Area, which borders the site to the west. The Grade II listed building Blowers, 75 High Street, is south west of the site (list entry number: 1338199); the site is accessed via a route between 75 and 77 High Street.

Due to the proximity between the site and the Conservation Area, there is the potential for redevelopment of the site to cause harm to the significance of the Conservation Area, altering the way in which it is viewed, interpreted and understood. Similarly, the development could cause harm to the significance of the listed building, detracting from its setting and potentially having direct impact upon the fabric of the building, due to the increased traffic and footfall which will result from the proposals.

At present, there are existing buildings on the site which are not deemed to be of heritage value, therefore I have no objection to their removal. The stable block discussed by the heritage statement is indicative of the past usage of the site and the history of the Conservation Area, I recommend a building recording exercise is conducted prior to demolition of this unit, a level three, analytical record (as per Historic England guidance) should provide the appropriate detail required.

Although large, the proposed new building will not, I feel, cause harm to the significance of the Conservation Area and the neighbouring listed building. The sloped nature of the site and varying roof scape of the surrounding area provides precedent for a varied roof form and proposed height of the new building. Whilst the introduction of crown roofs, with large expanses of flat roofscape, are normally resisted in Conservation Areas, the location of the proposed building, just beyond

the Conservation Area boundary means the crown roof is not a strong cause for concern. The design of the building will also largely hide the crown roof element and breaks up the overall bulk of the building in a manner which responds positively to the surrounding area.

Should the local authority approve the application, I recommend a condition is imposed regarding all external materials of the proposed building, to ensure that appropriate materials are used and to ensure the significance of the Conservation Area is not undermined through the introduction of incongruous elements so close to its boundary.

ECC Archaeology

9.12 No objections subject to a condition securing an Archaeological Programme of Trial Trenching followed by Open Area Excavation

10. REPRESENTATIONS

10.1 Neighbours were notified by letter and site notices were displayed at the front of the site. The application has been advertised and eleven representations have been received. Expiry date 4th December 2019.

Summary of representations received as follows:

Objections:

- No need for development as there is room at the care home next door at Barneston Court.
- Concern that a party wall (over 150 years old) will fall down when buildings are demolished. Would it please be possible for the contractor to issue a method statement on how he will demolish the workshop and garages without the wall falling down as this is over 6 metres high in places. Could this be done before any work is started? I am very concerned about this as from previous experience when the flats were built on my other boundary my drains were cut off the building was too close to my boundary and had to be moved over and the flats with the access through had to be raised as there was not enough headroom for lorries to enter my property. This all involved solicitors and a lot of expenditure.
- Overlooking
- Highway safety. To pedestrians using High Street. The pavement is used heavily by pedestrians. This part of the High Street is very busy all day, particularly in the late afternoon and evening, with drivers pulling up to collect takeaway orders and late hours food shopping. Often there are cars parked both sides of the street, causing visibility problems for through traffic.
- Traffic congestion; Increase in traffic, including delivery vehicles, refuse collection vehicles, congestion in what is already a very busy High Street. Vehicles often park on both sides of the High Street, which causes problems with both visibility and traffic flow

- Access is too narrow. If additional parking and an alternative vehicular access could be found, away from the High Street, it might make the proposed development more viable. Very limited access to the site for construction vehicles.
- Noise during construction as the site is surrounded by residential housing.
- There are insufficient car parking spaces to accommodate residents, staff, visitors and service vehicles
- There is one very narrow entrance between two buildings, one being my shop. I am concerned that my building could be damaged and with the demolition taking place I am concerned that my building will be subject to debris, dirt and pollution.
- Pollution during construction.

In support:

- This site has been unused for a number of years and the proposal would bring much needed specialist housing on this brownfield site. This development would not only help a group of the population that needs this type of housing (especially as the population is ageing) but also bring benefits to the town centre. The residents of these proposed flats would be within walking distance of the towns facilities and will use the local shops which given the decline of many high streets has to be welcomed.
- It would be a great asset to the town
- This would release larger homes that growing families need.
- Diverse communities are known to be the best way forward.
- I support this application for its close proximity to the shops. I live in one of these types of development and know the benefits of retirement living.

11. APPRAISAL

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

- A Principle of development (ULP policies S1, H3, GDNP Policies DS1: TDA, E2)
- B Access (ULP Policy GEN1);
- C Design and impact on adjacent Listed Buildings and character of the Conservation Area. (ULP Policies ENV1, ENV2 and GEN2, GDNP policies DS13, and SPD “Accessible Homes and Playspace”);
- D Vehicle Parking Standards (ULP Policy GEN8);
- E Housing Mix (ULP Policy H10);
- F Affordable housing (ULP Policy H9);
- G Impact on residential amenity (ULP Policy GEN2);
- H Impact on health provision (ULP Policy GEN6);
- I Impact on protected species (ULP Policy GEN7).
- J Flood risk and drainage (ULP policy GEN3)
- K Contaminated Land (ULP policy ENV14)

- A Principle of development (ULP Policies S1, H3, GDNP Policies DS1: TDA, E2
- 11.1 The site is located within the Development Limits of Great Dunmow where adopted Uttlesford Local plan 2005 policy S1 applies. This specifies that development within the existing built up areas, if compatible with the character of the settlement will be permitted.
- 11.2 Additionally Great Dunmow Neighbourhood Plan policy DS1; TDA; Town Development Area is material to the consideration of this application. This policy defines the town Development Area for the purpose of:
- Directing future housing growth in line with allocations set out in the plan
 - Protecting the rural setting of Great Dunmow and
 - Containing the spread of the town by promoting infill within existing built up areas.
- This site is located within the town Development area of the Great Dunmow Neighbourhood Plan.
- 11.3 The National planning Policy Framework 2019 (NPPF) at paragraph 118 also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- Paragraph 121 of the NPPF further states that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this framework and
 - Make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
- 11.4 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 2.68 year land supply. As such the Council cannot demonstrate a five year supply of deliverable housing sites and because the figure is less than three years supply, the added protection of Paragraph 14 would not apply
- 11.5 As such subject to complying with other National and Local planning policies the principle of the development is acceptable.
- B Access (NPPF, ULP Policy GEN1,)
- 11.6 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Great Dunmow NP policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles were in line with the 2012 NPPF and form part of the principles of sustainable development in the 2019 NPPF and as

such are considered to carry full weight.

- 11.7 The proposed development would utilise the existing access onto the High Street and will utilise the existing bellmouth access and lead into a 6m wide internal access road. The access dimensions ensure that two – way vehicle movements in and out of the site can occur.
- 11.8 In order to facilitate walking, a new pedestrian walkway (in the form of a hatched marking area) is proposed from the site to enable safe access to bus stops and also to the wider town facilities.
- 11.9 Ambulance parking area is marked on the plans.
- 11.10 Essex County Council highways officers have no objections to the proposal subject to conditions.
- 11.11 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.
- C Design and impact on adjacent Listed Buildings and character of the Conservation Area. (ULP Policies ENV1, ENV2, GEN2 and SPD “Accessible Homes and Playspace”);
- 11.12 Policy GEN2 of the adopted Local Plan sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.
- 11.13 The site is located adjacent to the Great Dunmow Conservation Area and there are listed buildings located either side of the access and also opposite the access road. Due to the proximity between the site and the conservation Area, there is potential for the redevelopment of the site to cause harm to the significance of the conservation Area.
- 11.14 Local Plan policy ENV2 in relating to Listed Buildings states that “demolition of a listed building, or development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.” Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall “have special regard to the desirability of preserving the building or its setting...” and LPA's are required to apply this statutory advice when determining listed building applications.
Local Plan policy ENV1 further states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features.
- 11.15 The design of the building breaks up the overall bulk of the various elements in a manner which responds positively to the surrounding area. The materials are of traditional materials and would respond well to the locality.
The main entrance to the building would be visible from the approach from the High Street to make this legible and care has been taken in the design proposals to ensure it sits within the scale of development surrounding the site. The proposal has been the subject to pre- application advice and also has been revised several times to accommodate neighbours and consultee concerns (including, increased

parking and landscaping provision). The site slopes from the front of the site to the rear and the building has therefore been designed to respond to these change in levels across the site with a stepped design and varied roofscape.

- 11.16 The existing buildings to be demolished are not deemed to be of heritage value, however the stable block is indicative of the past usage of the site and the history of the conservation area, as such a building recording exercise is recommended prior to its demolition.
- 11.17 The existing trees and hedges on the western boundary are to be retained and additional planting to the rear boundary would provide screening from The Paddocks beyond.
- 11.18 The level of provision of amenity space has been based on McCarthy and Stone experience of 40 years of providing retirement homes and have undertaken several studies that look into how residents use the amenity spaces.
- 11.19 It is considered that the revised amount and quality of the amenity space provided is sufficient for the needs of residents.
- 11.20 The scale and design of the proposal are considered to be acceptable in this location and would comply with policies GEN2, ENV1 and ENV2 of the Local Plan.
- D Vehicle Parking Standards (ULP Policy GEN8);
- 11,21 ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location.
- 11.22 In 2009 (updated February 2013), the Council adopted the Essex County Council parking standards, which can be viewed on the Council's website www.uttlesford.gov.uk/planning under supplementary planning documents.
- 11.23 The required parking provision requirement for C3 (retirement developments) use is: A minimum of 1 spaces per dwelling and 0.25 spaces per dwelling for visitor parking. Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) Disabled parking bays should 6.5m x 3.9m when parallel to the access and 6.5m x 3.9m when perpendicular to the access 6.5m x 3.9m.; the minimum size for a parking space is 5m x 2.5m which should only be used in exceptional circumstances.
- 11.24 The proposed new building has 29 apartments and as such the parking standards require the provision of 29 parking spaces and 7 visitor spaces
- 11.25 All parking spaces will be provided with geometries of 2.5m x 5m which is in line with the minimum bay size stated within Essex County Council's (ECC) 'Parking Standards: Design and Good Practice (2009)'. The guidance indicates that the preferred bay size for cars is 5.5m x 2.9m. The Planning Inspectorate considered precisely this issue in a recent appeal decision within Essex where parking spaces measuring 2.4m x 4.8m were approved (ref. APP/C1570/A/11/2147113). The 5.0m x 2.5m parking spaces proposed here should therefore be considered acceptable.
- 11.26 A Transport Assessment (TA) accompanies the application, which concludes that the sites proximity to the existing pedestrian network and local amenities presents

an excellent opportunity to encourage the use of sustainable transport from the development site.

The TA justifies the under provision of parking spaces based on research carried out by McCarthy and Stone, which found that 34% of residents give up their car in the same year as entry into the retirement development and 14% of residents give up their car in the year after entry to the development. The research identified that an average car parking provision of 0.45 spaces per apartment for residents is required with a further 0.1 space per apartment for visitors. The overall requirement for 0.55 spaces per apartment therefore equates to 16 spaces overall.

- 11.27 A further material consideration is the proximity of local car parks to the site which would provide opportunities for visitors to park nearby in the event on-site parking provision is not sufficient.
- 11.28 The closest analogue to the proposed 'Retirement Living' apartments within ECC's guidance is 'Retirement Developments (e.g. warden assisted independent living accommodation)'. However, the standards also note that reductions may be considered if a development in an urban area has good links to sustainable transport, as is clearly the case here.
- 11.29 23 parking spaces would be provided and there would also be storage and charging points provided for electric mobility scooters. Due to contamination of the site, viability issues and previous appeal decisions regarding parking provision at retirement homes, it is considered that sufficient parking would be provided.

E Housing Mix (ULP Policy H10);

- 11.30 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 11.31 The proposal is for 11 x 1 bedroom and 18 x 2 bedroom apartments. The Great Dunmow Neighbourhood Plan states that "Uttlesford does not currently have the type of accommodation that older people in Uttlesford are looking for. Policy DS15 states that at least 5% of dwellings on all schemes of over 20 units should be 1 or 2 bedroom dwellings suitable for the elderly.
- 11.32 National Planning Policy Guidance has identified the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of all new households, and the benefits that accrue from downsizing in the local housing market.
- 11.33 Great Dunmow Town Council are in support of the proposal and housing officers have no objections. Although the proposal does not comply with policy H10, the housing mix is considered to be acceptable in this location.

F Affordable Housing (ULP Policy H9);

- 11.34 Policy H9 states that the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result

of this the Council will require a specific mix per development proposal.

- 11.35 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.
- 11.36 The site area is 0.3 hectares and for 29 retirement apartments as such a provision of 40% affordable housing is required.
- 11.37 The applicant has stated that on site provision of affordable housing within the same block is not possible due to the functional and managerial issues surrounding retirement/sheltered developments; an issue which has been explored in substantive detail in various planning appeals. The applicant further states that it is not practical to mix “affordable retirement housing” with “open market retirement housing” within one building, due to the presence of communal facilities within retirement housing and the on-going service and maintenance arrangements which results in a weekly service charge. Housing Associations are unable or unwilling to meet these charges and thus it is not practical to have mixed tenure affordable housing within an open market retirement housing development. Mixed tenure developments cannot sustain, either economically or physically, independent facilities such as separate entrances, two wardens/staff etc, unless the site is large enough and of suitable configuration to accommodate two separate developments each of substantial size. This particular site is certainly not “substantial” and it is not possible to accommodate two blocks with the requisite facilities on site.
- 11.38 In view of numerous appeal decisions the Council are willing to accept a commuted sum in lieu of provision of on site affordable housing.
- 11.39 The applicants viability appraisal stated that £164,670 would be available for a financial contribution in lieu of on-site provision of affordable housing if ground rents are included and that this would be reduced to a negative figure of £23,800 if the developer could not charge ground rents in line with the Governments consultation paper (2017) “Tackling unfair practices in the leasehold market” At the present time it is not known whether this proposal will be subject to this legislation and therefore ground rents should be taken account when assessing the viability of the proposal.

An independent assessment of the viability statement has been made and it was concluded that the scheme is able to make a financial contribution of £852,727 towards affordable housing delivered elsewhere in the district.

- 11.40 The applicant has submitted further information which has also been subject to an independent assessment of the costs of the development and it was concluded that the scheme can support an off-site affordable housing contribution of £404,240 taking into account the abnormal costs in respect of contamination, retaining walls and piling costs and remain financially viable. This does not take into account the financial contribution in respect of health provision.
- 11.41 The applicant has therefore indicated that they are prepared to enter a S106 legal agreement to provide a financial contribution in lieu of the provision of affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

G Impact on residential amenity (ULP Policy GEN2);

- 11.42 Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 11.43 The originally submitted plans would have resulted in unacceptable overlooking of the properties to south of the site and also the Paddock to the north of the site.
- 11.44 The plans have now been revised so that the neighbouring properties would not be overlooked or overshadowed.
- 11.45 The proposal would not result in any material detrimental impact on neighbours amenity and therefore meets the criteria of ULP Policies GEN2 and H8 in respect of neighbours amenity.

H Impact on Health Provision (ULP Policy GEN6);

- 11.46 Policy GEN6 of the Local Plan seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.
- 11.47 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.
- 11.48 The development could generate approximately 43 residents and subsequently increase demand upon existing constrained services.
- 11.49 A developer contribution will be required to mitigate the impact of the proposal. West Essex CCG calculates the level of contribution required, in this instance to be a total of £8,850. The developer has indicated that they are prepared to enter a Section 106 legal obligation to make a contribution towards health provision.
- 11.50 The proposal therefore subject to compliance with the Section 106 agreement requirements would comply with policy GEN6 in respect of health provision..

I Impact on protected species (ULP Policies GEN7 and ENV3).

- 11.51 Policy GEN7 of the Local Plan seeks to protect biodiversity, protected species and habitats. The application is accompanied by a completed biodiversity questionnaire, a Great Crested Newt and Reptile Survey, a Preliminary Ecological Appraisal and an addendum to the Great Crested Newt and Reptile Survey and mitigation options report and a report to inform a Habitats Regulations Assessment.
- 11.52 Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. These can be secured by condition.

11.53 Subject to conditions, it is not considered that the proposal would have any material detrimental impact in respect of protected species and would comply with ULP Policy GEN7.

J Flood risk and drainage (ULP policy GEN3)

11.54 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.55 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere

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

K Contaminated Land (ULP policies ENV14 , GEN4 and ENV12)

11.57 The site is located within the Groundwater Source Protection Zone 1. Policy ENV12 states that development that would be liable to cause contamination of groundwater will not be permitted. Environmental Health officers have been consulted and they have no objections to the proposal subject to suitable conditions. Anglian Water also has no objections subject to conditions if the application is approved.

11.58 Policy ENV14 states that where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.

11.59 A Phase 1 Desk study and Phase II Site investigation have been carried out and these identified the presence of contamination in both soils and groundwater on site, at levels above the site specific assessment criteria developed for the site. As such these pose potential risks to both human health and groundwater which will need to be remediated.

The report also advised further site investigations to be carried out following demolition of the existing buildings on site, as these constrained the extent of the site investigation undertaken to date and based on the available evidence there may be further risks to human health and groundwaters that need to be addressed. Environmental Health officers have been consulted and they recommend that the further site investigation works need to be carried out post demolition but prior to any construction works starting on site.

11.60 Policy GEN4 states that development will not be permitted where

- a) Noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other

pollutants
would cause material disturbance or nuisance to occupiers of surrounding properties.

- 11.61 The site is located adjacent to residential properties and includes demolition of existing buildings, therefore the proposal has the potential to result in noise, vibration and dust pollution.
Representations have also been received expressing concern in this respect. It is therefore recommended that the construction works on the site are controlled through the submission of a Construction Environmental Management Plan (CEMP). This can be achieved by a suitably worded condition.

12. CONCLUSION

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

- A** The principle of residential development is considered acceptable.
- B** The means of access to the site is acceptable and that the proposals would not result in harmful impacts on the strategic highway network
- C** The design, scale and layout is considered to be appropriate for this location
- D** Adequate parking provision would be provided
- E** Adequate parking provision would be provided to meet the
- F** The affordable housing financial contribution in lieu of provision is acceptable
- G** The proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact on neighbours amenity.
- H** The proposal therefore subject to compliance with the Section 106 agreement requirements would comply with policy GEN6 in respect of health provision..
- I** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- J** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- K** Subject to appropriate conditions the proposal is acceptable in respect of noise and pollution

RECOMMENDATION – APPROVAL WITH CONDITIONS AND 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) Financial contribution in lieu of 40% affordable housing**
- (ii) Financial contributions towards health provision**
- (iii) Ongoing maintenance of SUDS**
- (iv) Payment of the Council's reasonable legal costs**
- (v) 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 31 December 2020 the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Inadequate financial contribution in lieu of affordable housing**
- (ii) Non-payment of health contribution**
- (iii) lack of suitable long-term maintenance for SUDS**
- (iv) Non Payment of the Council's reasonable legal costs**
- (v) Non payment of monitoring fee**

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. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. Safe access into the site;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. Wheel and underbody washing facilities.

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

3. Prior to occupation of the development improvement to the site access, to include but not be limited to the following:
 - i. Measures to improve pedestrian crossing facilities at the site access,
 - ii. Measure to improve access to and from the site from the footway.
 - iii. Signage from the site access with B1008 High Street along the access and vice versa to notify vehicles of pedestrians on the shared surface and public highway.
 - iv. Measures to control the speed of vehicles emerging to/from the site.Details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development.

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

4. The Buggy/Scooter parking spaces shown in the Ground Floor Plan, drawing no. NL2545_01_03_AC_008 shall be provided. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate buggy parking is provided in the interest of

amenity, in accordance with ULP policy GEN1.

- 5 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with ULP policies GEN1 and GEN8.

- 6 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 7 With the exception of demolition and site clearance works, no development approved by this permission shall take place until a further Phase 2 site investigation & report, as recommended by the previously submitted Crossfield Consulting Site Investigation Report dated January 2018 (Ref: CCL03054.CF85), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework in accordance with ULP policy ENV14.

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

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

- 9 Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion

- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts in accordance with ULP policies GEN1 and GEN4

10. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing. Only the details thereby approved shall be implemented.

Reason: To protect the amenity of neighbouring occupiers from obtrusive or spillover light impacts in accordance with ULP policy GEN2

11. Prior to demolition of the stable block a building recording exercise of level 3, analytical record (as per historic England guidance) shall be carried out and submitted and approved by the local planning authority.

Reason: The stable block discussed by the heritage statement is indicative of the past usage of the site and the history of the Conservation Area. In accordance with ULP policy ENV1

12. Prior to any above ground works commencing, a schedule of the types, texture and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: Impact on character of conservation area, in accordance with ULP policy ENV1.

13. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area. In accordance with ULP policy ENV4

14. A mitigation strategy detailing the excavation/preservation strategy shall be

submitted to the local planning authority following the completion of this work.

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them in accordance with ULP policy ENV4

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

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them.

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

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them in accordance with ULP policy ENV4.

17. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd, January 2018) and Bat Survey Report (Greenlink Ecology Ltd, May 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve 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 ULP policy GEN7.

18. Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN&

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

- Limiting discharge rates to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change before discharging into the existing Anglian Water Sewer.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

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

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

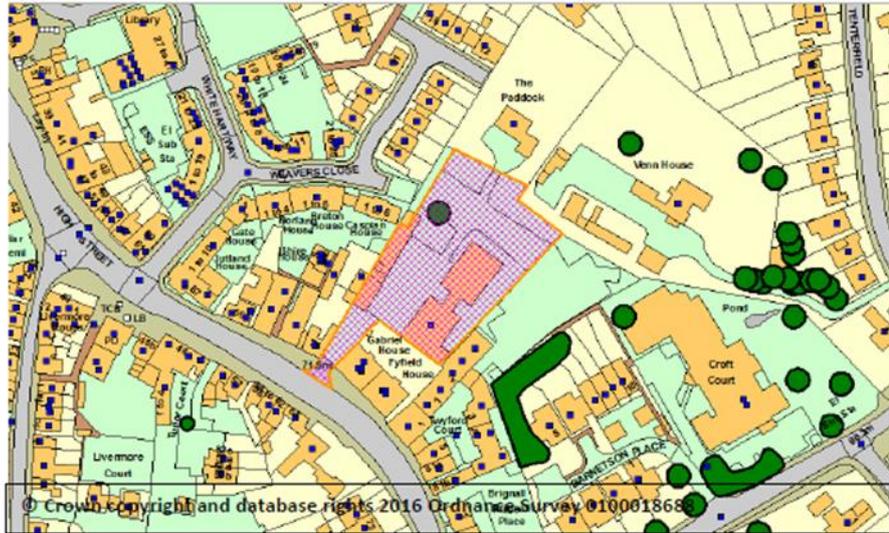
Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system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

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP policy GEN3

22. No works except demolition shall commence until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition. In addition all pipes within the extent of the site should be cleared and restored to a fully working condition prior to occupation.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. in accordance with ULP policy GEN3



Organisation: Uttlesford District Council

Department: Planning

Date: 18 SEPTEMBER 2020

Agenda Item 7

UTT/ 20/0028/DFO

PROPOSAL: Details following outline permission UTT/17/0649/OP (granted under appeal ref: APP/C1570/W/18/3205707) - Details of access, appearance, landscaping, layout, scale for 7 no. dwellings

LOCATION: Land Off Stevens Lane, Felsted

APPLICANT: Jenny Moody Properties Ltd.

