



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee Remote Meeting

Date: Wednesday, 22nd July, 2020
Time: 2.00 pm
Venue: Zoom - <https://zoom.us/>
Broadcast: <https://uttlesford.moderngov.co.uk/ieListDocuments.aspx?CId=138&MId=5587>

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 Speaking

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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 - 8

To consider the minutes of the previous meeting held on 1 July.

- 3 UTT/20/0757/DFO - Land West of Maranello, Watch House Green, Felsted 9 - 22**

To consider application UTT/20/0757/DFO.

- 4 UTT/20/1108/DFO - Holly Hedge, Woodmans Lane, Duddenhoe End, Elmdon 23 - 40**

To consider application UTT/20/1108/DFO.

- 5 UTT/19/2852/FUL - Land West of Stortford Road, Clavering 41 - 55**

To consider application UTT/19/2852/FUL.

- 6 UTT/20/1143/FUL - Saffron Walden County High School, Audley End Road, Saffron Walden 56 - 64**

To consider application UTT/20/1143/FUL.

- 7 UTT/20/1306/FUL - Police Office, The Lodge, 56 London Road, Saffron Walden 65 - 69**

To consider application UTT/20/1306/FUL.

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Agenda Item 2

PLANNING COMMITTEE held at ZOOM on WEDNESDAY, 1 JULY 2020 at 2.00 pm

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

Officers in attendance: S Abel (Electoral Services Officer), N Brown (Development Manager), C Gibson (Democratic Services Officer), A Howells (Business and Performance Manager), M Jones (Planning Officer), E Smith (Solicitor), C Theobald (Planning Officer) and C Tyler (Planning Officer)

Public Speakers: J Emanuel, Councillor N Hargreaves, J Salmon and P Stocking.

PC20 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Lemon.

Councillor Bagnall declared a non-pecuniary interest for Agenda Item 4 as a member of Takeley Parish Council.

Councillor Le Count declared a non-pecuniary interest for Agenda Item 5 as a member of Henham Parish Council.

Councillor Freeman was appointed as Vice-Chair for the meeting.

PC21 **MINUTES OF THE PREVIOUS MEETING**

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

PC22 **UTT/19/2900/DFO - LONDON ROAD, NEWPORT**

The Senior Planning Officer stated that this application considered the reserved matters following outline application UTT/16/1290/OP in respect of details of appearance, landscaping, layout and scale for 11 dwellings. He outlined the site history and summarised the representations made. Newport Parish Council had indicated that they were broadly supportive of the plan in principle but had concerns about several changes within the application.

The application was recommended for approval with conditions.

The Committee adjourned at 2.40 pm and reconvened at 2.46 pm.

Members discussed the proposed housing layout, the frontage, the building line at the rear of the properties, landscaping, screening arrangements and provision of affordable housing.

The Development Manager confirmed that the outline planning permission had not lapsed but that the matter would fall if the application was refused but would remain live if deferred.

The Solicitor advised that a S106 agreement is a contract enforceable by action by either party and that therefore the Council was contractually obliged to accept the two affordable homes under the existing S106 agreement.

Members considered that the views of the Parish Council and that of the applicant were not that far apart and that note should also be taken of Newport's emerging Neighbourhood Plan.

Councillor Pavitt proposed a motion for the item to be deferred and for Planning Officers to facilitate a meeting between the applicant and the Parish Council for further discussions.

Councillor Storah seconded the motion.

RESOLVED to defer and for Planning Officers to host a meeting between the applicant and the Parish Council for further discussions.

J Emanuel, Councillor Hargreaves and P Stocking spoke on the application.

The Committee adjourned at 3.18 pm and reconvened at 3.26 pm.

PC23 **UTT/20/0386/FUL - DUNMOW ROAD, TAKELEY**

The Planning Officer presented a proposal for the demolition of the existing B&B bungalow and the erection of a block of flats creating 8 planning units. The proposed development would be two storeys high, with windows to all elevations, with rendered walls and a slate roof. Each flat would have two bedrooms and two parking spaces and there would be two visitor parking spaces provided. The density would be 60 dwellings per hectare. Access would be from Dunmow Road. The existing landscaping to the frontage would remain and a 2m hedge would be planted along the rear boundary. Revised plans had been submitted to increase the shared amenity space, increase the parking provision, to remove the connection to the Flitch Way and to increase the width of the access to measure 5.5m to a depth of 6m.

The Planning Officer said that the buildings would be 6.9 metres high as compared to the current height of 6.8 metres and that of properties on the other side of the road at 8.9 metres. She said that the proposal complied with the Essex Design Guide.

The application was recommended for conditional approval.

Members discussed the possible visible impact from the Flitch Way, whether the proposal was in keeping with the street scene, visitors' car parking arrangements and the increased access width. The Planning Officer said that the proposals complied with parking standards.

Councillor Loughlin stated that she had visited the site and could find no reason to refuse permission for planning reasons. The Planning Officer showed the Committee the current aerial view as to the impact on the Flitch Way.

Councillor Bagnall suggested that two additional conditions be added in respect of screening at the rear of the site being of sufficient height and that there be a management plan for building works in place to control highways issues. A suggestion was made that the screening could perhaps be a large prickly hedge.

Councillor Le Count proposed a motion for approval with the two additional conditions.

Councillor Loughlin seconded the motion.

RESOLVED to approve the application subject to the conditions set out in the officer's report and the two following additional conditions:

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

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

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

12. Before development commences full details of the landscape works to the rear boundary 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;
A) planting plans, including specifications of species, sizes, planting centres, number and percentage mix (to include some prickly planting).

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 policy GEN2.

The Planning Officer presented an outline application for the erection of up to 6 dwellings with all matters reserved except access and scale with associated works. Indicative drawings had been submitted which showed how up to six dwellings with detached garages, hardstandings and shared service road from Old Mead Road could be accommodated at the site and showed the type of dwellings envisaged. It was further stated on an indicative basis that the dwellings would be externally clad in brick, render and cladding although appearance was a reserved matter. A wildflower meadow was shown on the drawings but did not form part of the application.

The Planning Officer said that the proposals were acceptable to the Highway Authority and there had been no objections from the Parish Council.

The application was recommended for approval with conditions.

Members discussed whether they could seek affordable housing through S106 as outline planning permission had previously been given for up to 9 houses and a further permission of up to 6 houses granted to the same landowner would make a grand total of up to 15 and therefore possibly would attract a contribution of affordable housing.

There was debate about whether this was one or two separate schemes and it was explained that there was actually an established property, owned by a different person, situate between the two proposed sites. It was noted that the outline permission for 9 properties had been approved on 15 April 2019.

Members discussed pedestrian safety measures insofar as there is no footpath on either side of the road from the proposed site towards Elsenham Station. Councillor Freeman referred to a major proposal for the area having previously been rejected on appeal by an Inspector because of poor road facilities.

Further discussion took place about a) whether the site was considered brownfield land and b) with regard to the traffic survey undertaken on behalf of the applicant. Mention was also made of the question of vacant building credits.

Councillor Fairhurst proposed a motion to defer the item pending clarification of this last together with possible S106 contributions in respect of affordable housing and possible highway links.

Councillor Freeman seconded the proposal.

RESOLVED to defer the application pending consideration of potential S106 contributions.

J Salmon spoke on the application.

Meeting Closed 5:10pm

Date of Next Meeting agreed as 22 July 2020.

UTT/20/0757/DFO (FELSTED)

(MAJOR)

PROPOSAL:	Details following outline application UTT/18/1011/OP (granted under appeal ref: APP/C1570/W/18/3210501) for 28 dwellings. Details of appearance, landscaping, and scale.
LOCATION:	Land West of Maranello, Watch house Green, Felsted, Essex
APPLICANT:	WPD (Felsted) Limited
AGENT:	Mrs S Stephenson
EXPIRY DATE:	6th July 2020
CASE OFFICER:	Mrs Madeleine Jones

1. NOTATION

- 1.1 Outside Development Limits. Within 250m of Local wildlife Site (Flitch Way). Public right of Way

2. DESCRIPTION OF SITE

- 2.1 The application site is located to the north west of Watch House Green, and north east of the village of Felsted
- 2.2 The site is part of the garden of the adjacent dwelling Maranello and is irregular in shape. It is approximately 1.5 hectares in total. The land gentle slopes from north to the south western corner. The garden is split into two distinct areas: a formal area immediately to the south of the house, which includes lawns and formal planting areas; and another side garden to the west of the house that is set as lawn. These two areas are separated by a row of pine trees.
- 2.3 There are residential dwellings to the east of the site running in a linear pattern along the B1417. There is a close boarded fence to this boundary. To the north of the site is an existing driveway (which is also a public right of way) which provides access to Felmoor Farm and a day care nursery. This access leads onto the Braintree Road. Beyond the access track is open countryside. Mature trees line the existing access road.
- 2.4 A landscape buffer runs along the western and southern boundaries. Beyond the western boundary is open countryside

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the grant of outline planning permission for the erection of 28 dwellings including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping under UTT/18/1011/OP which was allowed at appeal subject to conditions and a Section 106 legal agreement.

3.2 Layout and access were considered under the application UTT/18/1011/OP and therefore only appearance, landscaping and scale are for consideration as reserved matters.

3.3 The table below shows the proposed housing mix.

Plot	Housing Type & Number of Bedrooms	Garden Size m/sq	Parking Provision	Affordable Housing.
1	3B Detached House	110	2	
2	3B Detached House	164	2	
3	3B Semi Detached House	115	2	Y (SO)
4	3B Semi Detached House	137	2	Y (SO)
5	4B Detached House	193	3	
6	4B Detached House	251	3	
7	4B Detached House	242	4	
8	2B Semi Detached House	113	2	Y (SO)
9	2B Semi Detached House	113	2	Y (SO)
10	2B Bungalow	161	2	Y
11	2B Bungalow	199	2	Y
12	2B Link Detached House	148	2	Y
13	2B Semi Detached House	129	2	Y
14	2B Semi Detached House	146	2	Y
15	1B Flat	230	1	Y
16	1B Flat	182	1	Y
17	3B Detached House	105	2	
18	3B Detached House	155	2	
19	3B Semi Detached House	132	2	
20	3B Semi Detached House	101	2	
21	4B Detached House	241	3	
22	4B Detached House	178	3	
23	3B Semi Detached House	111	2	
24	4B Link Detached House	132	3	
25	3B Link Detached House	105	2	
26	4B Link Detached House	162	3	
27	3B Link Detached House	155	2	
28	4B Detached House	357	3	
Visitor Parking			7	

3.4 The proposal is for 28 housing units with 11 of these being affordable housing, amounting to 40% of the development.

3.5 The housing mix is of 2 x 1 bed, 7 x 2 bed, 11 x 3 bed and 8 x 4 bed. The indicative mix shows a mix of flats, bungalows, semi-detached and detached properties

3.6 Forty percent affordable housing is proposed and this is shown it to be 2 x 1 bed, 7 x 2 bed and 2 3 bed. Two of the affordable housing would be provided as bungalows and two of the units would be flats.

3.7 All dwellings have on plot parking and there are 7 additional visitor

parking spaces provided.

- 3.8 All dwellings have in excess of 100m² private amenity space.
- 3.9 The Affordable housing would be split into Affordable rent and Affordable Shared Ownership.
- 3.10 An area of public open space in the form of a LAP is included in the proposals adjacent to plot 20.
- 3.11 A new access road would be provided with a new junction serving the farm and nursery off of the new development access drive. A pedestrian footpath would be created from the development linking to the pavement on the western side of the B1417
- 3.12 The existing access to Maranello would be moved further away from the B1417 junction

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 application is supported with the following accompanying documents: a completed Biodiversity Checklist questionnaire, a Design and Access Statement, and a Planning Statement.

6. RELEVANT SITE HISTORY

- 6.1 UTT/18/1011/OP: Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping. Allowed at appeal.
- 6.2 UTT/1802/03/FUL: - Change of use of field to garden. – Conditionally approved.
- 6.3 UTT/1637/00/FUL: -Change of use from pasture land/field to residential. Conditionally approved.
- 6.4 UTT/1308/02/FUL: Detached single storey building to form games room and covered swimming pool – Conditionally approved.
- 6.5 UTT/0833/01/FUL: Erection of 1.8m high boundary wall and gates – Conditionally Approved.

- 6.6 UTT/0393/75: Erection of stable block, tack room and store – Conditional approval
- 6.7 DUN/0488/65: Site for 3 dwellings - refused
- 6.8 DUN/0237/68: site for 3 dwellings – refused

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1
 - S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV7 – County Wildlife Site
 - H9 – Affordable Housing
 - H10 – Housing Mix
 - GEN4 – Good Neighbourliness
 - ENV13 – Exposure to poor air quality
 - ENV2- Development affecting Listed Buildings

Supplementary Planning Documents/Guidance

- 7.2 SPD – Accessible Homes and Playspace
- 7.3 SPD - Uttlesford Local Parking Standards
- SPD – Energy efficiency and Renewable Energy

National Policies

- 7.4 National Planning Policy Framework (2019)

Other Material Considerations

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

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish council continues to believe that this is an inappropriate development

9. CONSULTATIONS

ECC Built Heritage

- 9.1 Approval has been granted for the construction of twenty-eight dwellings on the site, following an appeal. The site is located in Watch House Green, it is not within a Conservation Area or adjacent to one. The closest designated heritage

asset relevant to this site is that of Felmoor Farmhouse, Grade II listed (list entry number: 1146724) and Felmoor Farmhouse pump, Grade II listed (list entry number: 1112895). Felmoor Farmhouse is a sixteenth century house, timber framed and plastered, its access is adjacent to the proposed site.

In considering this application, it is acknowledged that the application site has consent (UTT/18/1011/OP) and therefore this forms the baseline from which to assess the proposal.

The landscaping proposals are acceptable, existing trees are to be retained along the northern edge and along the boundary of the site which will provide screening. The boundary treatments together with the soft landscaping proposals are also considered appropriate.

The scale of the building types ranges from one, one and a half and two-storeys in height. The proposed scale of the development upon review of the submitted documents is considered acceptable.

Materiality includes a mix of coloured renders, red and buff brickworks, cement cladding and some painted brickwork. Roofing includes plain red tiles, clay red pan tiles and natural slate. The design of the plots and choice of materials is acceptable.

Therefore, I do not object to permission being granted.

ECC Highways

- 9.2 No objections.

ECC Ecology

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

We have reviewed the Biodiversity Checklist (Mrs Samantha Stephenson, March 2020) and Design Statement (Arcady Architects Ltd, March 2020) supplied as part of this application; the Biodiversity Enhancement Strategy (Ethos Environmental Planning, March 2020) attached to UTT/20/0762/DOC; and the Ecological Assessment (Ethos Environmental Planning, April 2018) supplied with application UTT/18/1011/OP, relating to the likely impacts of the development on protected & Priority habitats and species.

We note that the development site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA and Ramsar site. At appeal, a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was provided that will result in financial contributions toward the Essex Coast RAMS and this should trigger payment on commencement of the development. The contributions will count as mitigation toward maintaining the integrity of the sites which need to be in place before occupation of the new dwellings.

The developer contribution will be spent on delivery of visitor management at the Blackwater Estuary SPA & Ramsar site under the Essex Coast RAMS. We are satisfied that our previous response dated 4th May 2018 and the documents analysed therein, provide sufficient ecological information for determination as below.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be

made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

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

The mitigation measures identified in the Biodiversity Enhancement Strategy (Ethos Environmental Planning, March 2020) and the Ecological Assessment (Ethos Environmental Planning, April 2018) including the 'presence of an Ecological Clerk of Works to supervise certain activities' should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts. We also recommend that the addition of a 'time limit on development before new surveys are required' condition is included within any consent.

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

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

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 based on the following:

We do not have any comments in regard to this application. The conditions related to surface water put on application UTT/18/1011/OP should be discharged as part of a discharge of conditions application.

MAG London Stansted Airport

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

UDC Landscaping

- 9.8 The submitted detailed soft landscaping proposals, together with the means of enclosure, are considered to be appropriate

10. REPRESENTATIONS

- 10.1 The application has been advertised and 60 neighbouring properties written to. No representations have been received. Expiry date 3rd July 2020.

11. APPRAISAL

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

- A Principle of Development – (NPPF and UDC Policy S7)
- B Access (ULP Policy GEN1);
- C Design (ULP Policy GEN2 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 Biodiversity (ULP Policies GEN7 and ENV3).
- H Flood Risk and drainage (ULP Policy GEN3; NPPF)
- I Other material considerations

A Principle of development (NPPF and UDC Policy S7)

- 11.1 This scheme is for 28 residential units of which 11 would be affordable and the remainder would be market housing. In policy terms the site is located outside the development limits for Felsted as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 11.2 This application, however, follows an outline application reference UTT/18/1011/OP which was allowed at appeal on 30th May 2109 for 28 dwellings with appearance, landscaping and scale reserved. As such the principle of the development has already been accepted. There are no further relevant changes in planning policy since that date that would reverse that decision.
- 11.3 The reserved matters to be considered are therefore only appearance, landscaping and scale which are considered below.

B Access (ULP Policy GEN1);

- 11.4 The application includes the formation of a new vehicular access road and For the existing access into Maranello to be relocated further away from the B1417 junction. This would reduce traffic conflict at the junction. The public right of way, footpath 7, connects Braintree Road to the Flitch Way runs along the northern side of the existing access road. This right of way would be retained. The Highways authority now has no objections.
- 11.5 These access proposals were approved at outline stage.

C Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”);

- 11.6 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design
- 11.7 The site layout submitted is similar to the layout submitted and approved at outline stage.
- 11.8 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+.Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide

- 11.9 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbours amenity.
The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties.
- 11.11 The properties comprise a mix of semi -detached and detached properties, including flats and bungalows ranging between 6.3 -9.3m in height. The majority of the properties are two storey of traditional design and the development is of low density (917 dwellings per hectare) to reflect the character of the area. A mix of materials is proposed. Materials will be from a traditional palette of clay plain roof tiles, natural slate, facing brickwork and featheredged boarding. The design, appearance, scale and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.
- 11.12 A core principle of the NPPF is to recognise the intrinsic character and beauty of the countryside. Paragraph 170 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 11.13 The outline planning application was accompanied by a an Arboricultural Impact Assessment Report and a Landscape and Visual Appraisal and this reserved matters application is accompanied by detailed hard and soft landscape proposal plans.
- 11.14 The site benefits form a mixture of trees and hedges along the southern, northern and eastern boundaries. A small amount of low quality trees along the northern boundary along with some ornamental trees associated with the garden of Maranello will be removed to accommodate the new entrance. This will be offset with new tree planting throughout the development. A new hedge will be planted along the eastern boundary to divide the application site from the rear garden of Maranello and the dwellings to the east.
- 11.15 The trees lining the northern boundary and access drive are considered a key feature of the village.
- 11.16 A further key feature of the development is the retention of the mature landscaped buffer along the southern and western boundaries as well as the mature tree screening along the northern boundary and the inclusion of new tree, hedge and shrub planting within the development. The western buffer will be suitably managed and enhanced with additional planting to screen the development from the countryside vantage points and maintain the soft urban edge of the village. The retention of the existing trees along the road frontage along with a large area of public open space helps to protect the character of the village. Therefore the proposal has been designed to protect these trees.
- 11.17 An area of open space in the form of a LAP is also proposed. The landscaping scheme is considered to be acceptable by the Councils Specialist Landscape Officer.
- 11.18 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

D Vehicle Parking Standards (ULP Policy GEN8);

- 11.19 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Uttlesford District Council parking standards require the provision of two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.
- 11.20 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:
- 11.21 Where a parking space is provided for the dwelling, it should comply with all of the following.
- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
 - b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
 - c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
 - d) The parking space is level or, where unavoidable, gently sloping
 - e) The gradient is as shallow as the site permits.
 - f) The parking space has a suitable ground surface.
- 11.22 Revised plans have been received increasing the parking provision to three spaces for the four bedroomed dwellings to comply with the required adopted Parking standards. All dwellings now have sufficient parking provision to meet the adopted parking standards. The highways authority have no objections to the proposal subject to conditions.

There would also be 7 unallocated parking spaces within the development to provide visitor parking. The proposals therefore satisfy the requirements of ULP Policy GEN8

E Housing Mix (ULP Policy H10);

- 11.23 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.

- 11.24 The proposal relates to the erection of 28 dwellings. This would be a mix of 1, 2, 3, and 4 bedroom properties. Affordable housing would be provided at 40%. In line with adopted Policy H10, this would be a mix of shared equity dwellings and affordable rent.
- 11.25 The properties would be a mix of semi -detached and detached properties, including flats and bungalows.
- 11.26 As detailed within the submitted Design and Access Statement, 5% of the dwellings in the proposed development shall be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable (these plots are no.'s 10 & 11) , with the remaining dwellings to be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. This ensures compliance with Policy GEN2 and the SPD on Accessible Homes and Playspace as well as compliance with condition 17 of the outline application.
- 11.27 The proposals would provide an appropriate mix of housing and as such the proposals would comply with Policy H10.

F Affordable housing (ULP Policy H9) and Education contributions (ULP Policy GEN6)

Affordable Housing

- 11.28 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.29 The S106 agreement attached to the outline planning permission specifies that 40% of the total number of housing units shall be affordable housing. As such the proposal requires 40% of the 28 No. dwellings on the site to be affordable units, which have been allocated by the developer as 2 No 1 bedroom flats, 7 No. 2 bedroomed units (including 2 bungalows) , 2 No. 3 bedroomed units.
- 11.30 The Affordable housing would be split into Affordable rent and Affordable Shared Ownership as a 70/30 split.

Education Contributions

- 11.31 The Section 106 Obligation secured with the outline application secured financial contributions in regards to primary education provision.
- 11.32 The proposed development complies with the requirements of ULP policy H9 and the S106 obligation.

G Impact on Biodiversity (ULP Policies GEN7 and ENV8).

- 11.33 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural

grasslands.

- 11.34 An ecological Assessment report has been submitted with the application. The boundary hedgerows were assessed as being the key ecological feature and this is reflected by their retention and protection within the development proposals. The report includes recommendations to mitigate the impacts of development on bats, amphibians and breeding birds and includes a number of enhancement measures.
- 11.35 The proposals include the retention of key trees and hedgerows and the creation of new open space and natural swales and habitats which will provide a net gain in biodiversity on the site. The provision of open space will also play a role in mitigating any recreational impacts on ecological receptors by providing amenities to meet the needs of new residents.
- 11.36 The development site is also situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA and Ramsar site. At appeal, a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was provided that will result in financial contributions toward the Essex Coast RAMS and this should trigger payment on commencement of the development. The contributions will count as mitigation toward maintaining the integrity of the sites which need to be in place before occupation of the new dwellings.
- 11.37 The mitigation measures identified in the Biodiversity Enhancement Strategy (Ethos Environmental Planning, March 2020) and the Ecological Assessment (Ethos Environmental Planning, April 2018) including the 'presence of an Ecological Clerk of Works to supervise certain activities' should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts. The landscaping scheme incorporates ecological features suggested by the Ecologist which include hedgehog doors, bird and bat boxes, log piles and wildflower grass.
- 11.38 As such it is considered that the proposal, subject to conditions and the s106/ Unilateral Undertaking, attached to the outline application, accords with ULP policy GEN7.

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

- 11.39 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (1:1000 Years)
- 11.40 The proposal subject to the conditions attached to the outline application would comply with Policy GEN3 and the NPPF

I Other material considerations

- 11.41 In order to encourage cleaner vehicle usage a condition is recommended for the provision of electric charging points to be provided. The developer has agreed to provide all dwellings with garages and each block of flats with electric vehicle charging points.

12. CONCLUSION

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

- A.** The principle of development has already been established through the approved outline planning permission Ref: UTT/18/1011/OP
- B** The means of access was secured through the subject outline planning permission. The detailed highway details are acceptable and would not result in harmful impacts to the strategic highway network.
- C** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4
- D** Adequate parking provision would be provided to meet Uttlesford's Adopted Parking Standards
- E** The proposals would provide an appropriate mix of housing and as such the proposals would comply with Policy H10.
- F** It is considered that the proposal, subject to conditions and the Section 106/Unilateral Undertaking, secured through the outline planning permission the proposal, accords with ULP policy GEN7.
- G** As such it is considered that the proposal, subject to conditions and the s106/ Unilateral Undertaking, attached to the outline application, accords with ULP policy GEN7.
- H** The proposal subject to the conditions attached to the outline application would comply with Policy GEN3 and the NPPF

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Enhancement Strategy (Ethos Environmental Planning, March 2020) and Ecological Assessment (Ethos Environmental Planning, April 2018) as already submitted with the planning application UTT/18/1011/OP and UTT/20/0762/DOC and agreed in principle with the local planning authority prior to determination.

This will 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)

2. If the approved development does not commence (or, having commenced, is suspended for more than a year) within 1 year from the date of this reserved matters planning consent, the approved ecological measures secured through Condition 1 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to
 - i) Establish if there have been any changes in the presence and/or abundance of protected species and
 - ii) Identify any likely new ecological impacts that might arise from any changes.

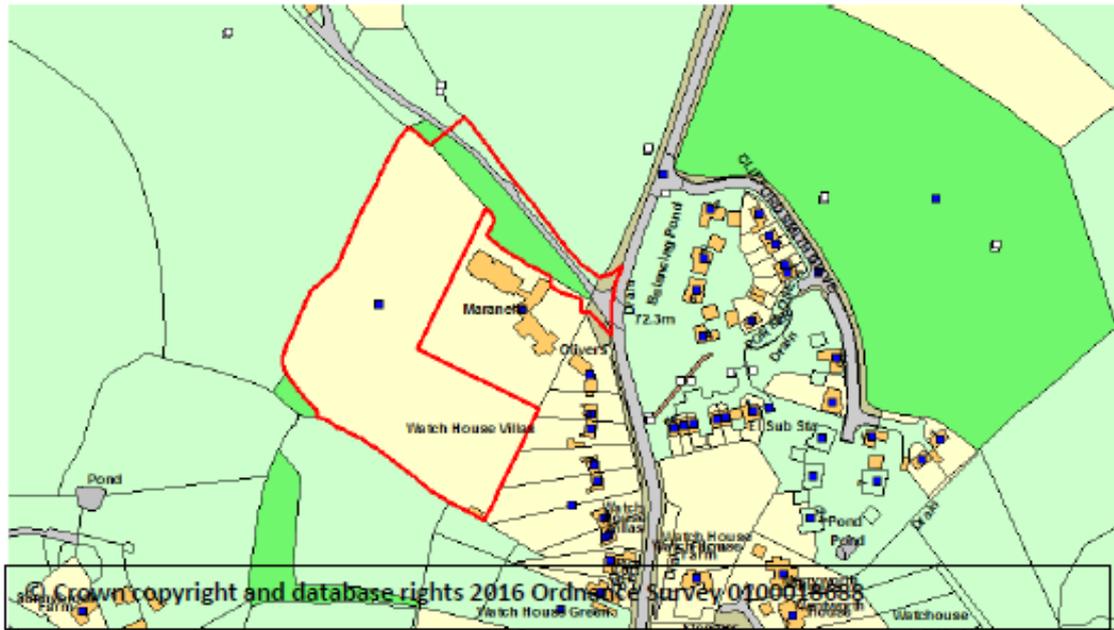
Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development specified phase of development

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable

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 occupation of any dwellings with garages shall be provided with electric vehicle charging points. All points shall be fully wired and connected, ready to use and retained thereafter.

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



Organisation: Uttlesford District Council

Department: Planning

Date: 25 JUNE 2020

Agenda Item 4

UTT/20/1108/DFO (DUDDENHOE END, ELMDON)

(Called-In by Cllr Gregory if recommended for approval as the material planning grounds of overdevelopment of the site, materials not in keeping and backland development)

PROPOSAL: Details following outline approval UTT/18/0188/OP for the erection of 2 no. dwellings - details of layout, scale, landscaping and appearance.