AGENT: Petro Designs Ltd

EXPIRY DATE: 10 March 2020 (Extension of time to 09 October 2020)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 UDC Adopted Local Plan – Outside Development Limits / affecting setting of Grade II Listed Buildings.

Felsted Neighbourhood Plan– Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site lies on the north side of Stevens Lane, an unclassified single track road which loops off Braintree Road and comprises for the purposes of the land edged in red an extensively overgrown, flat and irregular shaped area of undeveloped land consisting of 0.494 ha which has a more discernible line of mature trees running along its north-western boundary with an adjacent grass service track, some which are the subject of a group TPO (Oak, Ash and Maple).

2.2 The site is flanked on its south-west side by a line of cottages, one of which is listed (Yew Tree Cottage) and on its south-east side by a residentially converted courtyard barn range, which includes a further listed building (Stevens Farm Barn). A pair of newly constructed dwellings have been erected to the south-east of this converted barn range between two existing dwellings further along Stevens Lane on its north side, whilst a line of established modern housing which is generally open plan in character comprising a mixture of detached and semi-detached dwellings exists within the inside of the curve of Stevens Lane on its south side, including opposite the site. Arable agricultural land exists to the north (rear) of the site.

3. PROPOSAL

3.1 This reserved matters application relates to the erection of 7 no. dwellings with all matters reserved which follows on from a grant of outline planning permission at appeal under reference ref; UTT/17/0649/OP seeking the principle of residential development at this undeveloped site.

3.2 The proposed site layout for the current DFO application shows seven two storey market dwellings comprising detached and semi-detached units all with detached garages of varying house types which would radiate around a new access road

which would be formed off Stevens Lane, two of which (Plots 1 and 2) would front onto the lane.

3.3 The proposed housing schedule for the proposed development is as follows:

Plot No.	Storeys	No. of bedrooms	Garden amenity size	Parking spaces
Plot 1	2	3	165sqm	2
Plot 2	2	3	140sqm	2
Plot 3	2	5	465sqm	4
Plot 4	2	4	445sqm	4
Plot 5	2	4	395sqm	4
Plot 6	2	5	520sqm	4
Plot 7	2	4	395sqm	3

3.4 An area of similarly overgrown land lying immediately behind the site on its north side within the ownership/control of the applicant as shown edged in blue on the site location plan is proposed to serve as a Great Crested Newt translocation site where this translocation site was identified at outline application stage for approved application UTT/17/0649/OP and which has since been partially addressed pending the grant of a newt licence by Natural England.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwellinghouse development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

5. APPLICANT’S CASE

5.1 The application is accompanied by a Planning Statement which sets out the scope of the application proposal, a Design and Access Statement which sets out the access considerations and design principles for the current reserved matters application and also an Ecology Strategy report which deals with the subject of great crested newt translocation from the application site to an area of undeveloped land immediately behind the site where this matter arises from approved application UTT/17/0649/OP.

5.2 It is stated in the supporting information that the proposed housing layout for the current reserved matters application represents a layout improvement for the site compared to the indicative layout which was submitted for approved application ref; UTT/17/0649/OP where this previous layout was shown for illustrative purposes only to show how eight dwellings could possibly be accommodated on the site. It is further stated that the current DFO application has been submitted as seven residential units from the eight as approved under UTT/17/0649/OP to improve the overall site density for this edge of hamlet location.

6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission with all matters reserved was granted on appeal on 19 March 2019 for the proposed residential development of this greenfield site consisting of 8 no. dwellings. In his decision letter, the Inspector formed the view that the site was located within a sustainable location on the eastern edge of Bannister Green, even though the site was strictly within the countryside, that housing on the site would result in some very limited harm through the loss of an area of undeveloped space adjacent to the settlement whereby this loss could be mitigated through appropriate landscaping, and *“that the potential layout, form and scale of the development within a fairly central position within an existing settlement provide special reasons in this case for supporting its need to be there, particularly given the Council’s acknowledged position within the Officer’s report where it does not have a five-year supply of deliverable housing land”*.
- 6.2 The Inspector also formed the view that the proposed housing layout as indicatively shown for the outline submitted scheme would not lead to any harm to the setting of the adjacent listed buildings (Yew Tree Cottage and Stevens Farm Barn) where he commented that both these listed buildings sat within their own grounds with Stevens Farm Barn separated by other buildings from the appeal site, adding, *“There is a clear physical and visual disconnection between the listed buildings and the appeal site in heritage terms, beyond the fact that they are near to each other”*, whereby the Inspector concluded on this point that the proposal would, at the very least, preserve the setting of the nearby listed buildings in accordance with listed building legislation, relevant advice contained within the NPPF and also ULP Policy ENV2 of the Council’s adopted Local Plan.
- 6.3 With regard to other matters, the Inspector noted that no public footpaths cut through the appeal site as had been asserted by some local residents (Footpath No.45 runs to the north of the site), that drainage could be addressed, and that ecology surveys undertaken were adequate and that mitigation measures could be put in place to ensure a net gain in biodiversity. Overall, the Inspector found that the proposal would accord with the adopted Development Plan for the area and that the “tilted balance” set out at Paragraph 11 of the Framework was engaged.
- 6.4 In recognition of the “tilted balance” and in summing up, the Inspector commented that; *“In this respect, I find that the very limited adverse impacts of the loss of an undeveloped space directly adjoining the settlement would not significantly and demonstrably outweigh the benefits; including the provision of new homes within a sustainable location and a net-gain for biodiversity”*.

It should be noted that the Inspector in addressing the relevant issues for the appeal proposal did not make any reference to affordable housing, nor did he make this a requirement of any approval for the eight dwelling outline submission in front of him.

7. POLICIES

National Policies

National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV3 – Open spaces and trees
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”

Other Material Considerations

Felsted Neighbourhood Plan (FNP) – formerly made on 25th February 2020.

FEL/CW1 – Landscape and Countryside Character
FEL/HN1 – Meeting Housing Needs
FEL/ICH1 – High Quality Design
FEL/HN7 – Housing Mix
FEL/HN8 – Habitats Regulations Assessment

Essex Design Guide
ECC Parking Standards – “Design and Good Practice” (September 2009)
UDC Parking Standards (adopted February 2013)

8. PARISH COUNCIL COMMENTS

8.1 Object

- Design and scale of the proposed dwellings, which are best described as executive style homes, would fail to have due regard to the site’s rural setting and character and would fail to preserve the setting of the adjacent two listed buildings;
- Smaller dwellings in a variety of styles and using more appropriate materials would be more suited to the site;
- Retention of the frontage boundary hedge should be a requirement of any planning permission granted;
- The Parish Council have significant concerns regarding the logistical and practical difficulties relating to the construction of this development for this designated quiet lane.

9. CONSULTATIONS

ECC Highways

- 9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

ECC Place Services (Heritage)

- 9.2 Stevens Lane is a Quiet Lane, semi-circular in plan, on the north side of the hamlet of Bannister Green, Felsted. It is narrow and rural in character, despite a

number of houses having been built on its south side in the second half of the 20th century. This development, which has outline planning further to an appeal, is located in a wooded field on the north side of the Lane. Either side of the field, there are two Grade II listed buildings: Stevens Farm Barn to the east, an eight bay 16th/17th century barn now residential, and to the west Yew Tree Cottage, a thatched single storey cottage dating to the 14th century.

The appeal inspector concluded that the development would not affect the setting of the listed buildings and would accord with policy of ENV2 of the ULP, which says that such development should be in keeping with their scale, character and surroundings. The scheme can be considered in the light of those criteria.

The hedge would be preserved on Stevens Lane with only one access made through it. This would help preserve the appearance of the Lane. Two houses, the more modest ones, would face the Lane, and although partially screened would follow the pattern of gappy development along it. Beyond the frontage, the development is a close of executive style houses on individual plots, a type of development new to this locality. Although the houses reference the Essex Design Guide in striving to achieve a traditional appearance, their deep plan forms, usually almost square, and low pitched roofs, are quite at odds with Design Guide principles. Narrower plan depths would make the properties look less bulky, and steeper pitched gables, particularly on front elevations where these run into the main part of the building, would improve the look of the house. This is particularly true of plot 1 on the frontage. In view of its prominent position on the frontage, and at the entrance to the close, plot 7 would benefit from revision; it has a gable of very slight projection and an unbalanced elevation, which does not succeed in making any form of statement, as well as presenting a blank wall to the lane.

No information is given as to proposed materials. Most of the houses would be clad in what looks like weatherboard, but is likely to be cement fibre board. Traditionally, weatherboard was used for agricultural buildings, cottages, and sometimes for side and rear elevations of brick fronted houses, not for houses of this scale. The introduction of different materials, such as more brick, and some render, would add variety. Good quality materials could soften the appearance of the buildings.

The development is said to be 'arcadian' in character. To achieve this, there would have to be significant tree and hedge planting within the close to provide a setting to the properties, and in particular to soften the car parking hard standings that occupy much of the front gardens.

The development would be more in character with its setting, and that of the listed buildings, if there were some revision to the design of the properties. Further information is required on their detailing and of the landscaping. I assume this will be done by condition, and I recommend the following:

- A schedule of materials to be used for the houses must be approved by the local planning authority before work starts;
- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have 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.

- Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.
- Details of paving, and hard and soft landscaping and boundary treatments, must be approved by the local planning authority before work starts.

ECC Place Services (Ecology)

9.3 No objections subject to securing an EPS Mitigation Licence for Gt Crested Newts.

Summary:

We have reviewed the Construction Environmental Management Plan: Biodiversity (SES, November 2019) and the Ecological Design Strategy (SES, December 2019) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, with identification of proportionate mitigation.

The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice should be followed to ensure that impacts are minimised to the coastal Habitats Sites (European designated sites) from new residential development in combination with other plans and projects. The LPA is therefore advised that a financial contribution should be sought in line with the Essex Coast RAMS, from the residential development within the ZOI specified.

This contribution will need to be secured by legal agreement. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of visitor management at the Blackwater Estuary Habitat Sites.

The current Natural England Standing Advice on Great Crested Newt translocation states that the receptor site should be selected based on good land survey data from the site assessment and characteristics like connectivity and quality, have no or limited public access and not be enclosed by permanent fencing.

The Ecological Design Strategy (SES, December 2019) identifies that a footpath will be mown in the receptor site. This should be avoided unless "there's a strong case for public access" as recommended by the current Natural England Guidelines.

Also, as part of the planning permission UTT/14/2626/FUL for Site A, the site of this development was used as a receptor site and has received previous enhancements for Great Crested Newts, including the creation of a new pond. Given this pond is currently dry, and the Ecological Assessment (The Ecology Practice, March 2017), included in the Outline application (UTT/17/0649/OP) for this development, does not identify any additional enhancements on site (e.g. hibernacula), it is understood the site was unsuccessfully previously enhanced for Great Crested Newts. Therefore, the proposed enhancements detailed in the Ecological Design Strategy (SES, December 2019), including provision of a pond liner, should be strictly implemented and are likely to result in an increased suitability for amphibians in the receptor area.

If the proposed receptor site and management are not approved by Natural England, then the applicant will need to identify alternative land and/or management to secure a European Protected Species mitigation licence. We

recommend that a copy of the GCN mitigation licence is provided to the LPA to demonstrate its compliance with s17 Crime & Disorder Act 1998.

Additionally, Appendix 2b of the Ecological Design Strategy (SES, December 2019) identifies permeant TAF fencing between the receptor site and the development site, and between the site and Pond 5. As aforementioned Natural England Guidelines on Great Crested Newt translocation state the receptor site should not be enclosed by permanent fencing. This barrier to Great Crested Newt dispersal should be removed once construction is complete to allow movement between ponds.

The Construction Environmental Management Plan (SES, November 2019) identifies appropriate mitigation measures, including the provision of an Ecological Clerk of Works, to ensure no impacts to Protected and priority species during construction. These should be implemented in full.

The long-term management of the site, to be included in a LEMP (as a condition of Outline approval UTT/17/0649/OP) should include methods for the sensitive long-term management of the receptor site for Great Crested Newts including the timings of management works.

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

Recommended Conditions:

- (1) Action required in accordance with ecological appraisal recommendations
- (2) Submission of a copy of the eps licence for great crested newts

10. REPRESENTATIONS

- 10.1 7 representations received (object). Neighbour notification period expires 5 February 2020. Advertisement expires 13 February 2020. Site notice expires 10 February 2020.
- 10.2 The representations received reflect in essence the objections raised by the Parish Council to the current reserved matters scheme (see above) regarding suitability of design and layout of the proposed dwellings and the impact of the proposed development of the adjacent listed buildings. Comments are also expressed about the principle of housing development at this greenfield site, including impacts on local wildlife and Stevens Lane, although the principle of residential development at this greenfield location has already been accepted at appeal under ref; UTT/17/0649/OP as explained above for relevant planning history.

11. APPRAISAL

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

- A Whether proposed access arrangements would be acceptable (ULP Policy GEN1);
- B Whether the scale of the proposed development would be acceptable (ULP Policies, S7, GEN2 and ENV2, FEL/CW1 and FEL/ICH1);

- C Whether the layout of the proposed development would be acceptable (ULP Policies GEN2, GEN8 and ENV2, FEL/ICH1);
- D Whether the appearance of the proposed dwellings would be acceptable (ULP Policies GEN2 and ENV2, FEL/ICH1);
- E Whether indicated landscaping measures would be acceptable / Trees (ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1);
- F Impact of the proposed development on residential amenity (ULP Policy GEN2);
- G Housing mix / Affordable housing requirements (ULP Policies H9 and H10, FEL/HN1 and FEL/HN7);
- H Impact upon protected / priority species (ULP Policy GEN7, FEL/HN8).

A Whether proposed access arrangements would be acceptable (ULP Policy GEN1)

11.1 Stevens Lane is an unclassified, single track lane and also a designated “Quiet Lane” which arcs off Braintree Road. Vehicular access to the proposed housing development would be via a single 5m width shared service road which would be tarmac finished and which would have a Type 3 turning head designed to cater for the turning of larger vehicles where the ability for such vehicles to enter and exit the service road satisfactorily has been demonstrated through swept path analysis as shown on the submitted revised site layout plan (ref; 1083 01B). The site access would have vehicular sight splays of 2.4m x 43m in each direction along Stevens Lane whereby the site access point would be positioned on the outside of the curve of Stevens Lane. Two vehicle passing places, one to be formed either side of the new site entrance on the north side of Stevens Lane are included on the site layout for the proposed scheme.

11.2 ECC Highways have been consulted on the application proposal given that Access falls to be a reserved matter for consideration and have not raised any highway objections to the proposed scheme on either access or highway safety grounds based upon the access arrangements as shown subject to recommended highway conditions. Accordingly, the proposal as submitted would comply with ULP Policy GEN1. It should be noted that the proposed development would not be suitable for adoption by the Highway Authority.

11.3 With reference to the “Quiet Lane” designation of Stevens Lane, no objections have been raised by ECC Highways in this respect, whilst it is noted that the Planning Inspector remarked for the appeal decision in allowing the principle of residential development at this location that there would be ways in which construction traffic could be managed and that *“the quantum of development is such that it is unlikely that traffic movements would be of a level that would significantly adversely affect the tranquillity of the Quiet Lane that already serves several dwellings, nor the highway network more generally”*.

B Whether the scale of the proposed development would be acceptable (ULP Policies, S7, GEN2 and ENV2, FEL/CW1 and FEL/ICH1)

11.4 The submitted scheme would have a mixture of six house types that would vary from smaller, two storey 3 bedroomed semi-detached dwellings at the front of the site to larger two storey 5 bedroomed detached dwellings at the rear of the site. The smaller dwellings shown positioned along the lane frontage for Plots 1 and 2 would face existing semi-detached dwellings in Stevens Lane, whilst the detached dwelling shown for Plot 7 would be positioned opposite a detached dwelling. The existing hedgerow which exists along the site frontage and which is a notable feature of this section of Stevens Lane would be retained through the proposal

except for a gap which would be required to facilitate the proposed new road access into the development and the appropriate site splays and thus reducing the visual impact of the proposed development on the semi-rural street scene.

- 11.5 It is considered that the size and scale of the development as shown would be in keeping with those dwellings which exist opposite the site along Stevens Lane and would be keeping with the local area in general and would not impact significantly on the rural amenities of the area whereby any wider views of the development from open land to the rear of the site from Public Footpath No.45 would be restricted due to the area of undisturbed vegetation that would continue to exist behind the site for a proposed Great Crested Newt relocation area and as the existing hedgerow onto the western side of the site would be retained through the proposal. As such, no design objections are raised to Scale as a submitted reserved matter under ULP Policies S7 and GEN2 or under FEL/ICH1.
- 11.6 Place Services Heritage have been consulted on the application given the setting of the site between two listed buildings and have commented that the development should be seen in the context of the planning inspector's comments for approved application UTT/17/0649/OP who commented that the housing development would not affect the setting of the listed buildings, noting that some of the frontage hedge along Stevens Lane would be retained through the development and thus preserving the appearance of the lane. However, they have criticised the overall presentation of the submitted scheme for the current reserved matters application insofar as they consider that insufficient regard has been had to the site's setting in terms of the size of the dwellings, their deep plan form and the choice of external finishes, to include cladding. However, Place Services do not go as far as recommending refusal of the application, but suggest that the introduction of a wider choice of materials, such as more brick, and some render, would add variety to the scheme. No heritage objections are therefore raised under ULP Policy ENV2 in this section (see further commentary at paragraph 11.11 below).

C Whether the layout of the proposed development would be acceptable (ULP Policies GEN2, GEN8 and ENV2, FEL/ICH1)

- 11.7 The Planning Inspector commented in his appeal decision letter for outline application UTT/17/0649/OP for the erection of eight dwellings for this undeveloped site that the illustrative housing layout arrangement submitted for that approved application showing a double row of dwellings leading off Stevens Lane was only one possible way in which the dwellings may be laid out "*rather than a definitive outcome*". The proposed housing layout as shown for the current reserved matters application has been the subject of pre-application discussions with Council officers whereby the number of dwellings for the scheme as now shown has been reduced from eight to seven units by the applicant to reduce the housing density of the site and also to provide an improved spatial relationship between the proposed dwellings within their respective plots.
- 11.8 The dwellings would have good sized garden plots which would not be overlooked either within the development itself or from adjacent properties given the separation distances which would exist to the flank boundaries of the site where all of the dwellings would have private rear garden amenity areas exceeding 100sqm as set out in the housing schedule above and thereby complying with the recommended 100sqm minimum rear garden amenity standards for 3 and 4+ bedroomed dwellings as set out within the Essex Design Guide.

- 11.9 The site is level which would mean that level access would be able to be afforded to each front door of the dwelling on the development. An accessible homes condition was imposed on the grant of outline approval for this housing development in principle, although it is considered necessary in the interests of condition certainty for the same condition to be re-imposed on any grant of permission for the current reserved matters application given that the layout of the development has since changed from that indicated from the outline layout scheme.
- 11.10 All of the dwellings would have on-plot parking provision consisting of both covered parking and frontage hardstandings on 6m wide driveways whereby all of the garages shown would be recessed behind the dwellings with the exception of the single garage shown for Plot 1. The level of parking shown for each dwelling would meet and exceed UDC locally adopted parking standards for 3 and 4+ bedroomed dwellings as set out in the housing schedule above, whilst the garages and hardstandings would comply with ECC parking standards relating to garage bay and hardstanding sizes (7m x 3m and 5.5 x 2.9m respectively). No design objections are therefore raised to Layout as a reserved matter under ULP Policies GEN2 and GEN8 and FEL/ICH1.

D Whether the appearance of the proposed dwellings would be acceptable (ULP Policies GEN2 and ENV2, FEL/ICH1)

- 11.11 The proposed development would incorporate a range of house types incorporating differing architectural styles whereby some dwellings would have cantilevered sections and roof dormers. The dwellings would be externally finished in a mixture of tiles, slate, facing brickwork and cladding with brick garages. It should be noted for this reserved matters application that the applicant (Jenny Moody Properties Ltd.) is the same housing developer responsible for building the dwellings which exist opposite the site in Stevens Lane whereby the applicant has stated that there would be a strong intentional relationship in the appearance of the dwellings proposed for the currently submitted reserved matters scheme and those already built opposite where it is the case that some of the dwellings proposed for the current scheme would be of the same house type specifications as those opposite.
- 11.12 The applicant has responded to Place Services comments in an email to the Council by stating the following;

“The advice from Place services has noted that a schedule of materials must be approved by the planning authority before work starts, together with details of windows, doors, eaves, verges and cills. It is considered therefore that approval of these items should be conditioned and addressed at a later date

We do not agree with the suggestion from Place Services that weatherboarding is not suitable for houses of this scale. We have completed a number of similar houses in the Uttlesford Council area and all other Essex Council areas and have never had any issues with the weatherboarding material proposed. Weatherboarding is widely used and accepted in Essex and the use is detailed within the Essex Design Guide as a suitable material.

With regards to brick types, we do have a problem here as bricks are currently in short supply. We cannot therefore propose and guarantee a specific type or make that may or not be available in the future”.