LOCATION: Holly Hedge, Woodmans Lane, Duddenhoe End, Elmdon CB11 4UU

APPLICANT: Mr & Mrs Hestletine

AGENT: Mr Peter Stollery

EXPIRY DATE: Extension of time (agreed): 03 August 2020

CASE OFFICER: Mr Avgerinos Vlachos

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site (plot1 to the west and plot 2 to the east) is in the village of Duddenhoe End at the back of a series of dwellings fronting onto Woodmans Lane; moving westbound, these dwellings include Sebring (one-and-a-half storey property), Holly Hedge (bungalow), Stepping Stones (bungalow), The Owls (one-and-a-half storey property), Gallery House (one-and-a-half storey property), and Wendens Vineyard (one-and-a-half storey property). The site currently comprises a paddock and a detached domestic stable block, including a low level pitched roof with weather boarded walls under a tiled roof. The existing access to the site is via Wendens Vineyard, though some works have been done for the access approved at outline stage. The site steps down by approximately one metre to a level plateau moving to the south.

3. PROPOSAL

3.1 The proposal includes the erection of 2 no. detached dwellings on Plot 1 (western plot) and Plot 2 (eastern plot) along with 2 no. detached single storey double garages, one on each plot. Plot 1 dwelling will be two storey and plot 2 dwelling will be single storey and both will have gabled roofs (plot 2 dwelling will also have a pitched, almost flat, roof on its northern part).

It is proposed that plot 1 will have 4 no. bedrooms and 2 no. rear (south) gabled wings (the eastern rear wing will be two storey and dug down approximately by 1m, and the western rear wing will be single storey). It will also have 2 no. dormers: one on the rear (south) elevation and another facing west on the main eastern rear wing. Plot 2 will have 3 no. bedrooms with 2 no. rear (south) gabled wings equally protruding from the main dwelling and solar panels on the rear (south) elevation.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 The application includes the following document(s):

- Photographs
- Additional photographs
- Planning statement
- Additional statement of clarification

- Ecology survey.

6. RELEVANT SITE HISTORY

- 6.1
- **UTT/18/0188/OP** – Outline application, with all matters reserved except for access, the demolition of outbuilding and the erection of 2 no. single storey dwellings, garages and access. (Revised proposals to those approved under UTT/16/2991/OP and UTT/17/0763/OP).

Refused by Committee. It relates to both Plots 1 and 2 of the current application. Allowed at appeal under 18/00054/REF (APP/C1570/W/18/3204289) with conditions (see Appeal Decision).

- 6.2
- **UTT/17/0763/OP** - Outline application, with all matters reserved except for access, the demolition of existing garage for the erection of 1 no. single storey dwelling, garage and access.

Refused. It relates to Plot 2 of the current application. Allowed at appeal under 17/00040/REF (APP/C1570/W/17/3180473) with conditions.

- 6.3
- **UTT/16/2991/OP** - All matters reserved except for access, for replacement of stables as a new single storey dwelling.

Approved with conditions. It relates to Plot 1.

- 6.4
- **UTT/15/0540/FUL** - Change of use of land from paddock to garden land.

Approved with conditions. It relates to both Plots 1 and 2. No Permitted Development (PD) rights.

7. POLICIES

- 7.1
- S70(2) of the Town and Country Planning Act 1990 (as amended) 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.

Uttlesford Local Plan (2005)

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN4 – Good neighbourliness

GEN7 – Nature conservation

GEN8 – Vehicle parking standards

H4 – Backland development

H9 – Affordable housing

ENV3 – Open spaces and trees

ENV8 – Other landscape elements of importance for nature conservation

ENV14 – Contaminated land

Supplementary Planning Documents/Guidance

SPD2 – Accessible Homes and Playspace

National Policies

National Planning Policy Framework (NPPF, 2019)

Other Material Considerations

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards: Design and Good Practice (2009)

Technical Housing Standards – Nationally Described Space Standard (NDSS)

Essex Design Guide (EDG)

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council (PC) was consulted twice with no comments received the second time. On the first consultation round, the PC objected to this application on 09 June 2020 with the following comments:

1. The PC had previously objected this scheme.
2. The PC support the local objections and specifically request that this application is put before the full planning committee.
3. The original application was for 2 no. single storey dwellings. This application is for 1 no. single storey dwelling and 1 no. large two storey dwelling.
4. Whilst measurements aren't entirely clear, the pitch height on plot 2 looks to be close to 6 plus metres and would likely tower over the neighbouring properties. That despite the illustration on page 5 depicting an artist's impression of quite the opposite.
5. The driveway is gravelled and the neighbours would like there to be consideration for a tarmac drive to and around the property to reduce the impact of noise as the drive is close to neighbouring properties.

9. CONSULTATIONS

ECC Highways

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

1. There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety.

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

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

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

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

4. 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.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans shall be provided. 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 and turning is provided.

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."

UDC Environmental Health

9.2 "The following comments made by Environmental Health under application reference UTT/18/0188/OP are still relevant for this application;

Drainage:

Environmental Health have previously investigated a complaint of foul and surface water drainage flooding land located south of the garden to Midsummer House, near the application site. The foul drainage flooding has been resolved by the properties responsible connecting to mains drainage, but I believe there remains a problem of surface water and treated sewage effluent from some or all of the properties between Maple Cottage and Midsummer House (which would include Holly Hedge) discharging onto neighbouring land.

It is believed that some of these properties' surface water passes via soakaways and land drains to a point south east of the application site, and that some of these land drains cross the application site. Other properties' surface water goes to a pipe which runs between Holly Hedge and the application site and also connects to a land drain. This drain is in an unsatisfactory condition and the water discharges onto neighbouring land. The application states that foul drainage will go to the mains sewer and surface water will go to a soakaway. It is known that this is heavy land with poor percolation. The reported growth of willow and alder trees on the land are further indications of poor drainage. The existing surface water drainage system is inadequate and at risk of disruption from the proposed development. A condition is recommended requiring submission and approval of a scheme to provide satisfactory foul and surface water drainage to the proposed new dwelling, and to avoid any adverse impact on the drainage of existing properties (as applied on appeal to UTT/17/0763).

RECOMMENDED CONDITION

Prior to commencement of development a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

Contaminated Land:

The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground 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.”

ECC Ecology

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

No objection subject to securing biodiversity mitigation and enhancement measures

Summary:

We have reviewed the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), submitted in addition to the original documents, to further inform the assessment of the likely impacts of the development on designated sites, protected & Priority species/ habitats.

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

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and, with appropriate mitigation measures and biodiversity enhancements secured, the development can be made acceptable.

The Ecological Survey and Assessment (Essex Mammal Surveys, June 2020) recommends some limited mitigation measures and biodiversity enhancements for the site these should be implemented in full. However, we also recommend the development of a Precautionary Working Method Statement (in line with Appendix 10 Method Statement Guidance of CIEEM Guidance on Ecological Survey and Assessment in the UK During the Covid-19 Outbreak, June 2020) to avoid any ecological impacts during the construction phase. This is necessary to conserve and enhance protected and Priority species & habitats particularly mobile mammals (including Badgers), amphibians and nesting birds. Enhancements could also be augmented to include integrated bat and bird boxes and wildlife friendly landscaping to further enhance the biodiversity potential of the site.

This will enable the 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 ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), as already submitted with the planning applications and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, precautionary measures for hedgehogs and common toads, installation of bird nesting boxes.”

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

2. PRIOR TO COMMENCEMENT: PRECAUTIONARY WORKING METHOD STATEMENT

“A Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to bats, Badgers, amphibians, hedgehogs and other small animals during the

construction phase. Including no night work.

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 Conservation of Habitats and Species Regulations 2017 (as amended), 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 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 for bats;
- 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).

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, 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.”

Landscape Officer

9.4 “The proposed hard and soft landscape details are satisfactory and can be approved. I noted the PC’s comments about the part gravel driveway, but I don’t consider this is a significant issue.”

10. REPRESENTATIONS

- 10.1 The neighbouring occupiers were consulted on the application and a site notice was erected outside the property. As a result the following comments have been received:
1. Outline permission was for 2 no. single storey dwellings, whilst this is for 1 no. single storey dwelling and 1 no. two storey dwelling.
 2. Lack of accuracy, details and dimensions in the plans.
 3. Height and width issues.
 4. Harmed (rural) views/outlook from bedroom/bathroom windows with potential health impact on residents.
 5. Privacy issues for the neighbours. Gabled windows and rooflights on the proposed north elevation of both dwellings will face neighbouring properties.
 6. Close to the existing properties

7. Noise and odours are more significant in a quiet rural location.
8. Multiple vehicle occupancy, increasing traffic onto a narrow road.
9. Driveway materials are not appropriate.
10. Out of character with the surrounding properties. Neighbouring properties are of a much more modest size and traditional design.
11. Impact on Natterer's bats. Bat population must not be displaced.
12. Unacceptable size, scale and location.
13. Discrepancy between the planning statement and the site plan.
14. Ambiguous ground levels.
15. Height of development.
16. Tarmac would be more suitable for the whole drive to reduce noise levels from vehicle movements.
17. Obstructed views.
18. ECC Highways condition for the access dimensions – based on the existing width of the access next to that of Holly Hedge, this access would have to be shared.
19. Large increase in the number of vehicles using the access and drive, which goes against NPPF 2018 for measures to minimise the impact on air quality.
20. The original application took into account bus services that are no longer in operation.
21. Car ownership is a requirement by most households in a rural hamlet.
22. Out of date Ecology statements.
23. Restricting outlook.
24. The proposal may result in loss of privacy, loss of daylight and overshadowing of Gallery House, The Owls and Stepping Stones.
25. Extra noise resulting in the closeness of building works and supply vehicles and the noise of cars once completed.
26. If granted, it would set a precedent for further developments beyond what was the original building line along the village. For example, there has been a similar scheme further down the lane.
27. What will become of existing Holly Hedge? Are there any replacement proposals?
28. Will the new drive be wide enough to allow a fire tender?
29. Will the applicant observe the cleaning of the main road as per Highways rules?
30. Woodmans Lane was the only road not resurfaced when the whole area was a few years ago.