11.13 It is considered that the proposed dwellings would reflect the local vernacular style of existing built form on the opposite side of Stevens Lane, which show how a good design can be achieved. Whilst it is accepted that some of the dwellings are quite large, it is the view of the author of this report that the design of the dwellings as shown would have a less than significant impact on the setting of the adjacent listed buildings and at a level whereby the development would be acceptable in heritage terms subject to the conditions as recommended by Place Services to ensure a satisfactory form of development. As such, no design objections are raised to Layout as a reserved matter under ULP Policies GEN2, GEN8, ENV2 and FEL/ICH1 subject to the imposition of such heritage conditions.

E Whether indicated landscaping measures would be acceptable / Trees (ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1)

11.14 The proposed scheme would aim to retain as much as possible of the existing vegetated frontage boundary onto Stevens Lane together with the mature trees and hedgerows which flank the site as stated on the submitted site layout plan thereby reducing the impact of the development within its natural setting. No specific landscape details have been submitted showing internal boundary treatments, which is partly due to the applicant having to meet certain ecological requirements regarding the translocation of Great Crested Newts. Notwithstanding that this is a reserved matters application, it is considered that further hard and soft landscaping measures for the site can be conditioned whereby implementation of this condition would coincide with the survey works to translocate any newts found on the site to the agreed translocation site behind the site. No objections are therefore raised to Landscaping as a reserved matter under ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1.

11.15 The line of preserved trees comprising Oaks, Ash and Field Maple which run along the western flank boundary of the site with the existing track, some of which represent good mature specimens, would be unaffected by the proposal and no objections are raised under ULP Policy ENV3.

F Impact of the proposed development on residential amenity (ULP Policy GEN2)

11.16 The proposed dwellings would have good separation distances to their respective rear boundaries whereby there would not be any significant residential amenity loss in terms of overbearing effects, loss of privacy or loss of light to the nearest residential properties which exist to the sides of the site, namely Yew Tree Cottage and Stevens Farm Barn, where the closest dwellings within the development to these adjacent properties, namely Plots 3 and 6, are set at oblique angles to these properties. No residential amenity objections are therefore raised under ULP Policy GEN2.

G Housing mix / Affordable housing requirements (ULP Policies H9 and H10, FEL/HN1 and FEL/HN7)

11.17 The development proposes a mix of 3, 4 and 5 bedroomed dwellings as set out in the Housing schedule in this report above. This housing mix is in line with the latest housing needs assessment for the district which has found that market housing is generally in need of dwellings with three or more bedrooms, whilst the latest housing needs survey for Felsted which was conducted by RCCE in 2016 now requires updating. Furthermore, the dwelling mix would be consistent with the housing mix within the general area. In this context, the proposal is considered to

comply with the provisions of ULP Policy H10 as far as this housing policy still has force against the NPPF and when assessed against the latest SHLAA.

- 11.18 Policy FEL/HN7 of the made Felsted Neighbourhood Plan states that new housing will be supported where it provides 2 or 3 bedroomed accommodation suitable for young families, or homes suitable for older people that can encompass accessible and adaptable homes, other types of accommodation identified in the latest assessment of local housing needs, or affordable housing as “*a mix of housing to meet any future locally identified need*” (FEL/HN1). It is noted in the Felsted Housing Needs Survey (2016) tabled in the Plan that 3 bedroomed accommodation represented the highest identified local demand at 41.19%, with 2 bedroomed at 27.85% and 14.35% at 4 bedroomed. Whilst the proposed bedroom accommodation mix at the proposal site has a higher tendency towards 4 bedroomed accommodation than 3 bedroomed, it is considered that it would not be appropriate to refuse the application on this basis.
- 11.19 The site is less than 5 ha. in size (0.49 ha) and involves the erection of seven dwellings as a Minor planning application. Paragraph 5.4.11 of the Felsted Neighbourhood Plan states that the parish will seek to “*extract the maximum community value from major development*”. Therefore, given the proposal does not represent major development, it would be difficult to require affordable housing for the site proposal, or in the alternative to request a commuted sum, under ULP Policy H9 of the adopted Local Plan.

H Impact upon protected / priority species (ULP Policy GEN7, FEL/HN8)

- 11.20 It was an ecological requirement as part of the outline application for this housing scheme approved under UTT/17/0649/OP that any Great Crested Newts which presently exist at the application site resulting from a newt translocation exercise relating to an approved two dwelling scheme to the west at land adjacent to Stevens Farm (UTT/14/2626/FUL) due to the close proximity of frontage ponds to that adjacent development site (dwellings now built) be re-translocated to the area of overgrown land to the rear of the application site as a new receptor site whereby receptor enhancements were included within the ecology strategy submitted for UTT/17/0649/OP, including the creation of a new pond. It is understood, however, that a subsequent exercise to relocate newts to the rear land was unsuccessful.
- 11.21 ECC Place Services (Heritage) have advised that given that this pond is currently dry and the Ecological Assessment (The Ecology Practice, March 2017) included in the Outline application (UTT/17/0649/OP) for this development does not identify any additional enhancements on site (e.g. hibernacula) that the proposed enhancements detailed in the Ecological Design Strategy (SES, December 2019), including provision of a pond liner, should be strictly implemented and are likely to result in an increased suitability for amphibians in the receptor area. Place Services have also advised that the Construction Environmental Management Plan (SES, November 2019) identifies appropriate mitigation measures, including the provision of an Ecological Clerk of Works, to ensure no impacts to protected and Priority species during construction and that these works should be implemented in full. Furthermore, they advise that the long-term management of the site, to be included in a LEMP (as a condition of Outline approval UTT/17/0649/OP) should include methods for the sensitive long-term management of the receptor site for Great Crested Newts including the timings of management works.

- 11.22 It is the case that the applicant is currently seeking a Great Crested Newt Licence from Natural England whereby the grant of the licence would be dependent, the Council understands, upon planning permission being granted for the current reserved matters application given the requirements of the licencing process. Place Services Ecology have not raised any objections to the identified newt strategy given the aforementioned advice subject to the implementation of ecological appraisal recommendations and the issue of the EPS Licence which are conditioned and which the applicant has agreed to. No objections are therefore raised under ULP Policy GEN7 (FEL/HN8).
- 11.23 The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice should be followed to ensure that impacts are minimised to the coastal Habitats Sites (European designated sites) from new residential development in combination with other plans and projects. It is therefore a requirement of the applicant to make a financial contribution in line with the Essex Coast RAMS, from the residential development within the ZOI specified where this is currently £125.58 per housing unit and would need to be paid to the Council by way of a legal obligation to commit to making the contribution before development commences.
- 11.24 The applicant has confirmed that it is agreeable to pay the SPA/Ramsar contribution whereby this would be through the making of a Unilateral Undertaking to the Council, which would represent an appropriate form of legal obligation for this type of tariff type contribution using a standard wording template where the same undertakings have been used for other development sites within the Zol where it is not necessary to have a commitment made though a s106 agreement for this process.

12. CONCLUSION

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

- A The proposed access arrangements are considered to be acceptable.
- B The scale of the proposed development in terms of design, countryside impact and impacts on the setting of adjacent listed buildings is considered to be acceptable.
- C The proposed housing layout is considered to be acceptable.
- D The appearance of the dwellings is considered to be acceptable.
- E The landscaping measures submitted are considered acceptable subject to further landscaping enhancements, which can be conditioned.
- F The development would not cause significant residential harm to the occupiers of adjacent properties.
- G The housing mix for the proposed development is considered to be acceptable.
- H The development would not have a harmful impact on protected species subject to the successful translocation of Great Crested Newts.

RECOMMENDATION – APPROVAL WITH CONDITIONS WITH UNILATERAL UNDERTAKING – SPA/RAMSAR

Conditions

1. Prior to commencement of development details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping

details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix for new planting areas, including for external boundary treatments and internal means of enclosure and also details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies S7, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual amenities of the area.

2. The existing frontage hedgerow to the site along Stevens Lane and the existing hedgerow along the private track onto the western boundary of the site shall both be retained in accordance with the hedge retention details as stated on Site Layout Plan ref; 1083 01B unless the local planning authority gives its written consent to their removal or variation. Should any part of the hedges die, be removed or become seriously damaged or diseased, they shall be replaced during the following planting season by native hedges planted in accordance with a specification previously approved in writing by the local planning authority.

REASON: To protect the existing site boundary planting in the interests of visual and rural amenity in accordance with ULP Policies S7, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

3. No development shall take place until the materials to be used for the external surfaces of the dwellings and garages hereby approved have been submitted to and approved in writing by the local planning authority. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition: To ensure that rural amenity and the setting of the adjacent listed buildings are not compromised by the resulting development.

4. No development shall take place until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have 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: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition: To ensure that rural amenity and the setting of the adjacent listed buildings are not compromised by the resulting development.

5. Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, the private drive shall be formed at right angles to Stevens Lane, to include but not limited to: minimum 5 metre carriageway width with appropriate radii and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

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

7. Prior to occupation of the development, the two passing places along the site frontage, as shown in principle on DWG no. 01B (Site Layout Plan), shall be provided. The passing places shall be retained in perpetuity for their intended purpose.

REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

9. All garages provided shall be a minimum of 7 metres x 3 metres and all vehicular hardstandings provided shall be a minimum of 5.5 metres x 2.9 metres.

REASON: To ensure a satisfactory standard of development in the interests of highway safety and to ensure compliance with adopted vehicle parking standards

in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages to the dwellings hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the properties and shall not be converted to another use, including conversion to habitable accommodation, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway and to avoid the requirement for further buildings for this purpose in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

11. 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA's SPD "Accessible Homes and Playspace".

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), freestanding buildings erected on any part of the site or an access/hardstandings created without the prior written permission of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy (SES, December 2019) and Construction Environmental Management Plan (SES, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. These will require update for the reserved matters application but should follow the principles already set out.

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

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

14. No works in in any circumstances shall commence unless the local planning authority has been provided with either:
- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence

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

Pre-commencement condition justification: To ensure that the satisfactory translocation of Great Crested Newts can be achieved for this development proposal.

15. Prior to dwelling occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 16 SEPTEMBER 2020

Agenda Item 8

UTT/19/1585/FUL (Stansted)

(Major Development)

PROPOSAL: Demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) The application also includes upgrades to the site access from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure.

LOCATION: Almont House, High Lane, Stansted

APPLICANT: Hamberley Properties FV (Stansted) Ltd

AGENT: DLBP Ltd

EXPIRY DATE: 2nd October 2020

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Within Development Limits,
Adjacent Listed Building

2. DESCRIPTION OF SITE

2.1 The site is located to the west of High Lane in Stansted and includes large detached two and half storey house positioned in the centre of the site. The site is surrounding by landscaped gardens and ancillary garage building. There is a smaller detached dwelling in the north west corner of the site (Westwinds).

2.2 The main access to the site is via the driveway from High Lane, however there is a separate access to Westwinds from Normans Way. The site levels significantly increase from the east to the west of the site

2.3 The site and its surroundings are mainly of a suburban residential area with a mix of semi-detached and detached houses and architectural styles.

3. PROPOSAL

3.1 Redevelopment of the site comprising demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) across two and a half storeys (plus part lower ground floor). The application also includes upgrades to the site entrance from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure. The proposal is explained in more detail in the following paragraphs.

3.2 The proposal seeks the demolition of Almont House, Westwinds, and ancillary development on the site including a swimming pool, outhouses, various landscape

elements, and hardstanding.

- 3.3 Following the demolition set out above, the proposal is to construct a 75 bedroom care home across two and a half storeys (plus part lower ground floor).
- 3.4 The application also includes upgrades to the site entrance from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

- 5.1 The applicant has provided an extensive number of documents in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way. Also included with the application:

- Design and Access Statement,
- Planning Statement,
- Flood Risk Assessment,
- Arboriculture Assessment,
- Ecology Appraisals,
- Heritage Statement,
- Statement of Community Involvement,
- Transport Statement,
- Landscape Management Strategy,
- Travel Plan,
- Archaeology Assessment

- 5.2 The care home has been designed to respond to the site's constraints, the feedback received through consultation, and the principles set out in the Essex Design Guide.

- 5.3 The care home has been positioned in the centre of the site to maximise the distances to the boundaries, as well as retain as many of the existing trees as possible.

- 5.4 The care home features a stepped down roof form on the eastern elevation and a generous setback to Mont Cottage in order to maintain the heritage setting and appearance of the cottage. Generous tree planting and boundary treatments are proposed to preserve resident and neighbour amenity.

- 5.5 The 75 bedroom care home (Use Class C2) will provide a mix of care to physically

and/or mentally frail residents. The care home will be registered with the Care Quality Commission to provide a range of care services, including residential, dementia and nursing care for adults. Typically, the ground floor will be occupied by individuals with less intensive care needs. Residents with dementia would live on the first floor, and residents with more intensive nursing care needs on the second floor. Working as part of the local care pathway, Hamberley's primary focus is on meeting the individual planned and agreed care needs for adult residents.

5.6 Hamberley currently provides services to residents that are privately funded, Local Authority funded and funded by the NHS. All residents are accepted where the home can meet their particular nursing needs and where the fee rate meets the costs of providing the care for that resident and the cost of maintaining the care home.

5.7 The care home and close care apartments will generate approximately 76 full-time equivalent jobs. This include roles in nursing, administrative functions, care, and maintenance functions.

These figures do not include those jobs created during construction. Staff work in shifts across a 24 hour period, typically broken down as:

- 8am - 2pm - 31 staff, seven days per week;
- 2pm - 8pm - 29 staff, seven days per week;
- 9am - 5pm - a further five staff, five days per week (Monday to Friday); and
- 8pm - 8am - 11 staff, seven days per week.

A maximum of 36 full time equivalent staff would be working at any one time during a typical weekday (between 9am and 2pm).

6. RELEVANT SITE HISTORY

6.1 There have been a number of planning application linked to the existing dwelling however the following application relate to previous planning applications for the development of the site.

6.2 UTT/17/1991/FUL - Demolition of existing Westwinds property and erection of 5 new dwellings on Westwinds site and part of Almont House garden land. - Approved

6.3 UTT/2106/10/REN- Renewal of planning permission (UTT/2282/07/FUL) Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access - Approved

6.4 UTT/2282/07/FUL- Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access - Approved

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 S1 – Development Limits for the Main Urban Areas
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
E3 – Access to Workplaces
ENV11 – Noise Generators
ENV13 – Exposure to Poor Air Quality
ENV14 – Contaminated Land

National Policies

7.5 National Planning Policy Framework (2019)

Supplementary Planning Documents/Guidance

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

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council has revised its opinion on this planning application and asks the UDC planning committee to reject the application on the following grounds:

1. The size and scale of the building are out of keeping in what is a residential area (GEN 2).

Whilst the development sits well back from the road, it is in an elevated position and it will have a materially adverse impact on surrounding houses on all sides.

2. Overlooking - a number of properties will be over-looked; Mont Cottage in particular will suffer from the proximity of the car parking area and that house, along with others in Meadowcroft, part of St John's Road and part of Brewery Lane will lose privacy.

3. Highway concerns - Mont Cottage is not the only property that may be affected by noise pollution arising from the increase in traffic (environmental report statement). This would equally apply to the other properties fronting High Lane along which all traffic going to that site has to travel, whether construction vehicles or subsequently

staff and visitors.

4. Noise emitted from the air conditioning/heating units and generator is likely to contravene GEN4 and cause a material nuisance to residents beyond the site boundary.

5. The impact on our local GP surgeries - we support the concerns already submitted by Dr Leeman, Stansted Surgery. In addition to this, a further care home in Takeley has recently been granted outline consent; Takeley has no GP surgery so there is likely to be a knock-on effect on other surgeries in the area.

9.0 CONSULTATIONS

Conservation Officer

9.1 No objections raised

The application is outside of the designated conservation area, no objection are raised in regards impact to the conservation area. To the front of the site is the listed property of Mont Cottage. The site include a large dwelling set in a substantial curtilage. Although the proposed development is of a large scale the positioning of the care home will be set approximately 34m form the boundary of Mont Cottage. This is considered a sufficient distance and will provide an essential buffer between the care home and Mont Cottage to not result in any dominating or in intrusive impact that will be detrimental harmful to the setting of the heritage asset.

It is noted a number of planning application have been approved for the development of the site and therefore the introduction of built form has been established, this includes:

UTT/17/1991/FUL- Demolition of existing Westwinds property and erection of 5 new dwellings on Westwinds site and part of Almont House garden land.
UTT/2106/10/REN- Renewal of planning permission (UTT/2282/07/FUL) Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access

UTT/2282/07/FUL- Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access

The proposed plans have been amended following the pre- application discussions to address the concerns raised by the conservation officer at the time. As such taking into consideration the revision to the proposal I consider the development will not result in any significant level of harm to the setting of the listed building and will not conflict with the aims of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2 and the NPPF)

HERITAGE POLICY ASSESSMENT

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals would preserve the architectural and/or historic interest of the listed building and therefore complies with sections 16/66 of the Act.

NPPF

The proposal would cause no harm to the significance of the heritage asset.

CONCLUSION

For the reasons given above it is felt that in heritage terms:

The application should be approved. Permission is granted with the following conditions:

1 Prior to the commencement of the works hereby permitted a schedule of the types and colour of the materials to be used in the landscaping scheme shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

REASON: In order to protect the character and setting of the listed building in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.

West Essex Clinical Commission Group

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

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

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution of £11,822 to mitigate the impact of the proposal and is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

The Highways Authority

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing

by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials clear of the highway
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody cleaning facilities and cleaning of the highway
- v routing of vehicles along appropriate routes
- vi Before and after survey of the surrounding roads and verges, with obligation to make good any damage

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 Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Access Prior to occupation of the development, the 6m wide access and turning provision as shown in principle on submitted drawing A113039/35/18/003 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. The turning, and access with associated vehicular visibility splays shall retained free of any obstruction at all times thereafter. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Pedestrian/cycle access: Prior to first occupation provision of a pedestrian cycle/access to Norman's way as shown in principle on drawing number H0203-105 B. Reason: to provide convenient access for local employees to the site and access to bus services and town facilities on foot and by cycle in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 201

4. Pedestrian Crossing: Prior to first occupation provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003. Reason: to provide convenient crossing facilities for pedestrians accessing the site in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

5. Cycle parking Prior to first occupation the cycle parking as shown in principle on drawing number 3271/101/C, with a minimum of 8 spaces. shall be provided. The approved facility shall be secure, convenient, covered and retained thereafter. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Gates: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway in the interest of highway safety in

accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Bus infrastructure: Prior to first occupation the provision of enhancements to the northbound bus stop on Cambridge Road (atco code 150018011011) opposite the Three Colts. Enhancements to include provision of high kerbs, bus shelter, pole, flag and timetable casing. Reason: to improve the accessibility of the of the development by bus for employees and visitors in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Workplace Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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

Environmental Health

- 9.4 No objection subject to imposition of recommended conditions below to address noise, land contamination, odour and lighting impacts of the proposed development. The site is currently bounded by residential housing with two existing residential dwellings on site and access provided from High Lane. Stanstead Airport is located some 3.3km to the south-east of the site, with the M11 motorway some 1.5km east of the site.

The applicants have submitted Land Contamination and Noise Impact Assessments together with two external lighting plans for the proposed development of the site. These are all important environmental factors that warrant further consideration in the context of the proposed development of the site, and I would therefore make the following observations and recommendations in terms of general environmental aspects of the outline application proposal:

Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and which should be conditioned to ensure they are suitably resolved for the final development scheme:

Land Contamination:

This is an existing residential site that has a history of earlier arable agricultural use. An initial Phase I Desk Top Study has been submitted for the site which has not identified any significant contamination likely to impact on the site and future occupiers in particular. However, the report has recommended further intrusive investigations of the site due to limited ground gas monitoring undertaken which

does not include conditions of falling barometric pressure. Furthermore, it is noted that Westwinds, which forms part of the application site, was not included in the Phase 1 Desk Top Study & Phase II Site Investigations. As such, I would recommend that the following condition is attached to any consent granted for this development:

Land Contamination – Investigation & Remediation

No development approved by this permission shall take place until a further Phase 2 investigation report, to cover the site currently identified as Westwinds and include further ground gas monitoring for the whole site (as recommended by the previously submitted Applied Geology Report on Preliminary Ground Investigation dated June 2019), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

Land Contamination – Validation

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

Reason: To protect human health and the environment.

Noise:

A noise impact assessment has been submitted which confirms that the site is not adversely impacted by noise from transport sources, i.e. from traffic on High Road, from the M11 and from Stanstead Airport are both to the east/south-east of the site. As such, no specific mitigation measures have been identified in relation to noise. Generally, I have no significant issues with the findings of the report in respect of the impacts from transport related sources on future occupiers of the development. However, the report has not considered the following potential operational impacts in respect of the development of the site as proposed with regards to existing neighbouring residential occupiers:

Noise from vehicles accessing and egressing the on-site car park onto High Road through the existing access. It is noted that the site will require 24/7 access for staff vehicles in particular and is also likely to include delivery vehicles and visitor vehicles. The number of vehicle movements is likely to be significantly more than for the existing residential use, and may therefore have an impact on the amenity of the nearest residential neighbour at Mont Cottage which is located adjacent to the boundary with the access drive and proposed car park area. I would therefore recommend that mitigation measures need to be put in place to protect the occupier of this dwelling from such noise impacts.

Noise from external plant installed in connection with the proposed development. It is noted that there will be two areas of external plant on the roof to the building, and

from the elevation drawings, it would appear that these will be screened from view by the ridge of the main roof, which should assist with noise attenuation also. Nevertheless, a noise limit on external plant needs to be included to ensure that appropriate plant is specified and attenuated as necessary to avoid any adverse impact on future occupiers and existing residential neighbours.

Noise from any kitchen extraction system. It is noted that the plans include a commercial kitchen and café area at lower ground floor level. Again, noise from any external kitchen extract system will need to be carefully designed and specified to avoid any adverse impacts in terms of odour and noise.

All of the above issues can be addressed through careful acoustic design and mitigation measures. Although I do not see noise as a barrier to the development of the site ultimately, in view of my observations above I would recommend that the following conditions are attached to any planning consent granted to address the noise issues identified:

Noise Attenuation

No occupation of the care home hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive and car park has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway and car park.

Noise – Deliveries

No deliveries to the site shall be received, except between 0800 hours and 1800 hours Monday – Saturday, and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the amenity of existing neighbouring occupiers.

Noise - Fixed Plant & Machinery

Noise resulting from the operation of fixed plant & machinery in association with the use hereby approved shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing neighbouring occupiers of the development.

In view of the scale of the development, the proximity to existing residential occupiers and the details set out in the Noise Impact Assessment, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan (CMP). The CMP should include detailed measures to control off-site environmental impacts, including noise & vibration and the control of fugitive dust emissions during all phases of the construction project:

Construction Environmental Management Plan

Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local

Planning Authority, and the plan shall include the following:

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

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts

Air Quality:

This a significant development of a greenfield site for a 75-bed care home. No air quality assessment has been undertaken, although the site is not located in an existing Air Quality Management Area. Furthermore, it is noted that a sustainable transport plan has been included with the application documents, and the plans include the provision of an electric vehicle charging point. As long as these measures are secured by suitably worded conditions, no further specific condition in terms of air quality are considered warranted in the context of this application.

Kitchen Extraction System – Odour & Noise:

The proposals include a commercial kitchen and café area at lower ground level, with a large commercial kitchen adjacent to this. Cooking operations have the potential to generate odours, especially when undertaken on a large-scale to meet the requirements of residents of the development. No information on the type of cuisine or kitchen extraction system have been included. It is essential to ensure a correctly and appropriately designed kitchen extraction system, in accordance with recognised design guidance such as DW172, is incorporated as part of the development. It is also essential to ensure that the operation of the kitchen extraction system will not lead to adverse noise impacts on residential neighbours. The following conditions are therefore recommended to address these aspects:

Kitchen Extraction & Odour Control

Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: To protect the amenity of existing neighbouring occupiers from adverse odour impacts.

Prior to any hereby permitted use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant.

Lighting:

The application includes two external lighting diagrams each showing different luminaires and lux plans, one entitled external lighting layout and the other external nighting layout. There is no clarification on the plans as to the distinction, although it is noted one has a wider range of luminaires specified. Of particular concern is that one of the plans shows luminaires proposed on 4m high columns located close to the boundary and which show spillover light into the neighbouring residential property that would exceed the levels specified post curfew (i.e. after 11pm) according to the guidance set out in the ILE guidance document on obtrusive light (assuming an E3 environmental zoning). The other shows low level bollards to the boundary which meet the specified levels for E3 post curfew.

This needs to be clarified with the applicant to ensure that there is no adverse impact from obtrusive light as a result of the proposed lighting scheme, and in particular the lighting to the car park area. Alternatively, the condition below is recommended to secure this and to ensure that any lighting scheme does not give rise to an adverse impact on the amenity of existing neighbouring occupiers. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of the development. Only the details thereby approved shall be implemented.

Reason: To protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spillover light or glare.

Lead Local Flood Authority

- 9.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Half drain times- Storage devices should half empty within 24 wherever possible following a 1 in 30 year event.
- The appropriate level of treatment for all runoff leaving the site, in line with the

Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

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

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Condition 3

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

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

We have not considered the following issues as part of this planning Summary of Flood Risk Responsibilities for your Council

application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
 - Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
 - Safety of the building;
 - Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

Anglian Water

- 9.6 No objections subject to the imposition of conditions.

Thames Water

- 9.7 No objections

ECC Ecology Consultant

- 9.8 No objection subject to securing biodiversity mitigation and enhancement measures Summary

We have reviewed the Arboricultural Impact Assessment (Middlemarch Environmental Ltd, June 2019), Dusk Emergence & Dawn Re-Entry Bat Surveys - Almont House (Middlemarch Environmental Ltd, July 2019), Nocturnal Emergence and Dawn Re-entry Bat Surveys – Westwinds (Middlemarch Environmental Ltd, August 2019), Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019), Revised Preliminary Bat Roost Assessment (Middlemarch Environmental Ltd, Rev B: August 2019), Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental Ltd, September 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) relating to the likely impacts of development on designated sites, Protected species and Priority species / habitats.

We are now 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.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting. Therefore, it is recommended that a lighting scheme should be submitted as a condition of any consent. This should follow the Institution of Lighting Professionals Guidance Note 8 Bats and artificial lighting (September 2018) and the recommendations provided by the applicants ecologist.

In addition, the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, the LPA should seek advice from Natural England if the development is relevant to advice issued regarding the SAMMS.

We support the reasonable biodiversity enhancements, which have been outlined within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019). This includes the installation of bird nest boxes and bat boxes, inclusion of hedgehog passes under any fence lines, tree planting, native and ornamental shrub planting, and the creation of habitats which will be of value to wildlife. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. This should be secured by a condition of any consent via a Biodiversity Enhancement Layout.

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

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

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

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting.

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).

2. PRIOR TO COMMENCEMENT: BAT METHOD STATEMENT

“A Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain Reasonable Avoidance Measures and/or works to negate the risk of indirect impacts from proposed Arboricultural works to roosting bats during the construction phase.

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

Reason: To conserve 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)

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

4. 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)

Aerodrome Safeguarding

9.9 No safeguarding objections

National Air Traffic Services (NATS)

9.10 No Objections

Essex Police

9.11 We would be interested to know what measures are planned to mitigate the risk of unauthorised entry into the building from the open grounds into residents rooms, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

10 REPRESENTATIONS

10.1 A number of representations of objection and support have been received in regards to the proposal. The objections are summarised as follows:

- There is a number of care homes already in Stansted,
- The scale of the building will be visual intrusive,
- It is the wrong location for the development,
- Insufficient landscaping
- Loss of privacy
- Light pollution
- Insufficient parking
- Noise pollution
- Insufficient traffic evaluation
- Increase of rubbish and vermin
- Loss of light to neighbouring properties
- Insufficient highway network
- Impact to the value of neighbouring properties
- Unsustainable location
- Does not accord with the NPPF
- CCTV will impact the privacy of neighbouring properties
- Impact to biodiversity
- Insufficient outdoor space for the residents
- No details of the roof equipment
- Impact to underground services
- No details for the contractor management plans
- Substantial harm to the adjacent listed building
- Adjacent conservation area
- The development will have a financial impact to other local care homes
- If there is not improvement to the footpath to the side of the site the application should be refused

COMMENTS ON REPRESENTATIONS:

- 10.2
- The need for a further care home forms part of the planning application and is set out in part A of the report.
 - The location of the development is considered in part A of the report.
 - The report considers the design and impact to amenity of neighbouring properties.
 - A travel plan and transport report has been submitted with the application and due consideration is made in part C of the report.
 - Due consideration is made to the setting of the listed building in part B of the report.
 - Impact to biodiversity is considered in part G of the report.
 - The site does not form part of or adjacent the Conservation area.
 - The impact to the value of neighbouring properties is not a material planning consideration.

- Works to the footpath to the north of the site is not considered proportionate to the scale of development.
- CCTV would be operated under appropriate guidelines.
- Details of roof equipment/ plant machinery will be conditioned
- If approved a construction management plan should be conditioned.

11 APPRAISAL

The issues to consider in the determination of the application are (relevant policies in brackets and paragraphs within the NPPF):

A	Location of the development (S1, GEN2 and the NPPF)
B	Scale, layout, character, appearance, impact on heritage (S1, GEN2, ENV2 NPPF)
C	Transport (GEN1, GEN8 & NPPF)
D	Accessibility (GEN2, E3 & NPPF)
E	Amenity (GEN2, GEN4, GEN5, ENV11, NPPF)
F	Infrastructure (GEN6 & PPG)
G	Biodiversity (GEN7, NPPF & PPG)
H	Flood Risk and drainage (ULP Policy GEN3; NPPF)
I	Air quality (ENV13, NPPF & PPG)
J	Contamination (ENV14, NPPF & PPG)

A Location of the development (S1, GEN2 and the NPPF)

- 11.1 The application site is located within the development limits of Stansted Mountfitchet where there is a presumption in favour of appropriate development. A care home would normally be considered as appropriate development in this context subject to general development management policies being satisfied. The site is already developed albeit as residential use.
- 11.2 The NPPF considers sustainable development should be supported and sets out achieving and the key elements of sustainable development in paragraph 8 and that the planning process should proactively drive and support economic development to deliver homes, businesses and infrastructure and meet local needs.
- 11.3 The NPPF advises to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Although the proposed care home does not fall within the residential Use Class C3 it does provide for specific residential accommodation needs under Class C2 of the Use Classes Order.
- 11.4 The application relates to a 75 room care and associated development, the applicant has advised the Council's Health and Wellbeing Strategy acknowledges Uttlesford has an ageing population with a 32% increase in over 65s between 2015 and 2025. It also refers to the recent data from Public Health England (2016) which indicates that 1,070 people living in Uttlesford aged over 65 are thought to have dementia, with this figure expected to rise to 1,920 people by 2030.

- 11.5 There is a degree of concern that there will be increased pressure on GP services and health facilities. Notwithstanding the fact that Stansted Surgery has capacity, it is also the case that residents in the home will be receiving care 24 hours a day, 7 days a week from qualified nurses
- 11.6 This often reduces the burden on local surgeries as medical needs are met in the home rather than requiring an appointment. The applicant has also agreed in principle to a contribution towards healthcare services, to be secured through a section 106 legal agreement.

B Scale, layout, character, appearance, impact on heritage (S1, GEN2, ENV2 NPPF)

- 11.7 With regards to the design of the development, ULP Policy GEN2 seeks for quality design ensuring that the development is compatible with the scale, form and layout, appearance and materials of the area. The policy aims to protect the amenity value of the area it is set seeking high quality design.
- 11.8 The siting of the proposal is based on the footprints of the previously approved dwellings at the site. Both the planning applications (UTT/17/1991/FUL) and (UTT/2282/07/FUL) spread development across the site, including the introduction of buildings closer to the Grade II listed Mont Cottage. The use of mixture of external materials will also result in the visual reduction of bulk and mass . However a condition would be recommended regarding the approval of materials should planning permission be granted. The proposal has sought to locate the building in the centre of the site, to allow for space around the home to provide generous amenity space.
- 11.9 The proposed building will be inevitably larger and higher than the existing building particularly due to the two storey nature of the existing dwelling. The massing of the building will be proposed building will be reduced through the creation with a number of subordinate ridges that form attractive features, also including weather-boarded bays and box projection dormers.
- 11.10 The care home has been positioned in the centre of the site to maximise the distances to boundaries, with elevations containing habitable windows positioned further from the boundary. Constraining the proposal to the centre of the site also helps to retain as many of the existing trees as possible, which are predominantly around the periphery of the site.
- 11.11 Objections have been received in regards to the scale and height of the proposal and the introduction of a 4 storey building. The site includes a significant increase in ground levels from the east to west of the site, the care home sympathetically utilises the topography of the site. At the higher level, to the west, the building is two and half storeys in height, whilst where the ground levels fall to the east, the landscape reveals a lower ground floor. The section drawing submitted demonstrate although the height of the building is significant it will be accommodated within the site without resulting in a harmful impact to the character of the site or its surroundings.
- 11.20 There is appropriate level of communal amenity space within the site sitting for both residents and visitors. The amenity space will be mainly be to the south and east of the site which will also provide more of a buffer and relief for the adjacent neighbouring properties.

11.21 The proposal will retain a majority of the existing trees on the site, with 14 trees removed in total to accommodate the development and associated construction works. The proposed landscaping scheme utilises the topography of the site to provide a secure upper ground floor residents' garden in the east and south east portion of the site. The ground falls to the east of the site, with soft landscaping provided in this portion to enhance the building entry at the south. An additional 45 trees (comprising 27 medium sized trees, 9 multi-stem trees, and 9 small ornamental trees) are proposed to be planted on the boundaries of the site and within the garden areas created by the landscaping scheme.

11.22 New boundary treatment will be provided, this includes:

- Eastern boundary - existing hedge to be retained and supplemented with a 1.2 metre high close-boarded fence to provide a visual screen between the proposed car park and Mont Cottage.
- Northern boundary - existing brick wall element to be retained. The existing chain-link fence and excess vegetation adjacent to the public right of way (PRoW) to be removed.
- The retaining wall to be checked and made good where necessary, and new railings to be located on top of the embankment.
- Western boundary - close-boarded fence to the boundary with 52 St Johns Road to be retained, with the addition of a 1.8 metre secure palisade steel mesh fence to this
- section, and 1.8 metre high railings along the remaining length of this boundary.
- Norman's Way - low brick wall adjacent to Norman's Way to be replaced with a 1.8
- metre high railing, a pedestrian gate, and brick gate piers.
- Southern boundary - existing close-boarded fence to be retained, checked and made good where necessary.

The Council's Landscape officer has been consulted in regards to the proposal, no objections of further recommendations have been made.

11.23 In consideration of the design of the current building, although it could be considered to be aesthetically appropriate and pleasing the proposed development would provide an efficient use of the site. The proposal would not have an overly harmful impact to the character of the site or its surroundings. As such the proposal accords with ULP Policy S1, GEN2 and the NPPF.

11.24 In regards to heritage, it is noted that a Grade II listed building, known as Mont Cottage, is located to the east of Almont House. Nevertheless, it is considered that the proposal would have no material impact on the setting of the heritage asset. Taking into consideration the comments from the Council's Conservation Officer it is concluded that the proposed development would be compatible with the character and appearance of the area, in accordance with the above policies. In coming to this view, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8 & NPPF)

- 11.25 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks.
 - c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
 - d) It must be designed to meet the needs of people with disabilities
 - e) The development encourages movement by other means other than driving car
- 11.26 As part of the development it is proposed to provide a new dropped kerb pedestrian crossing on High Lane to facilitate trips on foot to and from the site. It is also proposed to provide a pedestrian link from the site onto Norman's Way, which will be a gated access for staff use only. Enhancements to the northbound bus stop on Cambridge Road including enhancements to include provision of high kerbs, bus shelter, pole, flag and timetable casing will also be conditioned.
- 11.27 Taking into account the comments of the Highway Authority, it is considered that the proposal would not have an adverse effect on highway safety or efficiency. In particular, the level of parking provision has been assessed and found to be sufficient, in combination with relatively good sustainable transport options, to prevent unacceptable impacts on highway safety from on-street parking. It is therefore concluded that the proposal accords with the above transport policies.
- 11.28 A Travel Plan has been submitted with the planning application, the travel plan is to minimise the impact of travel on the environment, and can help to reduce emissions of greenhouse gases, improve local air quality, minimise health risks and reduce congestion. Encouraging staff to carry out their everyday activities in a more sustainable manner can also contribute to improvements in the local environment. A monitoring fee will be required for the Travel Plan and will be secured by a Section 106 Agreement.
- 11.29 The application site is well-located for sustainable transport, being 500m to the north of Stansted Mountfitchet train station and in close proximity to bus stops on Lower Street and Cambridge Road. The Transport Statement confirms that the available bus services can cater for peak commuting, as well as other shift times before and after the peaks, or visitor trips during the day.
- 11.30 Also submitted with the application is a Transport Statement. The Transport Statement has assessed the anticipated trip generation from the care home, and concludes that the increase in peak hour vehicle trips due to the proposed development would be negligible and would not have a material effect on the operation of the surrounding highway network. A traffic capacity assessment of the site access junction has been undertaken for a 2024 'Background plus Committed and Proposed Development' traffic flow scenario. The assessment confirms that the junction would operate with significant spare traffic capacity in both peak hours.
- 11.31 ULP Policy GEN8 requires parking provision to be in accordance with current

adopted standards. The proposal includes 34 parking spaces for the 75 bed care home. The 2009 Essex Parking Standards indicates a maximum car provision of one space per full time equivalent staff plus one visitor space per three bed, this equates to 50-53 parking space. However these are maximum parking standards and a lower provision is appropriate and suitable for the use of the site. No objections have been raised by Highways Authority in regards to parking provisions.

- 11.32 The application includes a transport statement and travel plan and make due consideration to the proposed parking. The development generated vehicular traffic has been distributed using Travel to Work data. This indicates that out of the maximum 36 staff on site at time, 28 are likely to drive. This demonstrates that the proposed 34 parking spaces (including two disabled bays) would accommodate staff and visitor parking demand generated by a 75-bed care home. With regards to shift change, in practice shift staff do not generally all arrive or depart at the same time so the change over time period is staggered. This would avoid that sudden surge in parking demand at these times. It is also considered the main change over periods do not coincide with the typical parking demand which occurs in the late morning/early afternoon, particularly as the care home would be open to visitors during the whole day. This results in the visitor arrivals being spread throughout the day any voids sudden peak periods in parking demands.
- 11.33 Further information provided within the transport statement includes the Hamberleys own Design Guide based on experience of the operation of other recently constructed sites. This includes one space per 2.5 care home bedrooms, this proposal includes 1 space per 2.3 care home bedrooms. It should be noted that residents of Hamberley's elderly care homes do not own cars and therefore parking is provided to cater for staff and visitors. It is also unlikely that residents will use mobility scooters due to their age and frailty. However, the internal layout of the care home building will accommodate mobility scooter storage when required
- 11.34 A Travel Plan would be adopted by the operator with measures implemented from the first opening, this will encourage staff to walk, cycle, car share an use public transport to get to work. On the basis of this information the proposed parking provision would be satisfactory to meet the likely parking demand. This would contain all development related parking within the site and not result in overspill parking on the local roads, in accordance with local Plan policy GEN8 and ECC parking standards (2009)

D Accessibility (GEN2, E3 & NPPF)

- 11.35 Policies GEN2 and E3 seek to ensure a high level of accessibility. However, the Council has not adopted any technical standards against which the proposal can be assessed. It is therefore considered that compliance with the most up-to-date standards in the Building Regulations would ensure an appropriate level of accessibility.

E Amenity (GEN2, GEN4, GEN5, ENV11, NPPF)

- 11.36 Due consideration is made to the scale and siting of the development and its impact to the neighbouring residential properties. This includes loss of privacy, overlooking, over shadowing, overbearing, noise and disturbance.
- 11.37 In regards to loss of privacy and overlooking a number of objections have been made, therefore the following assessment is made:

As for privacy impacts, the submitted floor plans and cross sections indicate that there should be no overlooking from the care home towards neighbouring properties to the north and south, bearing in mind the separation distance. However, there is potential for southward overlooking from the southernmost terrace, and some of the bedrooms on the western side of the building would overlook the private amenity space for 52 St John's Road. The following assesses the overlooking impact of the development.

52 St Johns Road, this already has a degree of overlooking from the existing dwelling of Westwinds and the neighbouring dwellings that from St John Road as such it is not considered the degree of overlooking or loss of privacy will be of a significant level that will have any harmful impact.

50C St Johns Road, this is considered a sufficient distance from the front elevation of the dwelling to not have any significant overlooking or loss of privacy.

1-7 Meadow Croft, the north western corner of the building will include a two storey element, however the windows will be served a stair well and therefore considered with the distance and existing trees and vegetation between the proposed building and neighbouring dwellings there will not be any level of overlooking or loss of privacy that will have any significant harm.

The remainder of north elevation is set back into the site and provides significant distance between the proposed building and neighbouring dwelling to the north of the site.

Mont Cottage and 4 Mont Place are to the east of the application site, there is sufficient distance between the proposed building and the neighbouring dwelling to not result in any overlooking that will have any significant harm.

1 Brewery Lane, The Hollies and Bracken House.

There would be some overlooking from a single bedroom on the first floor level of the care home, however this would be limited due to the distance between the buildings and existing mature vegetation. That being said the use of a condition for the use of obscure glazing could be used to help mitigate this.

11.38 In regards to whether the development will have an overbearing impact or cause any overshadowing or loss of light to neighbouring properties, taking into account the submitted site sections and distances between the development and neighbouring sites, it is considered that there would be no significant harm to the living conditions of neighbours.

11.40 In regards to noise, the application includes a noise impact statement which identifies the noise created by the development. The Council's Environmental Health Officer has been consulted and does not make any objection to the proposal subject to conditions, these include:

- Submission of details of noise barriers to protect neighbouring residential properties,
- No deliveries to be made outside 0800 hours and 1800 hours (Monday – Saturday, and at no time on Sundays, Bank or Public Holidays)
- Submission of details of onsite plant and machinery,
- Submission of construction management plan,
- Submission of air extraction,

Taking into account the comments of the Environmental Health Officer and imposition of conditions it is considered that there would be no significant impacts on the amenity of neighbouring residents from noise.

11.40 ULP Policy GEN5 considers the whether the proposed external lighting scheme is necessary and that glare and spillage from the lighting is minimised. A lighting layout has been submitted with the planning application, no objection has been raised by the Council's Environmental Health Officer subject to the imposition of a condition for further details to be submitted prior to the occupation to the development.

11.41 It is therefore concluded that the proposal will not have any significant harm to the amenity of neighbouring properties and is in accordance with GEN2, GEN4, GEN5, ENV11 and the NPPF.

F Infrastructure (GEN6 & PPG)

11.42 The application has been reviewed by the West Essex Clinical Commissioning Group and advises the proposed development is likely to have an impact to the services of the local GP practices. A developer's contribution will be required to mitigate the impact of these proposal, this calculates to £11,822 of which will be secured by S106 Agreement to mitigate the impact, should planning permission be granted. It is therefore concluded that the proposal accords with Local Plan Policy GEN6.

G Biodiversity (GEN7, NPPF paragraph 175 & PPG)

11.43 Policy GEN7 and the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. A protected species survey has been submitted with the application, taking into consideration the consultation response from the Council's Ecology consultant, the development will not result in any harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

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

11.44 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. The site is not in an area that is identified as at risk of flooding. However, the proposal is a 'major development' so it would be necessary to include a sustainable drainage system (SuDS) as an integral part of the design.

11.45 The application includes a Flood Risk Assessment, from the consultation response by the Lead Local Flood Authority it is considered that subject to conditions the development will include appropriate drainage and will not give rise to an increase in flooding and in accordance with ULP Policy GEN3.

I Air quality (ENV13, NPPF)

11.46 Taking into account the comments of the Environmental Health Officer, it is considered that there would be no significant reduction in air quality around the site provided that appropriate conditions be imposed should planning permission be

granted. Therefore, subject to conditions to secure details of sustainable transport and provision of electric vehicle charging points to encourage low emission transport, it is concluded that the proposal accords with the above policies.