10.2 Following the submission of revised plans the following comments were received following additional consultations:

1. The application is trying to override the original permission for single storey dwellings.
2. Obstructed views behind the hedge (which might be cut down in the future). Boundary treatments must be conditioned.
3. Overlooking and privacy issues with the bedroom windows of Gallery House.
4. The applicant has a habit of running his large plant machinery into the evenings and weekends.
5. There are regulations about the times allowed for building noise in residential areas and they should be pointed out to the applicant.
6. The proposed roof line of Plot 1 is too high and will be seen from the GF windows of The Owls.
7. The new information shows different levels of ridge height as looking from the road (north) and some artist's impression from the south. What is needed is an accurate detailed drawing from the west indicating ridge heights of surrounding properties and that of the proposed plot 1 dwelling and clearly marked datum line that indicated the level on which The Owls and Gallery House is built on in relation to the proposal.
8. Photographs taken from the south over the stable do not demonstrate anything.
9. The applicant has tried to reduce impact from the outlook of The Owls by design and by moving Plot 1 further to the south, but it is still overbearing.
10. Foul and surface water drainage issues: the new properties cannot simply join the existing drainage network as it is in bad condition. Four Acres and Sebring take the surface water load for seven houses. The land does not percolate, hence a soakway located within the land envelope belonging to the new properties, or the applicant's retained land, is unlikely to prove successful. The land is at capacity and can take no more concrete.

11. The applicant has dumped the spoils from the foundation trenches during the construction of Maple Cottage and Wendens Vineyard along the boundaries of Four Acres. A condition is necessary to ensure the spoils are not spread across the land that could exacerbate the drainage problem.
12. Attached diagram / drainage: surface water has been diverted and transported onto neighbouring land which remains wet for the majority of the year. Source of this diagram is the applicant. The proposed building plots would stand wet most of the year because of the proximity to the neighbouring properties and the non-percolating nature of the soil.
13. The effect of the surface water diversion is to spread effluent on Sebring and Four Acres land to the detriment of livestock and pets.
14. The pond in Wendens Vineyard exacerbate the situation.
15. Sebring receives the surface water run-off from the higher ground to the north and north-west of the site. As rainfalls might intensify in the future waterlogged land effects are possible more frequently and the proposal will exacerbate this problem.
16. The project has started: land has been excavated, trees have come down and more pipes have been buried. This is not possible without a drainage plan.
17. The drainage plan must include: demonstration that the plots will not be unsuitable for buildings without the diversion of surface water onto neighbouring land. Demonstration that the land (without water diversion) would not stand wet during winter. Demonstration that the concrete slabs and roof areas will not perpetuate the drainage problem.
18. Data in the ecology survey are not up-to-date and locally accurate.
19. The ecology survey wrongfully states that there are no records of bats within 2km of the area, as locals have observed bats (including a common pipistrelle maternity roost nearby) and more recent sightings have been reported to the Essex Wildlife Trust.
20. The ecology survey wrongfully states that there are no records of badgers within 2km of the area, as there are badger setts within the village and recent sightings have been reported to the Essex Wildlife Trust.
21. The ecology survey does not mention measures to support or avoid disturbance to bats or badgers that are likely to enter the site when foraging.
22. A full Preliminary Ecological Appraisal should be conducted.
23. The proposal is backland development creating a second row of houses behind the established linear row of village properties. This opposed the aim to preserve the character of Duddenhoe End, including its linear layout with open views between houses described in Elmdon, Duddenhoe End and Wenden Lofts Village Design Statement (2019).
24. The erosion of the village character and extension of its envelope is warranted in this small settlement with no amenities and no urgent demand for additional housing.

11. APPRAISAL

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

- 1) Layout, scale, landscaping and appearance (ULP Policies S7, GEN2, H4, ENV3, the NDSS, the EDG, the SPD Accessible Homes and Playspace, and the NPPF);
- 2) Amenity (ULP Policies GEN2, H4, and GEN4);
- 3) Access and parking standards (ULP Policies GEN1, GEN8, and the NPPF);
- 4) Nature conservation and biodiversity (ULP Policies GEN7, ENV8, and the NPPF);
- 5) Contamination (ULP Policy ENV14, and the NPPF);

1) **Layout, scale, landscaping and appearance (ULP Policies S7, GEN2, H4, ENV3, the NDSS, the EDG, the SPD Accessible Homes and Playspace, and the NPPF);**

- 11.1 *According to ULP Policy S7, in the countryside, which is protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. The same Policy S7 elaborates that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular character*

of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 11.2 *According to para 170(b) of the NPPF, planning should recognise the intrinsic character and beauty of the countryside, and according to para 127(c), development should be sympathetic to the local character, including the surrounding built environment and landscaping setting.*
- 11.3 *According to ULP Policy GEN2, development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings.*
- 11.4 *According to ULP Policy H4, development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met: (a) there is significant under-use of land and development would make more effective use of it; (b) there would be no material overlooking or overshadowing of nearby properties; (c) development would not have an overbearing effect on neighbouring properties; (d) access would not cause disturbance to nearby properties.*
- 11.5 *According to ULP Policy ENV3, the loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.*
- 11.6 *According to para 124 of the NPPF, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. Also, according to para 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.*
- 11.7 Due to the national pandemic emergency the Case Officer was unable to visit the site, but was confident that an appropriate desktop assessment of the proposal could be carried out using other means and using the applicant's full submission. For this reason, photographs were asked by the applicant and were submitted on 19 May, 18 June and 02 July 2020. A site notice was erected on site which expired on 12 June 2020; also, the neighbours and the Parish Council were consulted twice.
- 11.8 The principle of the development was established in UTT/18/0188/OP (allowed at appeal), however the reserved matters (i.e. layout, scale, landscaping and appearance) are considered separately in this application with regard to protecting –inter alia– the character of the countryside. The proposal is considered 'backland development', as it does not have an immediate road frontage, and therefore it will be considered in the context of ULP Policy H4.
- 11.9 The proposal includes the erection of 2 no. detached dwellings on Plot 1 (western plot) and Plot 2 (eastern plot) along with 2 no. detached single storey double garages, one on each plot.
- 11.10 In terms of layout and position, both the proposed dwellings have been rotated in comparison to the approved site plan under UTT/18/0188/OP in order to be parallel to the eastern boundary of the site (which also increases the proposal's distance from the neighbouring properties to the north). It should be noted, however, that the layout proposed under UTT/18/0188/OP was merely indicative. The proposed layout will allow for considerable distances from the proposed dwellings towards all the neighbouring properties to the north (the 25m threshold from the EDG is satisfied by far), and it will also allow for an adequate distance between the proposed dwellings. The position of the detached garages matches their position on the indicative site plan from UTT/18/0188/OP.
- 11.11 In terms of design/appearance and scale, the plot 1 dwelling appears to be single storey as seen from the front (north) elevation but increase to two storeys to the rear as ground levels slope down. The plot 2 dwelling is single storey. From the revised plans submitted, it is clear that the heights of both proposed dwellings are comparable (matching or smaller) to the ridge heights of the existing neighbouring properties to the north, which are bungalow-style properties (Stepping Stones, Holly Hedge, Sebring) and one-and-a-half storey properties (The Owls, Gallery House, Wenden Vineyards).

- 11.12 In terms of proposed plot 1, it will be set into the ground by approximately 1m. Also:
- The main eastern rear wing will sit lower than the proposed ridge of the main part of the dwelling and it will not be visible from the street.
 - The existing higher ground levels on the north-eastern part of plot 1 will be maintained.
 - The western rear wing will be single storey.

Therefore, the largely unaltered streetscene by the proposed dwellings, their contemporary design, simple form and modest scale and size, will be in keeping with the character and openness of the established streetscene and of the countryside; therefore, the proposal is acceptable in terms of scale and design. In addition, it should be noted that the Elmdon, Duddenhoe End and Wenden Lofts Village Design Statement (2019) from members of the local community was taken into account for the above, but it does not constitute adopted Council policies. Finally, the design and scale of the proposed garages is acceptable, as they are identical to each other and of a plain form and appearance, as well as of a modest size, not comparable (or antagonistic) to that of the proposed or the neighbouring dwellings.