J Contamination (ENV14, NPPF)

11.47 Taking into account the comments of the Environmental Health Officer, it is considered that the submitted contamination reports demonstrate that the development could proceed without adverse effects with respect to contaminated land. Therefore, subject to the use of appropriate conditions, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

12 CONCLUSION

A The propose scheme would provide the mix of housing sought under paragraphs 60 and 61 of the NPPF to meet the needs of an older generation and people care requirements. The proposed use of the site would make more effected use of the large plot and although not part of a key employment site will provide significant economic growth. The proposal will meet the Council's Health and Wellbeing Strategy and the development accords with ULP Policies S7, GEN2 and the NPPF.

B The layout, scale, appearance and landscaping of the development is considered appropriate taking into account the constraints of the site. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S1, GEN2, GEN8 and the NPPF.

C The proposal will not give rise to any harmful, impact to the adjacent listed building and is considered in accordance with ULP Policy ENV2 and the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

D The layout, scale and siting of the proposal is not considered to have any harmful impact to the residential amenity of neighbouring properties in terms of loss of privacy, overlooking, overbearing, light pollution, noise and disturbance. The development is in accordance with ULP Policies (GEN2, GEN4, GEN5, ENV11, NPPF)

E The proposal would not be harmful to protect/priority species subject to conditions and in accordance with ULP Policy GEN7.

F The proposal will not give rise to flooding subject to conditions and in accordance with ULP policy GEN3

G The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

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

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 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. Payment of contributions £11,822 towards healthcare provision
- II. Arrangements for the provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003
- III. Arrangement for the provision of enhancements to the northbound bus stop on Cambridge Road (atco code 150018011011) opposite the Three Colts.
- IV. Travel Plan and associated monitoring fee of £6000.
- V. Pay the Council's reasonable legal costs
- VI. Pay the Council's 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) Non-payment of contributions towards healthcare.
- (ii) No provision for highway provisions.
- (iii) No provision of Travel Plan

CONDITIONS:

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

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

- 2 Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
 - Walls
 - Roof
 - Windows
 - Doors

The development must be carried out in accordance with the approved details shall not be changed without prior written approval from the Local Planning Authority.

REASON: In the interest of protecting the architectural and historical significant setting of the adjacent listed building and to ensure compatibility with the surrounding area, in accordance with ULP Policies ENV2 and GEN2 and The National Planning Policy Framework.

- 3 No demolition shall take place until a Demolition Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Demolition Management Plan shall be adhered to throughout the demolition period.

The Plan shall provide for:

1. Parking of vehicles of site operatives and visitors
2. Loading of materials and demolition waste clear of the highway

- 3.Storage of plant and waste materials associated with the demolition works,
- 4.Any means, such as a restriction on the size of construction vehicles and machinery accessing the site, required to ensure that no damage occurs to adjacent streets throughout the demolition works
- 5.Routing of vehicles along appropriate routes
- 6.Measures to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during demolition works
7. Details of the mitigation measures for dust and emissions as well as methodology for monitoring during the demolition.
8. Procedures for controlling sediment runoff, dust, vibration and the removal of soil, debris and demolition and construction materials from public roads or surround neighbouring sites.
9. Proposed hours of work on the demolition site.
- 10.Wheel and underbody cleaning facilities and cleaning of the highway during the demolition
- 11.Details of consultation and complaint management with local businesses and neighbours

REASON:

To ensure the demolition does not have harmful impacts to the highway safety from parking of vehicles associated with the demolition in the adjoining streets. Ensuring that loose materials and spoil are not brought out onto the highway, and the control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 4 The construction of the development hereby approved shall not be shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading and unloading of plant and materials;
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Storage of plant and materials used in constructing the development;
- m)Wheel and underbody washing facilities
- n) Routing of vehicles along appropriate routes

REASON: To ensure that on-street parking of the vehicles associated with the construction of the development in the adjoining streets does not occur. Ensuring that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 5 Prior to occupation of the development, the 6m wide access and turning provision as shown in principle on submitted drawing A113039/35/18/003 (Appendix E transport statement- WYG Transport Planning June 2019) shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. The turning, and access with associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 6 Prior to first occupation provision of a pedestrian cycle/access to Norman's Way as shown in principle on drawing number H0203-105 C.

REASON: To provide convenient access for local employees to the site and access to bus services and town facilities on foot and by cycle in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 7 Prior to first occupation provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003 (Appendix E transport statement)

REASON: To provide convenient crossing facilities for pedestrians accessing the site in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 8 Prior to first occupation the cycle parking as shown in principle on drawing number 3271/101/E, with a minimum of 8 spaces to be provided. The approved facility shall be secure, convenient, covered and retained thereafter.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 9 No development approved by this permission shall take place until a further Phase 2 investigation report, to cover the site currently identified as Westwinds and include further ground gas monitoring for the whole site (as recommended by the previously submitted Applied Geology Report on Preliminary Ground Investigation dated June 2019), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation

strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

REASON: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and in accordance with ULP Policy ENV14.

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

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

- 11 No occupation of the care home hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings of Mont Cottage and 4 Mont Place from noise arising from vehicles using the proposed access drive and car park has been submitted to and approved in writing by the local planning authority. The care home shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway and car park and in accordance with ULP Policies ENV11 and GEN4.

- 12 No deliveries to the site shall be received except emergency deliveries outside of the hour of 0800 hours and 1800 hours Monday – Saturday, and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

REASON: To protect the amenity of existing neighbouring occupiers and in accordance with ULP Policies ENV11 and GEN4.

- 13 Prior to any hereby permitted use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant in accordance with ULP Policies ENV11 and GEN4.

- 14 Prior to the occupation of the development hereby permitted a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating

level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant in accordance with ULP Policies ENV11 and GEN4.

- 15 Prior to the occupation of the development hereby approved a lighting design scheme shall be submitted to and approved in writing by the local planning authority.

The lighting scheme shall consider biodiversity and the amenity to neighbouring properties.

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 protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spillover light or glare. 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 Policies GEN4 and GEN7.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting.

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

- 17 Prior to the commencement of the development hereby approved at bat method statement shall be submitted to and approved in writing by the local planning authority. This will contain Reasonable Avoidance Measures and/or works to negate the risk of indirect impacts from proposed Arboricultural works to roosting bats

during the construction phase.

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

REASON: To conserve 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

- 18 Prior to slab level of the development hereby approved a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

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

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Infiltration testing and ground water monitoring should be undertaken in all of the proposed soakaway locations.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Detailed engineering drawings of each component of the drainage scheme.

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

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

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and in accordance with the aim of ULP Policy GEN3 and the NPPF.

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

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

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

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

- 22 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.

REASON: To ensure the development protects the public water supply accordance with ENV12.

- 23 Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

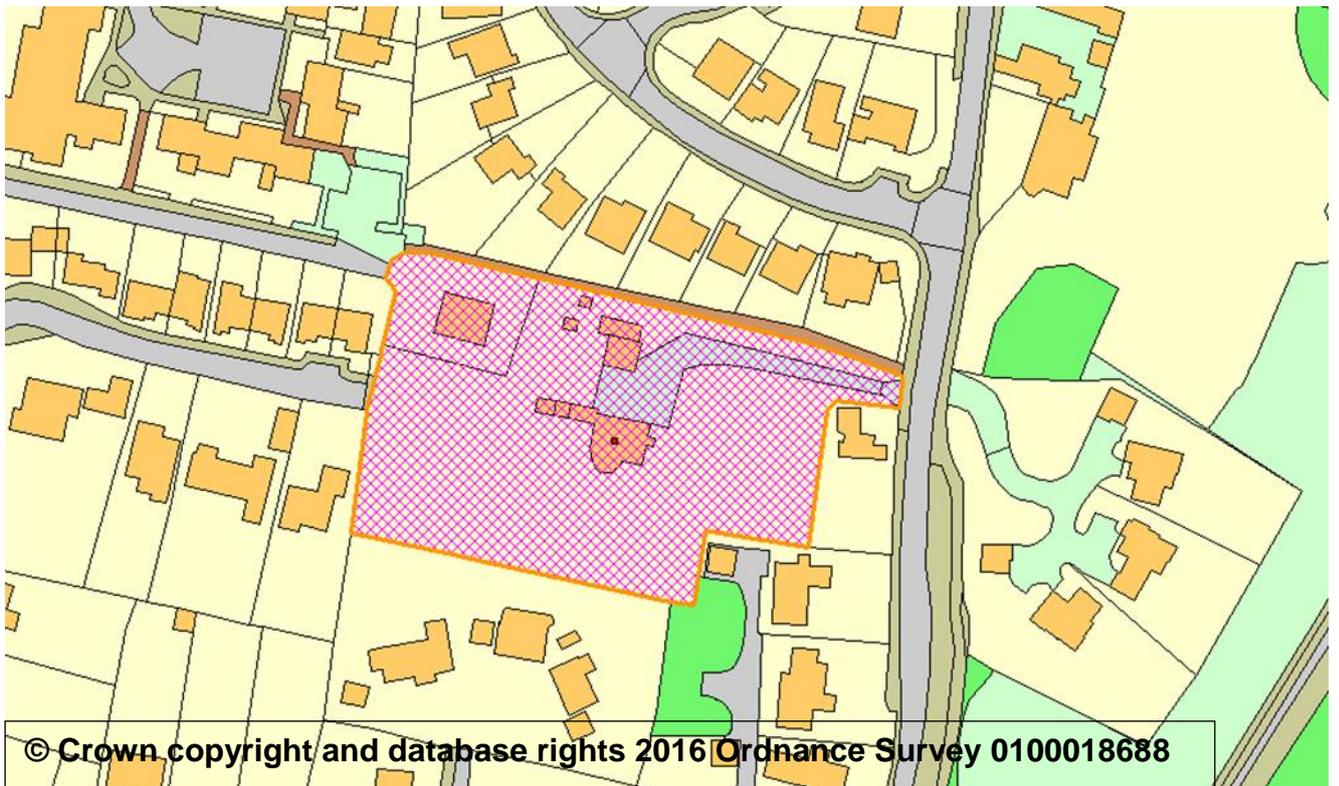
REASON To ensure the development protects the public water supply accordance with ENV12.

- 24 Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due the potential presence of contaminated land and the risk for contaminants to remobilise and cause groundwater pollution. This is also due to the likelihood of surface water from the car park area to carry on oil and hydrocarbons.

REASON To ensure the development protects the public water supply accordance with ENV12.

- 25 A minimum of a single electric vehicle charging point shall be installed at the site. This shall be provided, fully wired and connected, ready to use before first occupation of the development.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13 and paragraph 105 of the NPPF



Organisation: Uttlesford District Council

Department: Planning

Date: 21 September 2020

UTT/20/1603/FUL (NEWPORT)

(Referred to Planning Committee by Councillor Hargreaves for the following reasons:

- The proposal is outside the development framework of Newport and is contrary to ULP Policy S7)

PROPOSAL:	Construction of a new dwelling and car port
LOCATION:	Land Rear of The Chestnuts, Bishops Way, Newport, Saffron Walden, Essex, CB11 3PA
APPLICANT:	Mr Bishop
AGENT:	Mr Jason Seed
EXPIRY DATE:	04th September 2020 (Extension of time until 05th October 2020)
CASE OFFICER:	Nathan Makwana

1. NOTATION

- 1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a parcel of unoccupied land which is located in excess of 20m from the rear boundary fence of the residential dwellings facing onto London Road. The western section of the site is bounded by agricultural land whilst areas to the east and south are occupied by residential properties and associated curtilages. Access to the site is achieved via a gravelled surface track from London Road which accesses another newly developed dwelling to the north of the application site.

3. PROPOSAL

- 3.1 The application seeks full planning permission for the erection of a new dwelling and car port.

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

5. APPLICANT'S CASE

- 5.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way. The applicant also draws reference to recently approved planning applications, which are outlined in the section below.
- 5.2 Also submitted with this planning application is a completed Biodiversity Checklist.

6. RELEVANT SITE HISTORY

- 6.1 UTT/20/0158/FUL - Erection of 1 no. detached dwelling with garage and carport – Withdrawn on 05.03.2020
- 6.2 Appeal: APP/C1570/W/17/3174576 – Dismissed on 03.11.2017
- 6.3 UTT/17/0050/FUL - Erection of two detached dwelling houses and garages – Refused on 12.04.2017
- 6.4 UTT/16/2004/DOC - Application to discharge condition 2 (samples of materials for external surfaces) attached to UTT/15/2152/FUL dated 23.10.2015 – Approved on 16.08.2016
- 6.5 UTT/14/3625/FUL - Erection of 3 no. dwellings and associated parking facilities – Refused on 30.01.2015
- 6.6 UTT/1277/11/FUL - Erection of dwelling and garage amended scheme to that approved under UTT/0422/11/FUL – Approved on 18.08.2011
- 6.7 UTT/0548/09/FUL - Erection of new dwelling – Approved on 02.02.2010

7. POLICIES

National Policies

National Planning Policy Framework (NPPF) (June 2019)
National Planning Policy Guidance (NPPG)

7.1 Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy H1 – Housing Development
ULP Policy H4 – Backland Development
ULP Policy H9 – Affordable Housing
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV11 – Noise Generators
ULP Policy ENV14 – Contaminated Land

7.2 Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

7.3 Other Material Considerations

8. PARISH COUNCIL COMMENTS

8.1 Newport Parish Council

- 8.2 Newport Parish Council have provided an 11 page document outlining their response objecting to this planning application. Due to the size of their consultation response, it has been added as an appendix to this report, known as Appendix 1 and available to view at the end.

Their objection outlines the Site History, the Site Location and Layout. Their objections focus on the following elements: Countryside, Impact on Neighbours/Living Conditions, Levels and Overlooking, Garden Space – Elysium, Access, Restrictive Covenant on Development, Refuse Collection, Trees and Cumulative Impact/Housing Supply.

8.3

- 8.4 The conclusion to their comments are as follows: “Newport Parish Council conclude that many of the reasons for the dismissal of the appeal hearing APP/C1570/W/17/3174576 in 2017 on this site still remain applicable, particularly regarding overlooking and impact on surrounding dwellings. The application would also significantly reduce the plot size of Elysian as approved under UTT/15/2152/FUL. This application represents back development in a plot that is outside the development limits for Newport and is indisputably in the countryside. It is therefore contrary to ALP policies GEN2, H4, also S7 and NQRHA1. No information has been provided that provides a reason why this development needs to be here and there has been sufficient development already in Newport such that one additional 5 bedroom dwelling is not necessary or required.”

- 8.5 In their consultation response, Newport Parish Council make reference to the Neighbourhood Plan for Newport, Quendon and Rickling. The Neighbourhood Plan remains un-adopted. Currently, the Independent Examiner has on the Newport Quendon & Rickling Neighbourhood Plan has recommended that the modified Plan should proceed to Referendum.

- 8.6 As the Neighbourhood Plan remains un-adopted, little weight can be attributed to it as part of the assessment of this planning application.

9. CONSULTATIONS

ECC Highways

- 9.1 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.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway

Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

UDC Environmental Health

9.2 Noise:

The site is subject to transportation noise, predominantly from the M11 Motorway 200m away.

BS 8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, provides guideline internal noise levels which should be achieved through sound insulation measures for acceptable living conditions in habitable rooms. The following condition is therefore recommended, based on the guideline levels:

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

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAm_{ax}. Living Rooms (07.00-23.00 hrs) 35 dB LAeq

Contaminated Land:

The Council is not aware of any potentially contaminate past use, however, it is the developers responsibility to ensure that final conditions are fit for the end use of the site therefore the following condition is requested;

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

Reason: To protect human health and the environment

Electric Charge Points:

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.*

Informatives

Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc. in the interests of carbon saving and energy efficiency.

Developers are referred to the Uttlesford District Code of Development

Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

10. REPRESENTATIONS

10.1 5 Neighbour Representations have been received, all objecting to the application proposal.

A site notice was displayed at the application site on the 17th July 2020 and expired on the 07th August 2020.

Neighbour notification period expired on the 31st July 2020.

10.2 Summary of representations received as follows:

- There is no need for extra housing of this nature at the present time. The proposed development is outside the development limits and so should be refused.
- The proposed house will adversely affect the living conditions of occupiers of neighbouring properties with regard to privacy, outlook, light, noise and disturbance.
- The proposed house will overlook Willow Chase and the swimming pool and terrace and so have an adverse effect on living conditions in terms of outlook.
- Bishops Way is unsuitable for further traffic arising from a new dwelling. The surface is not hardwearing and would not stand up to heavy vehicles during construction of the new property.
- In the event that 2 cars meet on the track, one will be forced to reverse out onto London Road. London Road is busy and there is a bus stop at the point where cars would reverse. This is exceedingly dangerous.
- There is no safe crossing place at this end of the village and the pavement is also used by children attending both the junior and senior schools, both situated on the same side of London Road.
- Bishop's Way is already shared by three properties. It is an unlit track with no passing places.
- Refuse bins have to be taken down all the way to the end of London Road, this will be detrimental to any new occupier on cold dark nights.
- The proposed dwelling will also overlook Iris Cottage and Allium. It is also higher than Elysian and will look directly into the rooms to the rear of Elysian.
- The scale, layout, form, design and location would adversely harm the living conditions of the neighbouring properties i.e. Elysian, Chesterton House, The Chestnuts, Willow Chase, Iris Cottage, and Allium.
- There are ecological concerns arising from the loss of open vegetation and trees.

10.3 The above is a summary of the representations received, full versions are available via the online public access system.

11. APPRAISAL

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

- A The Principle of development – Impact on Countryside Character (NPPF, ULP Policies S7, H1, H4, GEN2);
- B Character, Design and Appearance (ULP Policies S7, H4, GEN2, NPPF);
- C Access and Transport (GEN1, GEN8, NPPF)
- D Residential Amenity (ULP Policies H4, GEN2, NPPF and SPD “Accessible Homes and Playspace”);
- E Flooding (ULP Policies GEN3, NPPF);
- F Infrastructure (ULP Policies GEN6, NPPF);
- G Noise and Contaminated Land (ULP Policies ENV10, ENV14, NPPF);
- H Affordable Housing (ULP Policy H9, NPPF)
- I Housing Mix (H10, SHMA, NPPF)
- J Housing Land Supply (NPPF)

A The Principle of development –Impact on Countryside Character (NPPF, ULP Policies S7 and GEN2);

- 11.1 In appeal decision (reference: APP/C1570/W/17/3174576 for application: UTT/17/0050/FUL) issued on 03/11/17, the Inspector noted that the appeal site lies beyond the defined development limits for Newport with the exception of the lower half of the access track.
- 11.2 As a consequence, it is considered to fall within the countryside where Policy S7 of the Local Plan applies. This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. The policy imposes a strict control on new building and only permits development if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.3 The Inspector noted that the appeal site is situated to the west of London Road to the rear of existing properties. There are effectively four tiers of housing fronting onto this section of London Road as a result of recent developments including Salix, Allium, Iris Cottage, Chestnuts and the dwelling under construction. This back land form of development thus constitutes part of the character and appearance of the area to the north and east of the site.
- 11.4 In paragraph 20, the Inspector noted that while not fully in accordance with Policy S7 of the Local Plan in terms of its location, the site specific circumstances indicate that the proposed development would have an acceptable effect on the character and appearance of the area. It would protect the particular character of the countryside within which it is set and would be appropriate in this specific rural location.
- 11.5 Therefore, no issue is raised with respect to the principal of development at this site and this scheme would accord with ULP Policies S7. H4 and the NPPF.

B Character, Design and Appearance (ULP Policies S7, H4, GEN2, NPPF);

- 11.6 This application submission follows the withdrawal of UTT/20/0158/FUL and the refusal of application UTT/17/0050/FUL and appeal ref: APP/C1570/W/17/3174576. In the refused and subsequently dismissed application, the proposed dwelling concerning this pre-application proposal can also be identified as Plot 1 within this refused and dismissed application.

- 11.7 As identified in the submitted statement, almost all of the harm identified by the Inspector within this decision arose from what was designated as 'Plot 2' of UTT/17/0050/FUL which was located to the east of the current application site and possessed the greatest harm in terms of overlooking and overbearing to neighbouring properties.
- 11.8 In his appeal decision, the Inspector noted that the "*Plot 1 dwelling would reduce the amount of rear garden space for the dwelling under construction, but would still be of a reasonable size. The Plot 1 dwelling would also affect the outlook from the rear of the dwelling under construction, although the change in levels is not so pronounced as between Allium and Iris Cottage and the Plot 2 dwelling.*"
- 11.9 Following the withdrawal of UTT/20/0158/FUL the following amendments have been made to the scheme as shown on the below drawings:
- 11.10 As submitted Drawing No: NWA-14-001-47A illustrates, it is proposed to reduce the levels at the site by 1.2 metres which would result in a commensurate reduction in ridge height. This reduction, combined with a separation distance of 58 metres, ensures that no overbearing relationship with Allium and White Lodge to the east would occur.
- 11.11 Drawing No: NWA/14/001/LOC_S4_P C and NWA-14-001-46 Rev B illustrate, the northernmost elevation of the proposed dwelling would be situated approximately 27m from the rear elevation of Elysian which is located to the north.
- 11.12 Within Paragraphs 11 and 12 of the appeal, the Inspector raised no concerns with regards to the impacts of Plot 1 at the time (the approximate area of the currently-proposed dwelling) upon Elysian to the north. The proposal will therefore not result in any unacceptable overlooking of the property to the north.
- 11.13 The double garage and games room has been removed, the proposed two bay carport/garage located to the north east of the site is to remain as shown on drawings NWA/14/001/LOC_S4_P C and NWA-14-001-42 B.
- 11.14 The rear amenity space for the proposed dwelling is stated to be 540sqm which far exceeds the 100sqm Essex Design Guide specification for a dwelling of this size. The amenity space of the dwelling known as Elysian will not be impacted as this dwelling already possesses a defined curtilage and boundary which is clearly demarcated. This is shown on title plan EX973421 (Appendix 4) which shows the boundary of Elysian, with a rear amenity space of approximately 230sqm. There will be no reduction in their existing garden space as a result of this new dwelling.
- 11.15 Given the lowering of the levels and the separation distances of 58m towards Allium and White Lodge, as well as the 27m from Elysian, these distances well exceed the minimum distance requirements outlined within the Essex Design Guide. Furthermore, the removal of the garage and games room removes any additional bulk and excess structures on the site, allowing for increased amenity space.
- 11.16 In terms of amenity issues arising from vehicular traffic, the Inspector noted in Paragraphs 9 and 10 of the appeal decision that due to the nature of the surface

and only then three properties (now four) using this track, there was scope for a considerable amount of noise and disturbances to the properties known as Chestnuts and Chesterton House. Whilst surfacing improvement measures were discussed, the Inspector noted that irrespective, there could still be a reasonable amount of noise and disturbance. It is noted, however, that whilst the Inspector referenced this, it was not part of his overall reason for refusal.

- 11.17 The erection of one dwelling, rather than two would result in less intensive use of traffic compared to the amount of traffic that would be attributed to two vehicles. The level of traffic attributed to the erection of one dwelling (with five bedrooms and adequate parking provision to match this) would result in some amenity harm to neighbours as each vehicle passes. However, the level of harm arising would not be detrimental to the amenity of each of these neighbours, with private amenity spaces located well away from the access road.
- 11.18 The level of harm arising would be no different than that experienced by other neighbours within the immediate area, whereby access roads have been designed to access backland development, as would this be. It is noted that the Council's Environmental Health Officer did not object to the application on the grounds of noise.
- 11.19 A sample material condition would be recommended to ensure proposed materials are acceptable and do not cause harm to the character of the wider area, should planning permission be granted.
- 11.20 In their consultation response as part of paragraph 3.8, Newport Parish Council raise that TPO trees along Bishops Way maybe impacted by virtue of construction traffic arising from this dwelling, should it be granted permission.
- 11.21 It is acknowledged that construction traffic would utilise this road should the dwelling be granted planning permission. However, this is a clearly marked private and sufficient space is provided to ensure that traffic would not detrimentally harm the trees alongside the immediate sections of Bishops Way. In summary, the trees are unlikely to be harmed by traffic in comparison to that already using Bishops Way.
- 11.22 In summary, the proposed amendments to the above proposed dwelling ensures that the scheme is acceptable and accords with the design criteria outlined within ULP Policies H4, GEN2 and GEN4 of the Uttlesford Local Plan 2005 and the NPPF.

C Access and Transport (GEN1, GEN8, NPPF)

- 11.23 Drawing NWA/14/001/LOC_S4_P C shows the proposed parking arrangements for the proposed dwelling. The removal of the games room and garage has not altered parking provision with the site exceeding the threshold of three spaces for a dwelling of four bedrooms or more.
- 11.24 Given the nature of the road and access, as well as concerns surrounding construction and how this would impact traffic on the road, a condition will be imposed on any granted permission requesting that a Construction and Environmental Management Plan be provided.
- 11.25 The Local Highways Authority has been consulted and raises no objection to the application proposal. The proposal accords with ULP Policies GEN1, GEN8 and the NPPF.

D Residential Amenity (ULP Policies H4, GEN2, NPPF and SPD “Accessible Homes and Playspace” and the Essex Design Guide (EDG));

- 11.26 Of the representations received, the majority of the concern raised relates to residential amenity arising from the proposal’s impact on adjoining and nearby neighbours, including significant overlooking concerns, issues of the dwelling being overbearing, as well as other considerations arising from noise relating to the presence of the dwelling, construction of the dwelling and concerns surrounding increased traffic as a result of increased vehicle movements along Bishops Way.
- 11.27 With respect to overlooking and privacy distances, the Essex Design Guide, a non-adopted but useful supplementary guidance seeking to provide best practice for good design and amenity states that “*where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required.*”
- 11.28 It further states that “*where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.*” The Essex Design Guide states that the provisions also apply to the sides and flanks of houses containing habitable rooms and windows.
- 11.29 An examination of the elevations indicate that the front, side and rear elevations are those most likely to cause amenity issues. The front elevation incorporates three front facing windows, for two bedrooms and a hallway, the side incorporates an en-suite window, whilst the rear possesses four windows, two bedroom windows, an external balcony and an en-suite window.
- 11.30 Of the two elevations, it is the rear elevation and the front elevation that possess the greater degree of overlooking, as the side en-suite window can be conditioned to be obscure glazed.
- 11.31 As identified within the design section above, Drawing No: NWA-14-001-47A illustrates, the levels at the site have been reduced by 1.2 metres which would result in a commensurate reduction in ridge height. This reduction is also combined with a separation distance of 58 metres from the dwelling known as White Lodge.
- 11.32 Drawing No: NWA-14-001-46 Rev B illustrates that the northernmost elevation of the proposed dwelling would be situated 27 metres from the rear elevation of Elysian which is located to the north. This is an acceptable overlooking distance that complies with the back to back distances outlined within the Essex Design Guide. It should also be noted that within Paragraphs 11 and 12 of the previous appeal, the Inspector raised no concerns with regards to the impacts of what was Plot 1 (the approximate area of the currently-proposed dwelling) upon Elysian to the north.
- 11.33 With respect to Willow Chase, the concern of overlooking is not considered to be harmful nor detrimental. Bedroom 4 of the proposed floor plans shows the room most likely to cause a sense of overlooking, but this would be at an oblique angle and with a separation distance of more than 30m between this window and the rear

amenity space of Willow Chase, the distance well exceeds the limit outlined within the Essex Design Guide.

- 11.34 Measuring overbearing is of course much more difficult in comparison to that of overlooking, whereby distances can be used as a guidance. It is acknowledged that the ground levels of the site result in a dwelling appearing on a higher level than what is currently experienced at present, that is no dwelling at all and a vacant site.
- 11.35 Nevertheless, within his appeal statement, the Inspector noted that Plot 2 was the dwelling most likely to cause the sense of overbearing, Plot 1 (the predecessor dwelling to this submitted application) was not found to possess any amenity concerns whatsoever to neighbouring dwellings. The proposed distances, drop in levels and lack of any windows that directly look into any private amenity space ensure that there will not be a harmful level of overbearing to the nearby neighbours. The Inspector in his statement notes that *“the change in levels regarding Plot 1, is not so pronounced as between Allium and Iris Cottage and the Plot 2 dwelling.”*
- 11.36 With respect to amenity concerns arising from vehicular use and traffic along Bishops Way, the Inspector stated that *“The number of movements would still be fairly limited, but nevertheless would result in a degree of harm for occupants of Chesterton House in terms of noise and disturbance.”* This iteration of the application proposes one dwelling and it is considered that the addition of one dwelling on this site and associated vehicle movements, would result in a degree of harm, given the additional movements, but that this level of harm is not considered to be significant detrimental to the day-to-day living and amenity of the adjoining and nearby neighbours, to warrant refusing the application.
- 11.37 This revised application has effectively halved the intensity and use of vehicular movements using the track, the dwelling has been re-positioned, re-levelled and designed in a way that the living conditions of Allium, Iris Cottage and Willow Chase would not be harmed. This also applies to Chesterton House, Chestnuts and Elysian with respect to vehicle movements, as well as overlooking complying with Essex Design Guide specification.
- 11.38 With respect to residential amenity for future occupiers, the proposed bedrooms exceed those within the Technical housing standards – nationally described space standard.
- 11.39 Provision for waste storage is made to the immediate east of the new dwelling and within its proposed curtilage. The storage area has been located to ensure that any potential odour associated with the refuse does not adversely impact upon the amenities of neighbouring properties.
- 11.40 It is noted that the waste storage area is accessible through the gate which is proposed adjacent to the northernmost boundary of the site. The Essex Design Guide stipulates that refuse collection will be made only from those dwellings within 25m of an adopted road local operatives. It is acknowledged that this would result in another dwelling with a longer bin collection distance. However, the distance would not be any further than that of those experienced by residents at adjacent properties including The Chestnuts and Elysian.
- 11.41 In summary, the proposed dwelling has been designed and positioned in a way that does not pose a harmful and detrimental residential amenity impact. It is therefore

considered to accord with the amenity criteria outlined within ULP Policies H4, GEN2 and GEN4 of the Uttlesford Local Plan 2005 and the NPPF.

E Flooding (ULP Policies GEN3, NPPF);

11.42 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

F Infrastructure (ULP Policies GEN6, NPPF);

11.43 Taking into account the nature and scale of the development 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.

G Noise and Contaminated Land (ULP Policies ENV10, ENV14, NPPF);

11.44 No objection is raised by the Environmental Health Officer, subject to a contaminated land condition on their consultation response and a condition ensuring that the built specification of the structure and its ventilation shall be designed to achieve BS 8233:2014 environmental noise limits internally. Subject to conditions, it is therefore concluded that the proposal accords with the above policies.

H Affordable Housing (ULP Policy H9, NPPF)

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

I Housing Mix (H10 & SHMA, NPPF)

11.46 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. However, as the proposal is only for one dwelling, this requirement is dismissed.

J Housing Land Supply (NPPF)

11.47 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 2.68 years (Five Year Housing Land Supply update October 2019).

11.48 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five year housing supply cannot be delivered.

11.49 The proposed scheme does provide for one new dwelling. The scheme has a small modest economic benefit, this includes employment during the construction and the

potential of contribution to local services, and although positive these are a modest level of economic benefit.

- 11.50 Environmental Health and Highways have not raised objections to the scheme and the scheme is not in a flood sensitive area. These elements weigh in the scheme's favour.
- 11.51 The application site would provide a net gain of one additional dwelling which would have access to services within Newport and the surrounding area. There is also the potential to secure ecological benefits. I attach these matters moderate weight.
- 11.52 Although the proposal will result in the loss of some open green land to the rear of the site, it is not considered this will have a harmful impact to the open character of the countryside location and its surroundings. Also the net gain of one dwelling will have a positive contribution to housing supply of which the Council cannot demonstrate a 5 year housing supply. Overall it is considered the benefits of the scheme outweigh the any limited harm that may occur from the scheme.

12. CONCLUSION

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

- A** The Inspector noted that while not fully in accordance with Policy S7 of the Local Plan in terms of its location, the site specific circumstances indicate that the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, no issue is raised with respect to the principal of development at this site and this scheme would accord with ULP Policies S7, H4 and the NPPF.
- B** The proposed amendments to the above proposed dwelling ensures that the scheme is acceptable and accords with the design criteria outlined within ULP Policies H4, GEN2 and GEN4 of the Uttlesford Local Plan 2005 and the NPPF.
- C** The Highways Authority has been consulted and raises no objection to the application proposal. The proposal accords with ULP Policies GEN1, GEN8 and the NPPF with respect to parking and access.
- D** The proposed dwelling has been designed and positioned in a way that does not pose a harmful and detrimental residential amenity impact. It is therefore considered to accord with the amenity criteria outlined within ULP Policies H4, GEN2 and GEN4 of the Uttlesford Local Plan 2005 and the NPPF.
- E** 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.
- F** Taking into account the nature and scale of the development 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.
- G** The proposal complies with issues surrounding noise and land contamination, in accordance with ULP Policies ENV10, ENV14 and the NPPF.
- H** No affordable housing provision is required due to the size of the scheme being only one dwelling.
- I** As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. However, as the proposal is only for one dwelling, this requirement is dismissed.
- J** Overall it is considered the benefits of the scheme outweigh the any limited harm that may occur from the scheme.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
 - Walls
 - Roof
 - Windows
 - Doors

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

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

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

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

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

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

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

REASON: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14 and the NPPF

- 6 The structure, glazing and ventilation specification of the dwellings shall be designed to achieve the following environmental limits internally:

Bedrooms (23.00 - 07.00 hrs) 30dB LAeq and 45dB LAm_{ax}.

Living Rooms (07.00 - 23.00hrs) 35 dB LAeq

REASON: To protect the amenity of future occupiers in accordance with ULP Policies GEN2, GEN4 and ENV10 and the NPPF.

- 7 A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with paragraph 105 of the NPPF 2019.

- 8 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

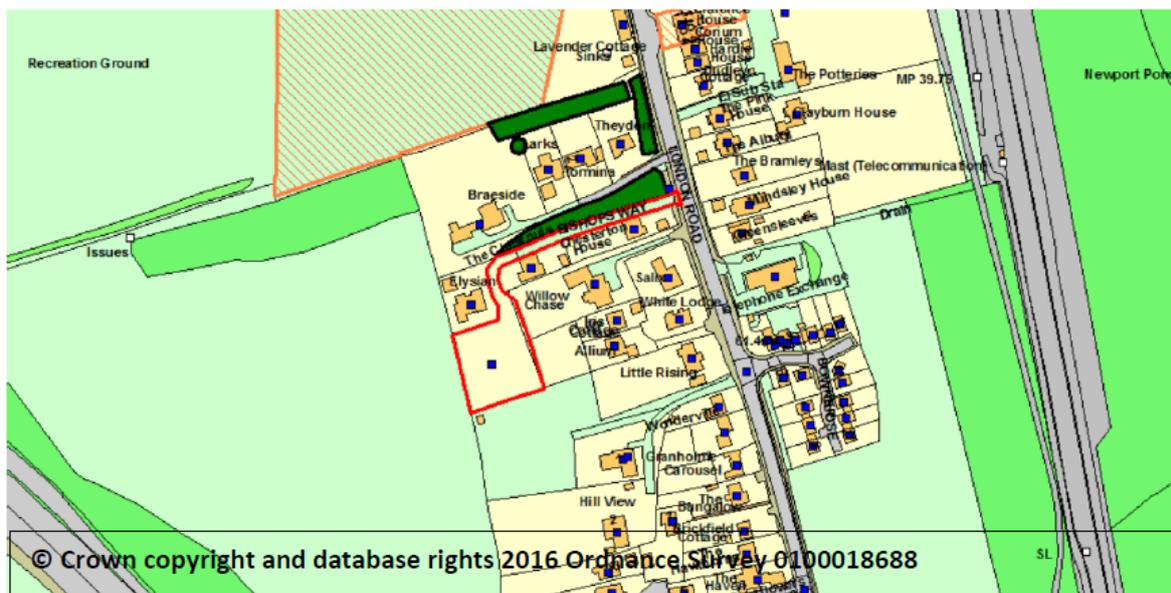
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and in accordance with ULP Policy GEN1

- 9 Prior to the commencement of any individual building or individual phase hereby approved, including any ground works or demolition, a detailed construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- The construction programme and phasing
- Hours of operation, delivery and storage of plant and materials used in constructing the development
- Parking of site operatives and visitors and loading arrangements of plant and materials
- Details of hoarding
- Management of traffic to reduce congestion
- Control of dust and dirt on the public highway
- Arrangements for monitoring levels of dust emitted during the construction phase
- Details of consultation and complaint management with local businesses and neighbours
- Waste management proposals
- Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
- Wheel and underbody washing facilities

The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with policy GEN2, GEN1, GEN8, ENV13, ENV14 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF. Also, to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.



Organisation: Uttlesford District Council

Department: Planning

Date: 17 SEPTEMBER 2020

Appendix 1 – Newport Parish Council Comments



Clerk: Christine Griffin

Waterloo House,
High Street, Newport,
Essex, CB11 3PG

**Response to Land Rear Of The Chestnuts Bishops Way Newport Saffron Walden Essex CB11 3PA
Erection of 1 no. detached dwelling with garage and carport**

UTT/20/1603/FUL

13th August 2020

Newport Parish Council objects to this planning application.

Contents:

1. Site History	2
2. Site Location and Layout	3
3. Objections:	
3.1 Countryside	5
3.2 Impact on Neighbours / Living Conditions	6
3.3 Levels and Overlooking	6
3.4 Garden Space Elysium	7
3.5 Access	7
3.6 Restrictive Covenant on Development	8
3.7 Refuse Collection	8
3.8 Trees	9
3.9 Cumulative Impact / Housing Supply	9
4. Conclusion	10

1. Site History:

Newport Parish Council would usually only address the recent site history associated with an application. However, the site has been titled “Land to the Rear of Chestnuts” rather than Land to the Rear of or Adjacent to Willow Chase as the previous applications for this site have been named. We are concerned that this could be a deliberate attempt by the applicant to disassociate this site from the previous refusals for this site, presumably in the hope of securing approval for development on a site that has already been refused on appeal, largely on the grounds of adverse impact to the neighbouring properties.

This site has a complex history spanning 28 years and 22 planning applications. It is clear from the comprehensive responses from the neighbours that they have been subjected to a stream of similar applications from the land owner for this site.

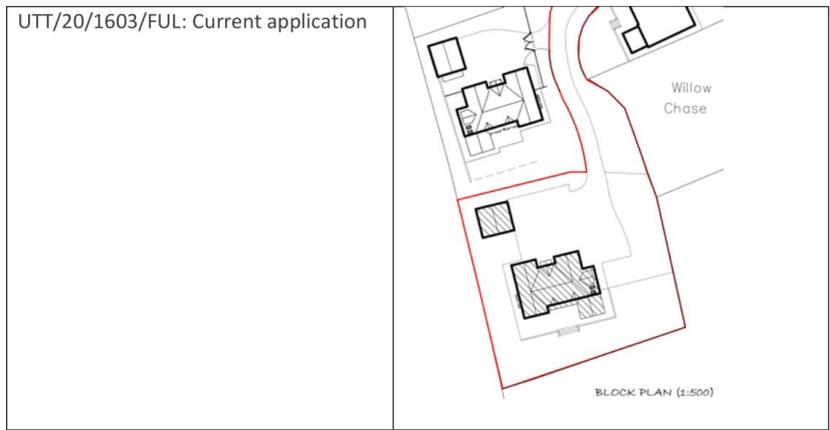
Reference	Detail	Status
UTT/1390/92/FUL Land Adjacent Willowchase	Detailed application for erection of dwelling and garage. Alteration of an existing access.	Approved
UTT/0682/93/FUL Land At Rear Of Willowchase	Single storey extensions and detached double garage	Approved
UTT/1007/93/FUL Land Adj To Willow Chase	Detailed application for erection of dwelling and double garage. Alteration of an existing access (amendment)	Approved
UTT/0331/94/FUL Land Adjacent To Willow Chase	Detailed application for the erection of a dwelling and double garage. Alteration of an existing access (amendment)	Approved
UTT/0375/94/FUL Land Adjacent To Willowchase	Detailed application for erection of detached dwelling with integral garage	Refused
UTT/0177/95/FUL Land Adjacent Willowchase	Erection of one single storey dwelling	Withdrawn
UTT/0362/97/FUL Land Rear Of Willowchase	Erection of bungalow (to replace former pool house for which permission was granted to convert to dwelling)	Approved
UTT/0422/02/FUL R/O Willowchase	Erection of two storey dwelling and detached garage.	Withdrawn
UTT/17/1493/FUL Willowchase	Proposed erection of single dwelling with integral garaging and alteration of existing vehicular and pedestrian access	Approved
UTT/1767/07/FUL	Erection of dwelling with intergral garage and alteration of existing vehicular and pedestrian access (changes to windows to that approved under UTT/1385/05/FUL)	Approved
UTT/0548/09/FUL Willow Chase	Erection of new dwelling	Approved
UTT/0422/11/FUL Willow Chase	Erection of new dwelling and garage	Approved
UTT/1277/11/FUL Willow Chase	Erection of dwelling and garage amended scheme to that approved under UTT/0422/11/FUL	Approved
UTT/2180/11/FUL Willowchase	Proposed erection of new dwelling and garage	Refused
UTT/0513/12/FUL Willowchase	Erection of new dwelling and garage	Approved

UTT/12/5904/FUL Land Adj Willow Chase	Amendments to previously approved application UTT/0513/12/FUL for erection of dwelling	Refused
UTT/14/1088/DOC Land at Willow Chase	Application to discharge condition 3 (materials) following approval on appeal of UTT/12/5904/FUL - Appeal reference number APP/C1570/A/13/2197537	Discharge Conditions in Full
UTT/14/3625/FUL Land to the rear of Willow Chase	Erection of 3 no. dwellings and associated parking facilities	Refused
UTT/15/2152/FUL Land at Bishops Way (r/o Willow Chase)	Proposed dwelling and garage	Approved
UTT/16/2004/DOC Land at Bishops Way (r/o Willow Chase)	Application to discharge condition 2 (samples of materials for external surfaces) attached to UTT/15/2152/FUL dated 23.10.2015.	Discharge Conditions in Full
UTT/17/0050/FUL Land Rear Of Chestnuts/Willow Chase London Road Newport Essex	Erection of two detached dwellinghouses and garages	Refused
Appeal Ref: APP/C1570/W/17/3174576 Land Rear Of Chestnuts/Willow Chase London Road Newport Essex	The development proposed is erection of two detached dwellinghouses.	Dismissed
UTT/20/0158/FUL Land Rear Of The Chestnuts Bishops Way Newport Saffron Walden Essex CB11 3PA	Erection of 1 no. detached dwelling with garage and carport	Withdrawn

2. Site Location and Layout:



<p>UTT/17/0050/FUL / APP/C1570/W/17/3174576 Site Plan – Refused/Dismissed November 2017</p>	
<p>UTT/20/0158/FUL – Submitted January 2020, withdrawn by applicant in March 2020.</p>	



Please note the similarity between the proposals.

3. Objections:

3.1 Countryside:

This site is outside the settlement boundary for Newport. S7 applies, as acknowledged by the inspector in APP/C1570/W/17/3174576 who stated that: *“The appeal site lies beyond the defined development limits for Newport with the exception of the lower half of the access track. As a consequence, it is considered to fall within the countryside where Policy S7 of the Local Plan applies. This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. The policy imposes a strict control on new building and only permits development if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”*

Policy NQRHA1 from the emerging Neighbourhood Plan for Newport, Quendon and Rickling (currently with Uttlesford District Council post-examiner’s report) also applies, which states that *“Further development outside of the development limits shown in the Development Limits maps will be not be supported other than; Development appropriate for a countryside location, defined as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside.”*



Settlement Boundary, Newport

3.2 Impact on Neighbours / Living Conditions:

As stated in the decision notice for the appeal APP/C1570/W/17/3174576 which was for 2 houses on this site: *“there would be adverse effects on the living conditions of occupiers of Allium and Iris Cottage in terms of outlook and light and on the living conditions of occupiers of Willow Chase in terms of outlook from the upper part of their rear garden. There would also be adverse effects on the living conditions of occupiers of Chesterton House, Chestnuts and dwelling under construction in terms of noise and disturbance along the access track. The degree of adverse effects would vary depending on the individual property as outlined above. Nevertheless, when taken together, the adverse effects on living conditions would be significant and there would be clear conflict with Policies GEN2 and H4 of the Local Plan.”* It is not apparent from the application pack how these adverse impacts would be removed by the application being reduced from the two considered under the appeal to a single property, particularly given the difference in levels as described in 3.3 below.