- 11.13 In terms of materials, according to the PLANNING STATEMENT (ref. PS/1701, dated 12 May 2020), the proposed materials include predominantly vertical black timber boarding for the walls (running up to the verges of the roofs with no barge boards), dark grey aluminium windows and square gutters, dark grey zinc only for the pitched (nearly flat) roof on the plot 2 dwelling and natural slate on the roofs of both dwellings. Both proposed dwellings will sit on dark grey brick plinth. In addition to the above materials:

- Plot 1 dwelling will also have lighter horizontal boarding across the front (north) elevation and around the utility room, and cladding on the west facing elevation (living room) of the main rear (south) wing and on the balcony with western red cedar.
- Plot 2 dwelling will also have lighter horizontal boarding on most part of the front (north) elevation along with render on the central section to the front and rear.

Despite this, a condition about further details and samples of the materials to be used in the proposed development will need to be imposed in order to ensure a high quality design in keeping with the area and the countryside setting. In addition, the materials for the garages will include natural slated roofs and black vertical timber boarding on top of brick plinth, which are considered acceptable, though the same condition should be imposed as above.

- 11.14 In terms of **landscape**, according to the submitted Planning Statement (ref. PS/1701, dated 12 May 2020):

- The fences/hedges and landscape between the site and existing properties will be retained.
- A sculptural verge and 1 no. new tree on the northern boundary to provide screening.
- Planted verges (and 1 no. new tree in front of the plot 1 dwelling) outside the front (north) of each property.
- The new west and south boundaries and the boundary between plots 1 and 2 at the rear will be post and rail fences with mixed hedging. The existing post and rail fence to the east along the boundary with Sebring will be supplemented with a 1.8m high close-boarded fence which will run down the boundary from the rear of Holly Hedge to a point level with the rear elevation of plot 2.

- 11.15 The Council's Landscape Officer requested more landscape details that were provided through the LANDSCAPE PLAN (ref. 1701.26, dated 02 July 2020). The Landscape Officer, after reviewing this plan, reported that "*the proposed hard and soft landscape details are satisfactory and can be approved*" and he also stressed (following the Parish Council's comments) that the part gravelled driveway is not a significant issue. The LANDSCAPE PLAN (ref. 1701.26, dated 02 July 2020) confirms most of the above points, and its key details are:

- 2 no. new trees and verges to provide screening to the north;
- Northern boundary: existing conifer boundary hedge to be retained (height 3-5m);

- Western and Southern boundaries (and the boundary between plots 1 and 2): new post and rail fences with new mixed hedging;
- Eastern boundary: existing 1.8m high close-boarded fence from the rear boundary of Holly Hedge until roughly the level of the rear patio of the plot 2 dwelling will be retained. From that level southwards, new post and rail fences with new mixed hedging.

11.16 Therefore, following the Landscape Officer's advice, the above landscaping details are considered acceptable, but for the sake of clarity 2 no. conditions are considered necessary:

- A condition to retain all existing fences and hedges between the site and the neighbouring properties to the north (as well as the western and eastern boundaries of the site) in perpetuity, as well as to safeguard a minimum height for the hedges in case of cut down works in order to protect the amenity of the neighbours.
- A condition to safeguard the implementation of the approved plans, including the LANDSCAPE PLAN (ref. 1701.26, dated 02 July 2020) for clarity purposed and in order to ensure that the development is carried out with the minimum harm to the environment.

11.17 In terms of the residential amenity of the occupants, the plot 1 dwelling will be two storey and of 4 no. bedroom-8 no. persons (4B8P) occupancy and the plot 2 dwelling will be single storey and of 3 no. bedroom-6 no. persons (3B6P) occupancy; both dwellings will have a gross internal area of more than the minimum standards, which are set at 124m² for the plot 1 dwelling and at 95m² for the plot 2 dwelling based on their size (bedrooms, bed spaces/persons, storeys), according to the Technical Housing Standards – Nationally Described Space Standard (NDSS). In addition, in terms of amenity space (garden size) the proposed dwellings will have gardens larger than the 100m² threshold required by their size, as set by the Essex Design Guide (EDG). Therefore, national standards on living space, and regional standards on amenity space are met.

11.18 In order to accommodate the needs of all potential users, a condition stating that both the proposed dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition, is considered necessary.

11.19 Overall, the proposal will be of subservient size, scale, layout, design/appearance and landscaping that will not harm the character of the established streetscene and area nor the openness of the countryside, and therefore the proposal accords with ULP Policies S7, GEN2, H4, ENV3, the Nationally Described Space Standard (NDSS), the EDG, the SPD Accessible Homes and Playspace, and the NPPF.

2) Amenity (ULP Policies GEN2, H4, and GEN4);

11.20 *According to ULP Policy GEN2, development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.*

11.21 *According to ULP Policy H4, development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met: (a) there is significant under-use of land and development would make more effective use of it; (b) there would be no material overlooking or overshadowing of nearby properties; (c) development would not have an overbearing effect on neighbouring properties; (d) access would not cause disturbance to nearby properties.*

11.22 *According to ULP Policy GEN4, development and uses 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.*

11.23 The proposed plot 1 dwelling will be two storey, but as elaborated in the previous Section– it will

give the impression of a single storey dwelling at least from its front (north) elevation. The plot 2 dwelling will be single storey. In addition, both dwellings will be at a distance of at least 30m away from any of the neighbouring properties to the north, both dwellings will be 11-15m away from the northern site boundary, and the distance between the proposed dwellings will be at least 11m. Therefore, no material overshadowing and overbearing effects are considered.

11.24 Between the proposed dwellings, the plot 1 dwelling will have 2 no. rooflights on the east elevation (above the ensuite and the dressing room) and 1 no. FF window (bedroom 2) and the plot 2 dwelling will not have any upper floor windows on any elevation as it will be single storey. The boundary between the two properties at the rear will include post and rail fences with mixed hedging (this is part of the LANDSCAPE PLAN). The 1 no. FF window (bedroom 2) on the east elevation of the plot 1 dwelling would not amount to material overlooking of the GF window (bedroom 3) on the west elevation of the plot 2 dwelling, as the view will not be direct. Between the proposed dwellings and the neighbouring properties:

- All FF and GF windows on the rear (south) elevations will face open countryside.
- All GF windows on the northern elevations will face the retained fences and hedges (according to the PLANNING STATEMENT and the LANDSCAPE PLAN).
- Plot 1 (on its western elevation) will have 1 no. small FF window (screened by the western rear wing) and 1 no. large dormer window (facing west at a distance of more than 25m from the neighbouring garden of Wenden Vineyard).
- Plot 2 (on its eastern elevation) will only have rooflights.
- Plot 1 (on its northern elevation) will not have any habitable room windows.
- Plot 2 (on its northern elevation) will have 1 no. rooflight on the pitched zinc roof to the entrance hall.

11.25 Therefore, no material overlooking between the future occupiers of the proposed dwellings nor between them and existing neighbouring occupiers is considered.

11.26 In terms of good neighbourliness, the driveway will have block paving for its first 11m and tarmac after that all the way until it reaches the second parking space outside the plot 2 garage. It should be noted that in the REVISED PROPOSED SITE PLAN (ref. 1701.06F, dated 17 June 2020) the tarmac surface is extended in comparison to the SUPERSEDED PROPOSED SITE PLAN (ref. 1701.06E, dated 12 May 2020) in order to further address any concerns from the neighbours in relation to disturbances in terms of noise and dust. It should also be noted that the remaining gravelled driveway leading to both proposed garages is screened by existing vegetation and fencing (which will be retained). The driveway is at least 20m away from the neighbouring properties to the north. Further extension of the tarmac surface on the whole driveway is considered unnecessary (according to the Landscape Officer), as no material disturbances (noise, dust) will be caused by the proposal, and therefore no harm is expected for the neighbouring occupiers in this respect.

11.27 Overall, the proposal will not result in loss of privacy, loss of light, or an overbearing impact that would harm the amenity of neighbouring occupiers, and good neighbourliness will be achieved, and thus it complies with ULP Policies GEN2, H4 and GEN4.

3) Access and parking standards (ULP Policies GEN1, GEN8, and the NPPF);

11.28 *According to ULP Policy GEN8, development will not be permitted unless the number, design and layout of vehicle parking spaces proposed is appropriate for the location, whilst Uttlesford Local Residential Parking Standards (2013) and Essex County Council Parking Standards: Design and Good Practice (2009) provide further guidance and good practice.*

11.29 *According to ULP Policy GEN1, development will only be permitted if it meets all of the following criteria: (a) access to the main road network must be capable of carrying the traffic generated by the development safely; (b) the traffic generated by the development must be capable of being*

accommodated on the surrounding transport network; (c) the design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired; (d) it must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access; (e) the development encourages movement by means other than driving a car.

- 11.30 *According to para 105 of the NPPF, if setting local parking standards for residential and non-residential development, policies should take into account:*
- (a) the accessibility of the development;*
 - (b) the type, mix and use of development;*
 - (c) the availability of and opportunities for public transport;*
 - (d) local car ownership levels; and*
 - (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*
- 11.31 From a highway and transportation perspective, the Highway Authority reported that the impact of the proposal is acceptable, raising no objections to the proposal subject to conditions.
- 11.32 Access was an approved matter in the outline stage under UTT/18/0188/OP.
- 11.33 Plot 1 parking arrangements will include a double garage of appropriate dimensions to Essex Parking Standards plus at least another 3 no. off street parking spaces on the driveway. This is in accordance with Uttlesford Local Residential Parking Standards (2013).
- 11.34 Plot 2 parking arrangements will include a double garage of appropriate dimensions to Essex Parking Standards plus at least another 2 no. off street parking spaces on the driveway. This too is in accordance with Uttlesford Local Residential Parking Standards (2013).
- 11.35 In addition, the Environmental Health Officer recommended a condition, requiring charging points for electric vehicles in order to minimise the impact of the proposal on air quality in accordance with para 105 of the NPPF.
- 11.36 Overall, the proposal will abide by the access arrangements approved under UTT/18/0188/OP, and it will be in accord with ULP Policies GEN1, GEN8, and with local and regional parking standards.