In para 4.5 of the applicant’s planning statement it states that: *“It should be noted that within Paragraphs 11 and 12 of the attached appeal, the Inspector raised no concerns with regards to the impacts of what was Plot 1 (the approximate area of the currently-proposed dwelling) upon Elysian to the north.”* This is incorrect. In para 11 of the decision notice the planning inspector states that: *“The Plot 1 dwelling would also affect the outlook from the rear of the dwelling under construction, although the change in levels is not so pronounced as between Allium and Iris Cottage and the Plot 2 dwelling.”*

3.3 Levels and Overlooking:

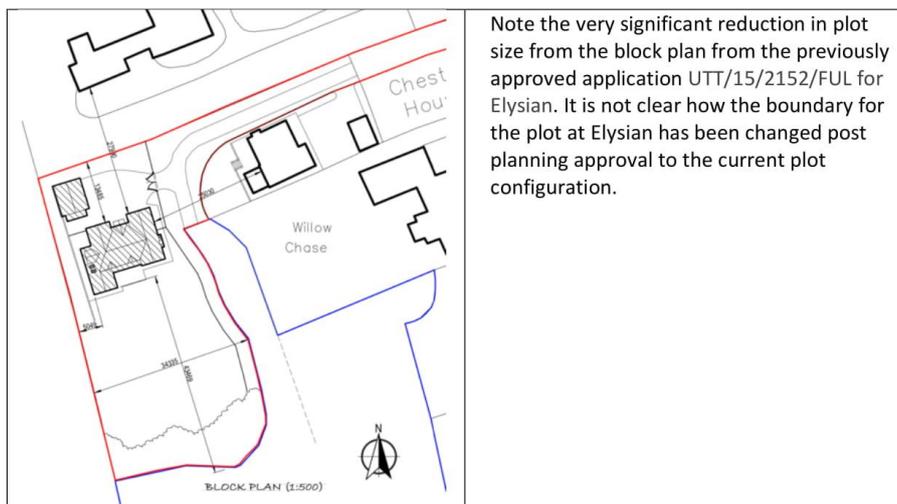
There is a change in levels from the rear of Allium, Iris Cottage and Willow Chase as described in the decision notice for APP/C1570/W/17/3174576 – whilst not as pronounced for this proposed property as for the plot 2 property in the appeal application there would still be an impact on these properties. As stated in the appeal decision above *“the proposed development would have an adverse effect on the living conditions of the occupiers of Allium and Iris Cottage in terms of outlook and light, on the living conditions of Willow Cottage* in terms of outlook, and on the living conditions of Chesterton House, Chestnuts and the dwelling under construction** in terms of noise and disturbance.”* *(sic, should be Chase) **Elysian

Whilst the revised current application reduces the ground level for the proposed property which may mitigate the overlooking and overbearing relationship with Allium and Iris Cottages, it is evident that by facing directly onto the rear of Elysian that there is potential for overlooking directly into the rear living space of Elysian from the upper windows of the proposed dwelling. This is contrary to Policy H4 of the Adopted Local Plan which only allows backland development where there would be “no material overlooking or overshadowing of, and no overbearing effect on, nearby properties, where access would not cause disturbance to such properties.”

3.4 Garden Space Elysian:

The plot size shown for Elysian, approved under UTT/15/2152/FUL was originally substantial (shown below). The officer comments on the amenity space exceeding minimum requirements and makes the boundary treatment of this property a condition of the approval of the application due to the proximity of the site being in and adjacent to the countryside, stating that:

“The boundary treatment details are fundamental to the development, and could be prejudiced if development is allowed to occur prior to the agreement of details.” This proposed application would reduce the garden space to Elysian which was laid out in UTT/15/2152/FUL by approximately two thirds. There is no detail in the application pack determining the revised boundary treatment for Elysian.



3.5 Access:

Access to the property is along Bishops Way, which is a single-track private track without a passing bay. The addition of another property within this proposal with potentially three more cars will potentially mean that vehicles will be required to reverse into London Road to be able to pass each other. This is not safe.

There is an agreement in place between the owners of Elysian and the applicant (which Newport Parish Council have had sight of) that prevents the use of Bishops Way for access to construction traffic. Upon completion the access to the property is proposed to be achieved via Bishops Way.

We also understand from neighbours that the owner has extended the track on his land alongside Little Rising and Wonderville on London Road (see photo below) potentially to lead to the plot of land contained within this application for construction traffic. This may lead to access to this site being granted that has not been subject to scrutiny by Essex Highways.



In addition, the complex planning history of this site suggests that this is unlikely to be the last application for this location and it is worth noting that the owner of this site also owns the plot immediately south to the plot which could only be accessed via the track extension alongside Little Rising and Wonderville. We are also concerned about the use of this track as access to this location as this may set a precedent for yet more subdivision and back development on London Road.

In para 32 of the decision notice for the appeal, the planning inspector also noted that *“There would also be adverse effects on the living conditions of occupiers of Chesterton House, Chestnuts and dwelling under construction in terms of noise and disturbance along the access track.”* There is nothing in the applicant’s case that addresses this issue.

3.6 Restrictive Covenant on Development:

When Willow Chase was purchased by the present owner from the applicant, a restrictive covenant was included in the Land Registry document TP1 ref EX835122 as below:

<p>Restrictive covenants by the transferor</p> <p>12.5.1 to restrict development on that part of the Retained Land shown shaded pink on the Plan to a maximum of two dwellings of two storeys only with eastern facing windows in the first floor of any dwelling to be obscured with frosted glass.</p> <hr/> <p>12.5.2 to restrict development on that part of the neighbouring title EX475347 shown shaded blue on the Plan to one dwelling only in accordance with plans that have been approved by the local planning authority as at the date of this transfer subject to any subsequent minor alterations agreed with the planning authority.</p> <p>Other</p>	
---	--

3.7 Refuse Collection:

The access to these properties is a single track which is unsuitable for a refuse vehicle to access. Bins are therefore required to be deposited at the entrance to London Road, causing an obstruction to pedestrians and vehicles, adding another property would increase this problem, which is unsatisfactory. Paragraph 12.2 of the Planning, Design and Access statement (below) states incorrectly that refuse vehicles will be able to collect waste from the front of the property:

“12.2 The waste storage area is accessible through the gate which is proposed adjacent to the northernmost boundary of the site to ensure that waste bins can be moved to the front of the site for collection without needing to transfer waste through the house. This will also ensure that their collection can be achieved without the requirement of an excessive carry distance for the refuse team.”

3.8 Trees

Paragraph 12.2 of the Planning, Design and Access statement (below) states incorrectly that there are no trees covered by Tree Preservation Orders on or around the site:

“14.1 The site is not considered to benefit from any significant trees or landscaping although the vegetation which does exist at the site is to be retained wherever possible.

14.2 A search of the Council’s database confirms that there are no trees covered by Tree Preservation Orders on or around the site that could potentially be affected by the proposals.”

This is incorrect as shown in the map (taken from UDC’s [Constraints Map](#), available on their website.) The dark green shows the site of Tree Preservation Orders which are in place for the length of Bishops Way. If access is permitted for construction traffic along this route these trees could be at risk.



3.9 Cumulative Impact / Housing Supply:

Newport Parish Council are aware that Uttlesford District Council can only demonstrate a 2.68 years housing land supply and that the tilted balance applies. In fact, 551 additional properties have been approved since the last census in 2011, an increase of 57%. A further 224 have recently been refused at appeal hearings. It is fair to say that Newport has done more than its fair share to contribute to the housing supply in Uttlesford. The cumulative impact of these additions is yet to be fully realised as not all of the new permissions have been built. Only a third of those permitted offer any contribution via section 106 to improve local provision including physical, social and green infrastructure.

4. Conclusion:

Newport Parish Council conclude that many of the reasons for the dismissal of the appeal hearing APP/C1570/W/17/3174576 in 2017 on this site still remain applicable, particularly regarding overlooking and impact on surrounding dwellings. The application would also significantly reduce the plot size of Elysian as approved under UTT/15/2152/FUL. This application represents back development in a plot that is outside the development limits for Newport and is indisputably in the countryside. It is therefore contrary to ALP policies GEN2, H4, also S7 and NQRHA1. No information has been provided that provides a reason why this development needs to be here and there has been sufficient development already in Newport such that one additional 5 bedroom dwelling is not necessary or required.



Appeal Decision

Hearing held on 3 October 2017

Site visit made on 3 October 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 3rd November 2017

Appeal Ref: APP/C1570/W/17/3174576

Land rear of Chestnuts, London Road, Newport CB11 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Bishop of E J Bishop Homes Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/17/0050/FUL, dated 10 January 2017, was refused by notice dated 12 April 2017.
 - The development proposed is erection of two detached dwellinghouses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (a) the living conditions of occupiers of neighbouring properties, with regard to privacy, outlook, light, noise and disturbance;
 - (b) the character and appearance of the area; and
 - (c) biodiversity within the site and the surrounding area.

Reasons

Living conditions

3. The appeal site is located to the rear of a number of properties on London Road. The land rises to the west from London Road and the appeal site is noticeably higher than most existing properties. There is a considerable drop in levels from the appeal site to the rear gardens of Allium and Iris Cottage with a tall retaining wall and boundary fence above separating these gardens from the site. The rear garden of Willow Chase steps up considerably from the patio and swimming pool nearest this house to an area of lawn at the same height as the appeal site.
4. There is a line of conifers at the western end of the rear garden at Willow Chase. This continues south into the appeal site along where the front elevation of the easternmost proposed dwelling known as Plot 2 would be sited. The dwelling would extend east towards the rear gardens of Allium and Iris Cottage with a rear garden between it and the boundary fence. The dwelling

<https://www.gov.uk/planning-inspectorate>

- would be a large house similar in scale, form, design, appearance and materials to the recently approved dwelling adjoining the appeal site to the west of Chestnuts that is currently under construction.
5. Looking towards the appeal site from the first and second floor rear bedroom windows of Allium as I did at my site visit, the rear elevation of the Plot 2 dwelling would be directly visible. Similar views would be possible from Iris Cottage, although more oblique given the siting of that property. The appellant states that the separation distance would be around 30 metres, more than the minimum 25 metres recommended in the Essex Design Guide. This would reduce adverse effects for occupants of Allium and Iris Cottage in terms of privacy and light, and planting along the rear boundary fence could help to screen views to some extent. However, the size and siting of the property combined with the considerable change in levels means that the property would be very prominent and overbearing, resulting in significant negative effect on the occupiers of Allium in particular in terms of outlook from upper floor rear windows. Negative effects on outlook would also occur for occupiers of Iris Cottage from upper floor rear windows, albeit reduced by the angles and siting.
 6. Standing in the rear garden of Allium or Iris Cottage, the tall retaining wall and boundary fencing dominates views towards the appeal site and already has a shadowing effect. Looking from the garden next to the rear elevation of Allium as I did at my site visit, it is possible to see the top of the conifers within the appeal site. Such views disappear further into the garden due to the height of the retaining wall and fencing. Nevertheless, it would be possible to see the roof of the Plot 2 dwelling from the garden of Allium next to the rear elevation. The view from Iris Cottage would be more oblique due to the angles and siting. Given the intervening wall and fencing, the separation distances and the absence of any windows in the roof of the Plot 2 dwelling, there would not be any adverse effect in terms of privacy to the rear garden of Allium or Iris Cottage. However, any increase in height above the existing retaining wall as a result of the Plot 2 dwelling and any planting along the boundary fence to screen views between bedroom windows would add to the enclosure to the rear gardens of Allium and Iris Cottage. It would further shadow the gardens and have an overbearing effect. Thus, there would be harm to living conditions of occupiers of Allium and Iris Cottage in terms of light and outlook for the rear garden.
 7. The appellant highlights the proximity of existing dwellings to each other, such as Allium and Iris Cottage to White Lodge, which they argue are similar to the distances involved in this appeal. However, I do not know the full planning history of these dwellings and why permission was granted in any given case. Furthermore, the change in levels between Allium and Iris Cottage and the appeal site is more pronounced than the change in levels between most other properties, which would result in a more noticeable and harmful effect.
 8. The property known as Chestnuts and the dwelling currently under construction are visible from the rear garden of Willow Chase, especially from the upper lawn area. Chestnuts in particular encloses the northern side of the rear garden on the same level with little setback from the shared boundary. This results in an overbearing effect. The Plot 2 dwelling, by virtue of its siting and size, would add to the enclosure of the upper rear garden, notwithstanding the greater set back than Chestnuts and proposed boundary planting. This would cause an overbearing effect. As a consequence, there would be harm to living

conditions of occupiers of Willow Chase in terms of outlook from the upper rear garden. In comparison, the siting and angle of the property at Willow Chase from the Plot 2 dwelling would limit any negative effects on outlook, light or privacy to occupiers within the property at Willow Chase or from the patio next to the rear elevation.

9. The appeal site is accessed via a track off the main road that travels past Chesterton House and Chestnuts. The track is a mixture of tarmac and loose gravel as far as Chestnuts before becoming much rougher as a result of the construction works for the dwelling under construction. The side elevations of Chesterton House and Chestnuts are located immediately next to the access track. Given the current condition of the surfacing, vehicles travelling along the track make a considerable amount of noise and disturbance, although the appellant has indicated a willingness to improve the surfacing.
10. With only three properties currently using this track, the amount of movement is limited, notwithstanding existing construction traffic. The addition of two new dwellings as proposed would double the number of properties beyond Chesterton House from two to four. The number of movements would still be fairly limited, but nevertheless would result in a degree of harm for occupants of Chesterton House in terms of noise and disturbance. The effect of traffic movements on occupiers of Chestnuts and the dwelling under construction would be less as there would be fewer properties beyond each existing dwelling, but nevertheless a degree of harm would occur. The surfacing could be improved as indicated by the appellant, but there would still be a reasonable amount of noise and disturbance from traffic movements overall.
11. The Plot 1 dwelling would reduce the amount of rear garden space for the dwelling under construction, but would still be of a reasonable size. The Plot 1 dwelling would also affect the outlook from the rear of the dwelling under construction, although the change in levels is not so pronounced as between Allium and Iris Cottage and the Plot 2 dwelling.
12. Concluding on this main issue, the proposed development would have an adverse effect on the living conditions of the occupiers of Allium and Iris Cottage in terms of outlook and light, on the living conditions of Willow Cottage in terms of outlook, and on the living conditions of Chesterton House, Chestnuts and the dwelling under construction in terms of noise and disturbance. Therefore, it would not accord with Policies GEN2 and H4 of the Uttlesford Local Plan 2005 ('the Local Plan'). Amongst other things, Policy GEN2 requires development to not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Policy H4 allows backland development where there would be no material overlooking or overshadowing of, and no overbearing effect on, nearby properties, where access would not cause disturbance to such properties.

Character and appearance

13. The appeal site lies beyond the defined development limits for Newport with the exception of the lower half of the access track. As a consequence, it is considered to fall within the countryside where Policy S7 of the Local Plan applies. This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. The policy imposes a strict control on new building

- and only permits development if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
14. The appeal site is situated to the west of London Road to the rear of existing properties. There are effectively four tiers of housing fronting onto this section of London Road as a result of recent developments including Salix, Allium, Iris Cottage, Chestnuts and the dwelling under construction. This backland form of development thus constitutes part of the character and appearance of the area to the north and east of the site.
 15. From the evidence presented to me at the hearing, the site was originally part of an extensive rear garden for Willow Chase before some of the above developments took place. The site lies on the western slope of the valley of the River Cam or Granta, although is largely contained by vegetation and residential development. A hedgerow along the site's western boundary differentiates it from a large agricultural field to the west. Vegetation and fencing separates the site from the rear gardens of properties to the east, although due to the higher ground levels, views of these properties can be seen from within the site.
 16. There is little indication of surviving garden features within the appeal site today, which now comprises rough uneven ground overgrown with vegetation. However, part of the site would form a large rear garden for the dwelling under construction, so would take on a residential appearance regardless of whether this appeal is allowed or not. For the avoidance of doubt, I have given little weight to the site's current degraded condition, as it could be restored as green space without too much difficulty.
 17. At the same time, the site is also clearly separate from the more open countryside to the west due to the existing hedgerow. The photograph provided of the view from the public bridleway to the west shows the site hidden by this hedgerow, although the dwelling under construction is currently exposed in this view due to the removal of the section of hedgerow nearest the dwelling. Thus, the site's character and appearance today is a large part of an area of undeveloped land at the rear of existing properties on this section of London Road. It forms a transition space from residential gardens to the more open countryside beyond.
 18. The proposed development would reduce further the undeveloped land at the rear of properties and reduce much of the space intended for the rear garden of the dwelling under construction. There would be encroachment of development into this space through additional backland development.
 19. However, the impacts would be mitigated by a number of factors. The development would be contained by planting along the western boundary separating it from the open countryside beyond. The dwelling under construction and Chestnuts have already breached the defined development limits boundary and eroded part of the undeveloped land at the rear of properties. They form a third and fourth tier of backland development that the proposed dwellings would broadly align with. While I appreciate that each decision is made on its own merits based on the specific circumstances at the time, they nevertheless have an impact on the character and appearance of the area. The scale, form, design and appearance of the proposed development would be comparable to the dwelling under construction.

20. Concluding on this main issue, while not fully in accordance with Policy S7 of the Local Plan in terms of its location, the site specific circumstances indicate that the proposed development would have an acceptable effect on the character and appearance of the area. It would protect the particular character of the countryside within which it is set and would be appropriate in this specific rural location.

Biodiversity

21. According to the Council, the appeal site lies approximately 2km from a Site of Special Scientific Interest (SSSI) and is also in close proximity of a National Nature Reserve. (NNR) Although I have not been provided with the precise location of these two designated nature conservation sites, the appellant's ecology report refers to the Debden Water SSSI, a freshwater stream and associated grassland that runs to the east of Newport.
22. At the hearing, the Council confirmed that it had no biodiversity concerns regarding the SSSI and NNR, and that its concerns relate more to the impact on countryside character. I note that the appeal site is a considerable distance from the SSSI and NNR with intervening development including road and rail infrastructure. I also note that no objections have been raised by statutory consultees including the Council's ecological adviser from Essex County Council.
23. While interested parties have highlighted the presence of wildlife within the site, the appellant's ecology report has found limited habitat potential on-site except for nesting birds. Again, the Council's ecological adviser has no concerns subject to a condition to protect nesting birds during construction.
24. Concluding on this main issue, the proposed development would have an acceptable on biodiversity within the site and the surrounding area. Therefore, it would accord with Policy ENV7 of the Local Plan which seeks to avoid adverse effects on nationally important nature conservation sites as well as local areas of significance including wildlife habitats.

Planning balance

25. The Council is currently unable to demonstrate a five year supply of housing land. Based on the housing trajectory dated 1 April 2017, the supply stands at 3.77 years or 4.2 years depending on whether the objectively assessed need (OAN) is considered to be 641 homes or 606 homes a year respectively. The appellant has argued that a buffer of 20% should apply to the OAN and shortfall figures rather than the 5% buffer applied by the Council. This would mean that the supply would stand at either 3.29 years or 3.65 years depending on the two OAN figures. The Council disputes the application of the 20% buffer based on its delivery of housing over the past 10 years.
26. The appellant has highlighted the government consultation on a standardised approach to assessing housing need, which would produce an annual OAN of 740 for Uttlesford. However, I am minded to agree with the arguments of interested parties at the hearing that this figure is based on a consultation document and so can be given little weight.
27. Where a five year housing land supply cannot be demonstrated, paragraph 49 of the National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should

- be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
28. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. Policy S7 takes a more restrictive approach to development in the countryside compared to the NPPF which could be affecting the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and so still carries reasonably significant weight. Policies H4 and GEN2 are consistent with the NPPF and so carry significant weight.
29. Interested parties have drawn my attention to the emerging Local Plan which indicates no proposed allocations for Newport in draft Policy SP3. However, the emerging plan remains at a relatively early stage of production and I do not know the extent to which there are unresolved objections to policies including draft Policy SP3. Therefore, I am unable to give more than limited weight to the emerging Local Plan.
30. The potential environmental improvements to the appeal site could be achieved by other means such as garden landscaping for the dwelling under construction, and so do not represent a benefit. Nevertheless, the proposed development would make a contribution towards the district's housing supply, having regard to the lack of a five year supply. It would provide short-term investment in terms of the construction process, notwithstanding concerns about the availability of local builders. It would also help to support the vitality of local services and facilities. Newport contains a number of services and facilities that are within walking or cycling distance of the appeal site. There was some dispute at the hearing regarding the frequency and connectivity of bus and train services, but it is evident that the development would not be heavily reliant on the private car.
31. However, these economic, social and environmental benefits are tempered by the small scale nature of the development. Even if I were to conclude that a 20% buffer should be applied to the housing land supply calculations and that the supply stood as low as 3.29 years, the contribution of two houses to addressing the deficit would make a very small difference. Therefore, the benefits of development carry modest weight overall.
32. Turning to the adverse impacts, there would be adverse effects on the living conditions of occupiers of Allium and Iris Cottage in terms of outlook and light and on the living conditions of occupiers of Willow Chase in terms of outlook from the upper part of their rear garden. There would also be adverse effects on the living conditions of occupiers of Chesterton House, Chestnuts and dwelling under construction in terms of noise and disturbance along the access track. The degree of adverse effects would vary depending on the individual property as outlined above. Nevertheless, when taken together, the adverse effects on living conditions would be significant and there would be clear conflict with Policies GEN2 and H4 of the Local Plan.
33. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. As a

consequence, the presumption in favour of sustainable development as specified in paragraph 14 of the NPPF would not apply.

34. Concluding on the planning balance, the development would result in harm to the living conditions of occupiers of neighbouring properties and would not accord with Policies GEN2 and H4 of the Local Plan. The application of the NPPF as a material consideration does not indicate that development would be acceptable or would represent sustainable development in this instance.

Conclusion

35. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Fisher	gfplanning Limited
Edward Bishop	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Emmanuel Allannah	Uttlesford District Council
-------------------	-----------------------------

INTERESTED PARTIES WHO SPOKE AT THE HEARING:

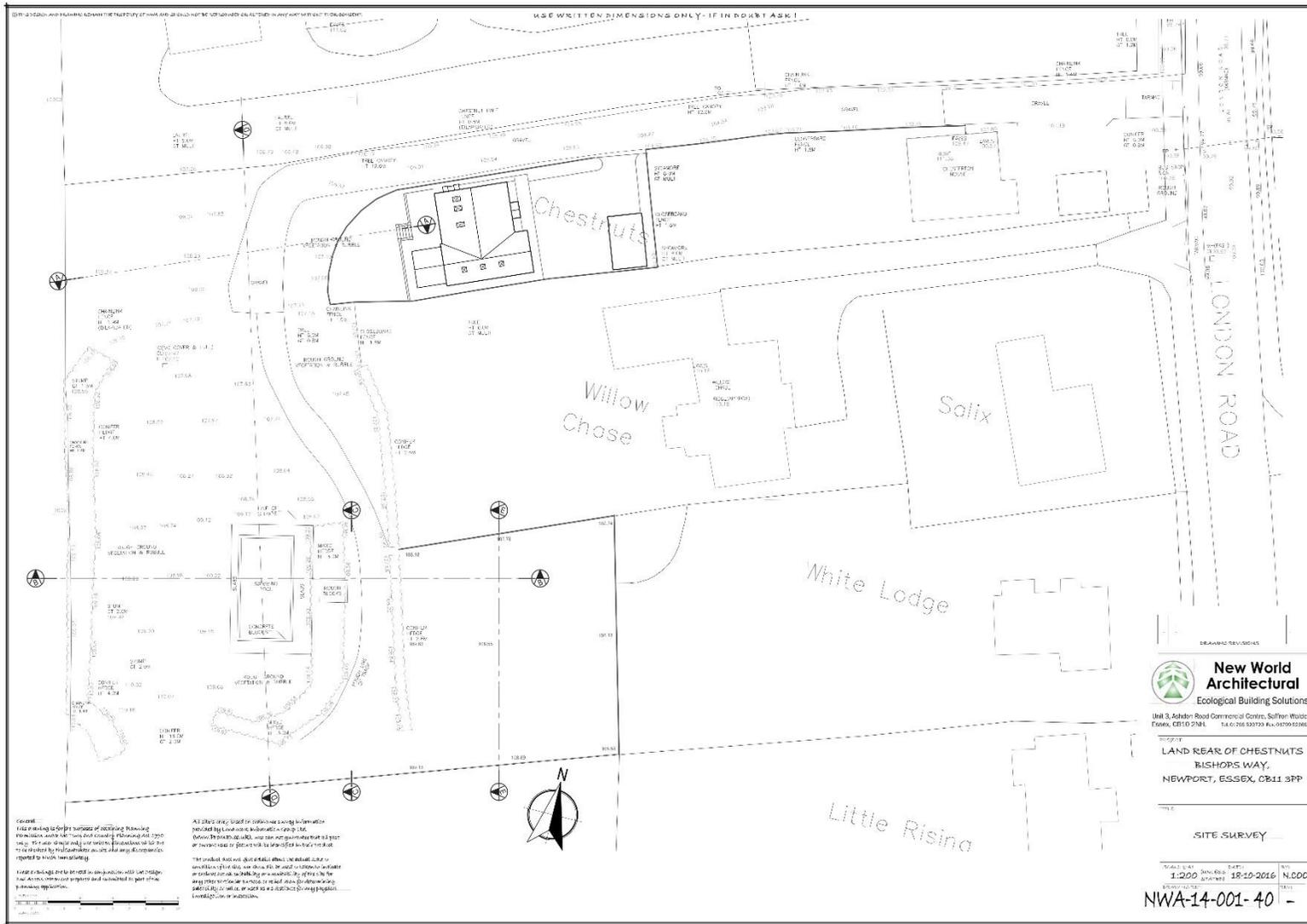
Councillor Neil Hargreaves	Uttlesford District Council
Carolyn Archibold	Local resident
Eleanor Burroughs	Local resident
Gillian Warburton	Local resident
Neil Mc Killen	Ickleton Planning Consultancy on behalf of local residents

DOCUMENTS SUBMITTED AT THE HEARING

1. Photograph of appeal site from public bridleway to the west of the site, submitted by Councillor Hargreaves.
2. Extract from government consultation "Planning for the right homes in the right places: consultation proposals", submitted by the appellant.
3. Response to "Planning for the right homes in the right places: consultation proposals" in connection with the Ellis Trust appeal elsewhere in Newport (reference: APP/C1570/A/17/3166101), submitted by Councillor Hargreaves.
4. Extract from East of England Express newsletter Autumn '17 regarding recent court judgements, submitted by Mr Mc Killen.
5. Extract from the recent Uttlesford Local Plan consultation, submitted by Mr Mc Killen.
6. Uttlesford District Council Housing Trajectory 1 April 2017, submitted by the local planning authority.
7. Statement by Ms Gillian Warburton read out at the hearing, submitted by Ms Warburton.
8. Extract of Local Plan map for Newport showing development limits boundary in relation to the appeal site, submitted by Mr Mc Killen.
9. Aerial photographs and planning history for the appeal site and surrounding land, submitted by Mr Mc Killen.

Appendix 3 - UTT/17/0050/FUL – Plan

Page 157





PROPOSED SIDE ELEVATION



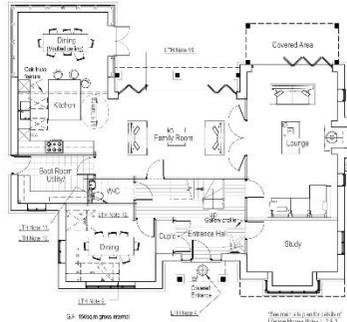
PROPOSED FRONT ELEVATION



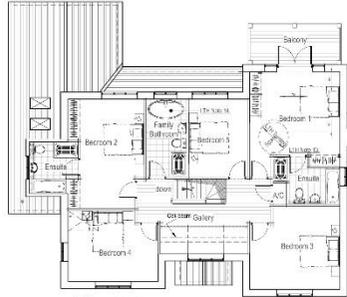
PROPOSED SIDE ELEVATION



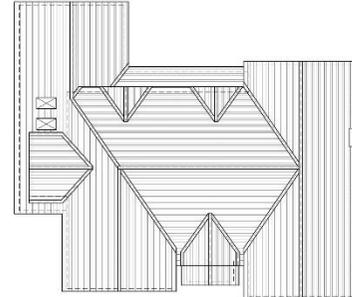
PROPOSED REAR ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN

LifeTime Home Standards

The proposed development shall meet, or better, the following standards. With the intent of... The following notes have been shown on the main plan and covered with L - and the space number to be covered.

- 1. The proposed development shall meet, or better, the following standards... 2. The proposed development shall meet, or better, the following standards... 3. The proposed development shall meet, or better, the following standards... 4. The proposed development shall meet, or better, the following standards... 5. The proposed development shall meet, or better, the following standards... 6. The proposed development shall meet, or better, the following standards... 7. The proposed development shall meet, or better, the following standards... 8. The proposed development shall meet, or better, the following standards... 9. The proposed development shall meet, or better, the following standards... 10. The proposed development shall meet, or better, the following standards...

- 11. The proposed development shall meet, or better, the following standards... 12. The proposed development shall meet, or better, the following standards... 13. The proposed development shall meet, or better, the following standards... 14. The proposed development shall meet, or better, the following standards... 15. The proposed development shall meet, or better, the following standards... 16. The proposed development shall meet, or better, the following standards...

GENERAL: This drawing is for the purpose of obtaining Planning Permission under the Town and Country Planning Act 1990. It is not to be used for any other purpose without the written consent of New World Architectural.

ALL dimensions shown in this drawing are in millimeters unless otherwise stated. All dimensions are to the face of the work unless otherwise stated. All dimensions are to be taken from the finished state of the work.

New World Architectural Ecological Building Solutions. Suckings Yard, Church Street, Ware, Hertfordshire, SG12 9EN. Tel: 01992 365874. Email: info@newworldarchitectural.co.uk. LAND REAR OF CHESTNUTS BISHOPS WAY, NEWPORT, ESSEX, CB11 3PP. NEW DWELLING - PLOT 1 (SCHEME 3). Scale: 1:100. Date: 22-10-14. NWA-14-001-41

USE WRITTEN DIMENSIONS ONLY - IF IN DOUBT ASK!

GENERAL
 This drawing is for the purposes of obtaining Planning Permission under the Town and Country Planning Act 1990 only. It does not constitute a contract and is subject to the decision of the Council as to whether any development is permitted by the relevant planning permission.

All information based on information provided by the client. The client is responsible for the accuracy of the information provided. The client is advised to seek professional advice from a qualified professional before relying on this information.

The client is advised to seek professional advice from a qualified professional before relying on this information.

These drawings are to be used in conjunction with the other drawings submitted as part of the planning application.

Scale: 1:100

DRAWING REVISIONS

New World Architectural
 Ecological Building Solutions
 Unit 3, Agincourt Road Commercial Centre, Saffron Walden, Essex, CB10 2NL. Tel: 01766 509100. Fax: 01766 509101

PROJECT:
 LAND REAR OF CHESTNUTS BISHOPS WAY, NEWPORT, ESSEX, CB11 3PP

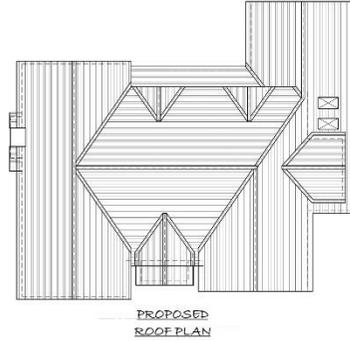
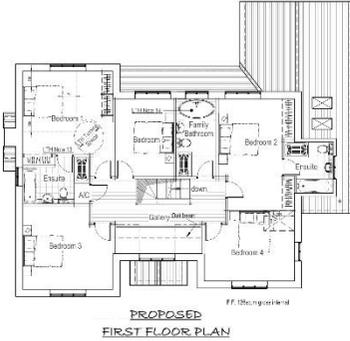
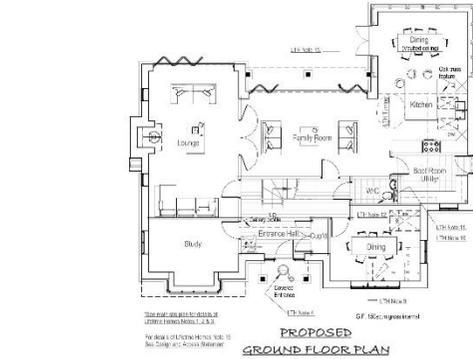
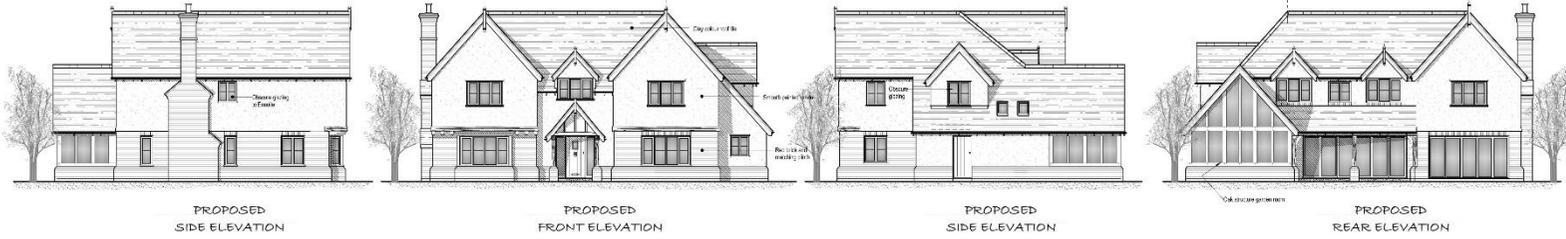
TITLE:
 PLOT 1 GARAGES AND CARPORTS (SCHEME 3)

DATE:	22-10-14	BY:	N. COOK
SCALE:	1:100	DATE:	
PROJECT:		DATE:	
SCALE:		DATE:	

NWA-14-001- 42

DRAMA HOUSE, 1400 BISHOP'S WAY, NEWPORT, ISLAND. THE ARCHITECTURE OF A HOUSE TO BE BUILT IN THE ISLAND.

USE WRITTEN DIMENSIONS ONLY - IF IN DOUBT ASK!



General:
The drawing is for the purpose of obtaining planning permission under the Town and Country Planning Act 1990 only. The user should be aware that neither the architect nor the draughtsman is responsible for the accuracy of the information provided to the planning authority. The user should be aware that neither the architect nor the draughtsman is responsible for the accuracy of the information provided to the planning authority.

All drawings, unless an indication to the contrary is given, shall be in accordance with the Building Regulations 2010. The user should be aware that neither the architect nor the draughtsman is responsible for the accuracy of the information provided to the planning authority.

LifeTime Home Standards

The proposed development must meet the Home Standards. The user should be aware that neither the architect nor the draughtsman is responsible for the accuracy of the information provided to the planning authority.

1. The proposed development must meet the Home Standards.
2. All main external entrance roads must be paved.
3. All main external entrance roads must be paved.
4. All main external entrance roads must be paved.
5. All main external entrance roads must be paved.
6. All main external entrance roads must be paved.
7. All main external entrance roads must be paved.
8. All main external entrance roads must be paved.
9. All main external entrance roads must be paved.
10. All main external entrance roads must be paved.
11. All main external entrance roads must be paved.
12. All main external entrance roads must be paved.
13. All main external entrance roads must be paved.
14. All main external entrance roads must be paved.
15. All main external entrance roads must be paved.
16. All main external entrance roads must be paved.
17. All main external entrance roads must be paved.
18. All main external entrance roads must be paved.
19. All main external entrance roads must be paved.
20. All main external entrance roads must be paved.

11. This is with more than 3 bedrooms to have provision for at least one wheelchair accessible bedroom in compliance with Part M3. All bedrooms must be of a minimum of 10.0m² net internal area.
12. Walls of all bedrooms and WC compartments should be capable of being a support for adaptions and be structural.
13. Provision for a large clear floor area for a wheelchair to be used in the bedroom.
14. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
15. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
16. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
17. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
18. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
19. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.
20. A minimum clear height of 2.0m from floor level to the ceiling in the bedroom.

New World Architectural
Ecological Building Solutions

Swadlow Yard, Church Street, Ware, Hertfordshire, SG12 9EH
Tel: 01292 535376 • Email: newworldarchitectural.co.uk

PROJECT
LAND REAR OF CHESTNUTS BISHOP'S WAY, NEWPORT, ESSEX, CB11 3PP

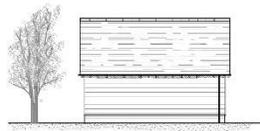
TITLE
NEW DWELLING - PLOT 2 (SCHEME 3)

SCALE: 1:100 (AS SHOWN)
DATE: 22-10-14
BY: N. COOK
REV: 1

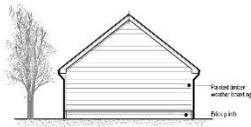
NWA-14-001-43

©2014 NEW WORLD ARCHITECTURAL. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM NEW WORLD ARCHITECTURAL.

USE WRITTEN DIMENSIONS ONLY - IF IN DOUBT ASK!



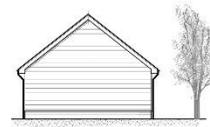
PROPOSED
REAR ELEVATION



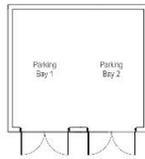
PROPOSED
SIDE ELEVATION



PROPOSED
FRONT ELEVATION



PROPOSED
SIDE ELEVATION



PROPOSED
GARAGE PLAN



PROPOSED
ROOF PLAN



New World Architectural
Ecological Building Solutions

Unit 2, Ashdon Road Commercial Centre, Saffron Walden,
Essex, CB10 2JH. Tel: 01799 820728 Fax: 01799 153167

PROJECT:
LAND REAR OF CHESTNUTS
BISHOPS WAY,
NEWPORT, ESSEX, CB11 3PP

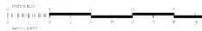
TITLE:
PLOT 2 GARAGE
(SCHEME 3)

ISSUE NO: 1:100 SCALE: 22-10-14 DATE: N.DOOK
DRAWN BY: (NAME) CHECKED BY: (NAME)

NWA-14-001-44 -

NOTES:
1. This drawing is for the purposes of obtaining Planning Permission under the Town and Country Planning Act 1990.
2. The client is responsible for all other matters which may be required by the local planning authority and any other relevant authorities.
3. These drawings are to be used for information only and do not constitute an offer of any services or products.

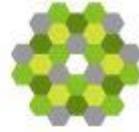
All drawings based on a site survey undertaken on 12/10/14 by New World Architectural. The client is responsible for all other matters which may be required by the local planning authority and any other relevant authorities.
The project is not a structural scheme. The client is responsible for all other matters which may be required by the local planning authority and any other relevant authorities.
These drawings are to be used for information only and do not constitute an offer of any services or products.



Appendix 4 – Elysian Land Registry Title Plan

HM Land Registry
Official copy of
title plan

Title number **EX973421**
Ordnance Survey map reference **TL5133SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Essex : Uttlesford**



© Crown copyright and database rights 2018 Ordnance Survey 100026316. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



Agenda Item 10

Committee: Planning Committee

Date: 30th September 2020

Title: UTT/20/2158/TCA

Notification of intent to fell 1no. pine and 1no. birch tree in the grounds of 32, Bridge Street, Saffron Walden.

Author: Ben Smeeden, Landscape Officer

bsmeedon@uttlesford.gov.uk

Summary

1. This item seeks the Committee's consideration of the proposed felling of 1no. pine and 1no. birch tree within a conservation area at 32, Bridge Street, Saffron Walden. The applicant is the District Council Ward Member for Saffron Walden Shire, and is a member of the Planning Committee.

Recommendations

2. No objection is raised to the proposed tree works..

Financial Implications

3. None.

Background Papers

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

UTT/20/2158/TCA

Impact

- 5.

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

Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. The tree work proposed is the felling of a pine and a birch tree situated in the rear garden area of 32, Bridge Street, Saffron Walden (Appendix 1: Location plan).
7. The trees are mature specimens growing in very close proximity to the neighbouring dwelling, Helmsleys Barn (Appendix 2: Photograph). Parts of the trees' canopies directly overhang the roof of the dwelling. The pine tree is in poor condition with extensive ivy growth extending into its crown; and the birch tree displays a significant lean toward the dwelling. Both trees are considered to pose a risk of causing damage to Helmsleys Barn and should be felled.

8. Risk Analysis

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

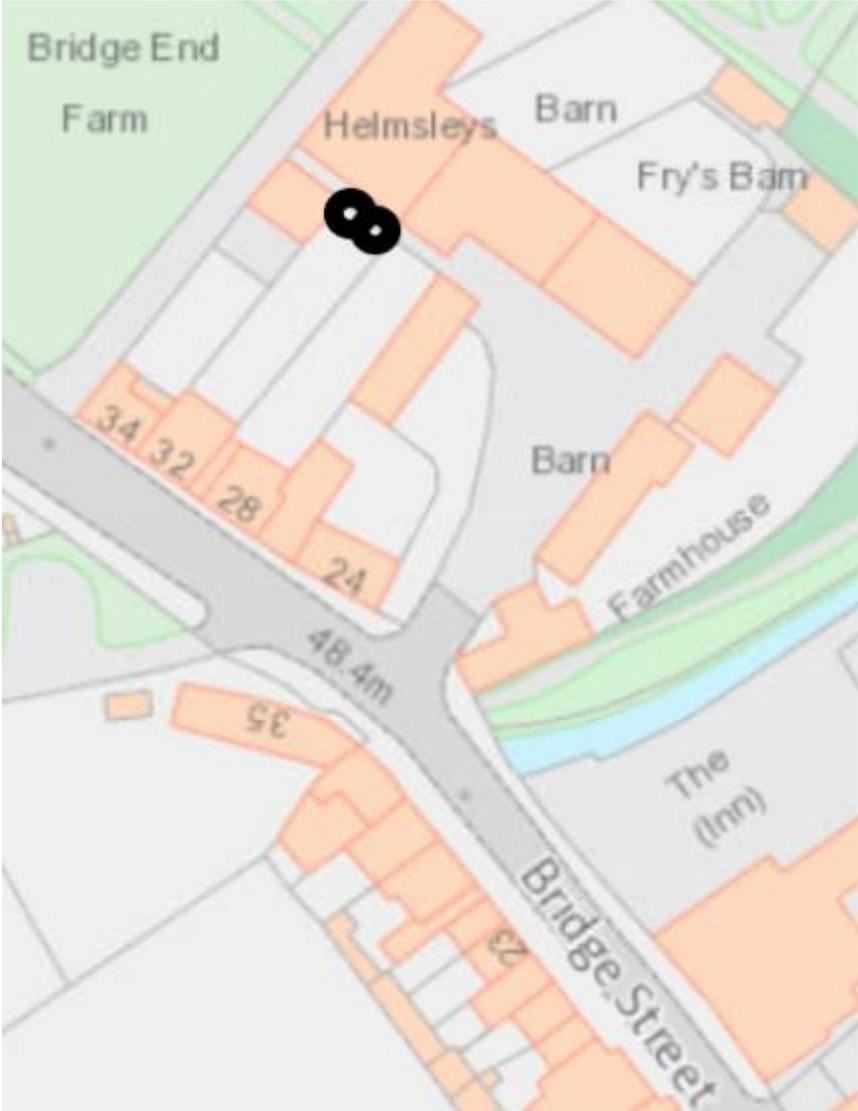
1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

Appendix 1: Location plan



Appendix 2: Photograph.