4) Nature conservation and biodiversity (ULP Policies GEN7, ENV8, and the NPPF);

- 11.37 *According to ULP Policy GEN7, development should not have a harmful impact on wildlife and biodiversity unless the need for development outweighs the importance of the feature of nature conservation.*
- 11.38 *According to para 170(a) of the NPPF, development should protect and enhance valued landscapes, sites of biodiversity or geological value and soils. According to para 170(d), planning decisions should minimise impacts on and provide net gains for biodiversity and according to para 174 of the NPPF, development should protect and enhance biodiversity and geodiversity.*
- 11.39 *In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities through Section 40(1) of the Natural Environment and Rural Communities Act 2006; similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.*

- 11.40 *According to ULP Policy ENV8, development that may adversely affect landscape elements, such as hedgerows, semi-natural grasslands, plantations, ponds, reservoirs, networks or patterns of other locally important habitats will only be permitted if the following criteria apply: (a) the need for the development outweighs the need to retain the elements for their importance to wild fauna and flora; (b) mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.*
- 11.41 The Council's Ecology Officer raised on 17 June 2020 a holding objection due to insufficient information on European Protected Species (Gt crested newt and bats), after reviewing the various Biodiversity checklists (Donald Purkiss Associates, 2016, 2017, 2018), Tree Report (Trees in Planning, February 2015) and photographs provided by the applicant, along with aerial photographs and Magic Maps. This holding objection was founded on paras 99 and 170(d) of the NPPF and was justified by the fact that the site is within 500m of a number of ponds of which at least one has a known population of Great Crested Newts, and also is part of the Natural England Amber Risk Zone Area for Great Crested Newts District Level Licensing.
- 11.42 Subsequently, the Case Officer requested additional information from the agent/applicant, which was submitted in the form of an ECOLOGY SURVEY (Essex Mammal Surveys, June 2020). The Ecology Officer in her final response on 26 June 2020, raised no objections to the application subject to securing biodiversity mitigation and enhancement measures. She reported that the mitigation measures and biodiversity enhancements elaborated in the survey should be implemented in full along with a Precautionary Working Method Statement (in line with Appendix 10 Method Statement Guidance of CIEEM Guidance on Ecological Survey and Assessment in the UK During the Covid-19 Outbreak, June 2020) to avoid any ecological impacts during the construction phase in order to conserve and enhance protected and priority species and habitats, particularly mobile mammals (including Badgers), amphibians and nesting birds. Therefore, the proposal is considered acceptable subject to conditions. Finally, it should be noted that comments from a neighbour who objected the application on ecological grounds (inter alia) were given weight in the decision-making process; the Ecology Officer confirmed in writing on 26 June 2020 that these comments were indeed taken into account before her final response, and this is reflected on one of the conditions:
- A pre-commencement condition for a Precautionary Working Method Statement to reduce potential impacts to bats, badgers, amphibians, hedgehogs and other animals during construction phase.
- 11.43 Therefore, the above were taken into account, but the proposal is still acceptable in ecological terms, according to the Ecology Officer.
- 11.44 Overall, the proposal is acceptable in ecological terms and in accord with ULP Policies GEN7, ENV8, and the NPPF.

5) Contamination and drainage (ULP Policy ENV14, and the NPPF);

- 11.45 *According to ULP Policy ENV14, before development, 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.*
- 11.46 *According to para 178 of the NPPF, planning decisions should ensure that (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and (c) adequate site investigation information, prepared by a*

competent person, is available to inform these assessments.

- 11.47 *According to para 179 of the NPPF, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*
- 11.48 In terms of drainage, the Council's Environmental Health Officer reported that the site has previously been investigated for foul and surface water drainage, flooding land located south of the garden to Midsummer House to the east of the application site. The foul drainage flooding has been resolved by the properties responsible connecting to the mains drainage, but there remains a problem of surface water and treated sewage effluent from some or all of the properties between Maple Cottage and Midsummer House discharging onto neighbouring land.
- 11.49 The Environmental Health Officer continued that some of these properties' surface water passes via soakaways and land drains to a point south-east of the site, and some of these land drains cross the application site. Other properties' surface water goes to a pipe which runs between Holly Hedge and the site and also connects to a land drain. This drain is unsatisfactory and the water discharges onto neighbouring land. According to the submitted information, foul drainage will go to the mains sewer and surface water will go to a soakaway. It is known that this is heavy land with poor percolation. The reported growth of willow and alder trees on the land are further indications of poor drainage. The existing surface water drainage system is inadequate and at risk of disruption from the proposed development. Therefore, the Environmental Health Officer recommended details of a satisfactory foul and surface water drainage scheme to be completed prior to occupation of the proposed dwellings, but that condition has already been applied on UTT/18/0188/OP at appeal (condition 5).
- 11.50 In terms of land contamination, the Environmental Health Officer reported that there is no reason to believe this site is contaminated and he is not aware of any potentially contaminative past use; however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, the Environmental Health Officer recommended:
- a condition requiring notification of the local planning authority in case evidence of land contamination is found on site at any point of any works in order to protect human health and the environment.
- 11.51 Overall, the proposal is considered acceptable subject to conditions, and thus it accords with ULP Policy ENV14, and the NPPF.

12. CONCLUSION

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

- A** In conclusion the proposal is acceptable as it abides by the access details approved under UTT/18/0188/OP at appeal, and as the reserved matters are also considered acceptable subject to conditions, complying with all relevant ULP Policies, and the NPPF.

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. LANDSCAPE (I): Notwithstanding any details on the submitted documents or any details on the hereby approved plans, elevations and sections indicating otherwise, all existing fences and

hedges between the site and the neighbouring properties to the north (as well as the western and eastern boundaries of the site) must be retained as such in perpetuity. The height of the hedges shall be no less than 3 metres from the natural datum level at all times. Any other changes in the future must be submitted to and approved in writing by the local planning authority.

REASON: To protect the residential amenity of the neighbouring occupiers and of the future occupants of the dwellings hereby approved in accordance with ULP Policies S7, GEN2, H4, and the NPPF.

3. LANDSCAPE (II): The development hereby approved shall be carried out strictly in accordance with the approved plans as set out in the schedule, including the LANDSCAPE PLAN (ref. 1701.26, dated 02 July 2020).

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment in accordance with ULP Policies S7, GEN2, H4, and the NPPF.

4. HIGHWAYS (I): 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. Thereafter, any potential changes shall be submitted to and approved in writing by the local planning authority.

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 Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013) and the Essex County Council Parking Standards: Design and Good Practice (2009).

5. HIGHWAYS (II): Prior to occupation of the development hereby approved the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking area and the associated turning area shall be retained in perpetuity and any potential changes shall be submitted to and approved in writing by the local planning authority.

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 and turning is provided in accordance with ULP Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013) and the Essex County Council Parking Standards: Design and Good Practice (2009).

6. ECOLOGY (I): All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the ECOLOGY SURVEY (Essex Mammal Surveys, June 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, precautionary measures for hedgehogs and common toads, installation of bird nesting boxes, etc..

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policies GEN7, ENV8, and the NPPF.

7. ECOLOGY (II): Prior to commencement of the development hereby approved, a Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to bats, badgers, amphibians, hedgehogs and other small animals during the construction phase. Including no night work.

Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner in perpetuity.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policies GEN7, ENV8, and the NPPF.

8. ECOLOGY (III): Prior to slab level of the development hereby approved, a Biodiversity Enhancement Layout 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 for bats;
- 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).

Thereafter, the works shall be implemented strictly in accordance with the approved details and shall be retained in that manner in perpetuity. Any potential changes shall be submitted to and approved in writing by the local planning authority.

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 Policies GEN7, ENV8, and the NPPF.

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

Thereafter, all external lighting shall be installed strictly in accordance with the specifications and locations set out in the scheme and maintained in accordance with the scheme in perpetuity. Under no circumstances should any other external lighting be installed or any other changes be implemented without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policies GEN7, ENV8, and the NPPF.

10. ENV HEALTH (I): 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 and works halted immediately on that part of the site. Thereafter, 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 (including the water environment and other receptors) in accordance with ULP Policy ENV14, and the NPPF.

11. ENV HEALTH (II): Prior to occupation of the dwelling hereby approved, an electric vehicle charging point shall be provided. The charging point shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage the use of electric vehicles for better air quality in accordance with para 105 of the NPPF.

12. MATERIALS: Prior to commencement of the development hereby approved, and notwithstanding any details provided in the PLANNING STATEMENT (ref. PS/1701, dated 12 May 2020), in the PLOT 1 PROPOSED ELEVATIONS (ref. 1701.14, dated 12 May 2020), in the PLOT 2 HOUSE - PROPOSED FLOOR PLANS AND ELEVATIONS (ref. 1701.10F, dated 12 May 2020), and in the

PLOTS 1 & 2 GARAGE PLANS/ELEVATIONS (ref. 1701.15A, dated 12 May 2020), details of the following external finishes, including samples and/or photographs of the materials to be used (as appropriate) for the dwellings and garages hereby approved must be submitted to and approved in writing by the local planning authority:

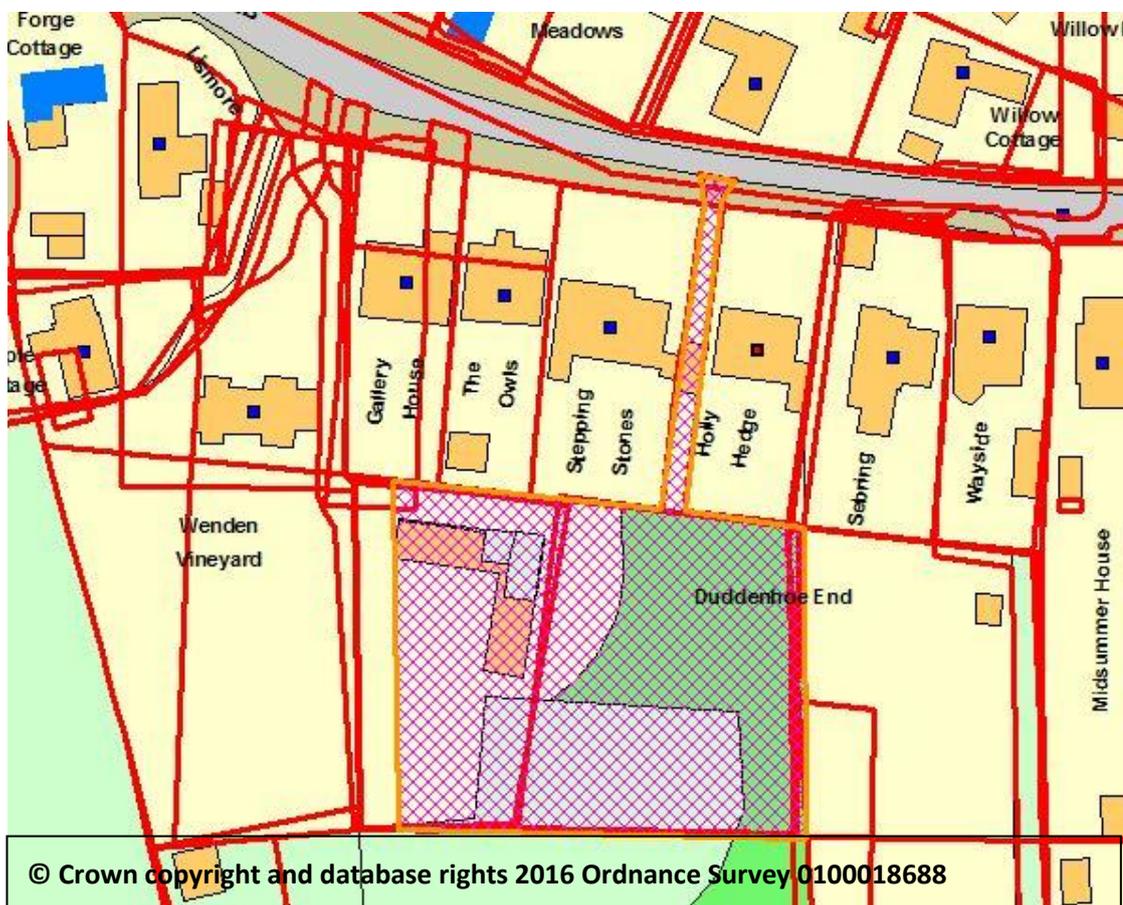
- Walls
- Roofs
- Windows
- Doors.

Thereafter, the development must be carried out strictly in accordance with the approved details and shall be retained in that manner in perpetuity. Any potential changes shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area and the character and openness of the countryside location in accordance with ULP Policies S7, GEN2, H4, ENV3, the NDSS, the EDG, the SPD Accessible Homes and Playspace, and the NPPF.

Application: UTT/20/1108/DFO

Address: Holly Hedge, Woodmans Lane, Duddenhoe End, Elmdon CB11 4UU



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

**UTT/19/2852/FUL
(CLAVERING)**

PROPOSAL: Technical Details pursuant to Planning in Principle - UTT/18/3326/PIP for the erection 8 dwellings

LOCATION: Land West Of Stortford Road, Clavering

APPLICANT: Mr J Noble

AGENT: Sworders

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located to the west of Stortford Road, Clavering. It comprises of undeveloped plot of land on a slightly raised elevation from the highway, the site and front of the site include some mature trees and vegetation.

3. PROPOSAL

3.1 This application considers the technical details of planning in principle application UTT/18/3326/PIP allowed by appeal. The proposal includes the erection of 8 dwelling and access from the highway.

3.2 The proposal will include the following housing details:

3.3

Plot	House Type	Bedrooms	Garden	Parking
1	Bungalow	3	250 sqm+	3
2	Bungalow	3	229 sqm +	3
3	Bungalow	3	187sqm +	2
4	Bungalow	3	123sqm +	2
5	Bungalow	3	132sqm+	2
6	Bungalow	3	114sqm+	2
7	Bungalow	3	246sqm+	2
8	Bungalow	3	117sqm+	2

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol

regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

5. APPLICANT'S CASE

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

- Other documents included:
Transport Statement,
- Land contamination assessment,
- Ecology report

6. RELEVANT SITE HISTORY

UTT/18/3326/PIP

Application for permission in principle for the erection of min. 6 dwellings and max. 8 dwellings.

REFUSED 13/3/2019

Impact to the rural character of the site,
Inappropriate location of housing

APPEAL ALLOWED

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN5- Light pollution
Policy GEN6- Infrastructure to support development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy H9- Affordable Housing
Policy H10- Housing Mix
Policy ENV3- Open Space and Trees
Policy ENV11- Noise generators
Policy ENV13- Exposure to poor air quality
Policy ENV14- Contaminated land

7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council parking Standards (2006)

8. PARISH COUNCIL COMMENTS

No objections made, however advises the Council that site has the potential for flooding.

It is noted flooding is a material planning matter and will be considered in this report.

9.0 CONSULTATIONS

The Highways Authority

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

Prior to occupation of any dwelling, the provision of an access formed at right angles to Stortford Road, as shown in principle on DWG no. F19113/01 Rev. B, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii, 2 metre wide footway tapering into the shared surface and clear to ground visibility splays with dimensions of 2.4 metres by 99 metres to the south and 2.4 metres by 57 metres to the north, 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.

Prior to occupation of any of the proposed dwellings, a minimum of the northern dropped kerb pedestrian crossing point across Stortford Road, as shown in principle on DWG no. F19113/01 Rev. B (Proposed Site Plan), with appropriate tactile paving if necessary, shall be provided.

Reason: In the interest of highway safety and accessibility.

No dwelling shall be occupied until the associated parking and/or turning head as indicated on DWG no. BRD/18/096/005 A 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.

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

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

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.

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.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

UDC Environmental Health

- 9.3 No objection to the development of the site for residential purposes, subject to the comments and recommendations below.

Thank you for consulting Environmental Health on this application.

This is a full planning application following the granting of "permission in principle" on appeal under UTT/18/3326/PIP, for the construction of 8 dwellings on a greenfield site, with a history of agricultural use. The proposal includes the creation of a new access drive off Stortford Road with proposed dwellings to be erected to the west of the access drive and Stortford Road.

The site is a greenfield parcel of arable land bounded by existing housing to the north, Stortford Road and further housing to the east, and the remainder of the arable field to the south and west. There is also a local stores and post office to the east on the opposite side of Stortford Road. Some 250m further to the north-west of the site is a small sewage treatment works (STW) that is presumed to serve the local community. This is a potential source of odour, but it is noted that there are a number of existing and established houses and allotments already situated between the sewage treatment works and the proposed development site, which lies upwind of the prevailing wind in relation to STW. It is therefore presumed that any nuisance odour issues will already have been addressed in relation to these sewage treatment works, and no special conditions in relation to odour have been included in this consultation response as a result.

The key environmental issues in relation to the proposed development are the potential noise impacts (on proposed future occupiers), and land contamination risks. Each of these matters is considered in more detail below.

Land Contamination:

This is a greenfield site, forming part of a larger arable field, which we are advised has historically been used for agricultural purposes. A Phase I Desk Top Study has been submitted (as recommended under our PIP consultation response) which has not identified any significant contamination risks or need for further site investigation works. Nevertheless, the report has recommended that a watching brief be maintained during the course of the development. To this end, I would recommend that the following condition is attached to any consent granted:

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

Noise:

Potential noise sources that could impact on the development are traffic on the Stortford Road, and operations (i.e. deliveries and any external plant) in connection with the local stores and post office.

In relation to traffic noise, it is noted that the dwellings will be set back from Stortford Road by the proposed access drive. It is anticipated that normal construction of the dwellings, including standard thermal double glazing should be sufficient to achieve satisfactory internal noise levels in accordance with the acoustic design standards set out in BS8233:2014. Similarly, as the main external garden areas will be located to the rear of the dwellings these should provide some noise protection for the private amenity spaces in accordance with the external noise standards specified in the WHO Community Noise Guidelines 1999.

With regards to noise from the local stores/post office, it is noted that there are already dwellings in closer proximity to this site. Noise generating activities i.e. deliveries and any external plant are likely to be located to the rear of the stores and furthest away from the application site. No special noise conditions are therefore considered necessary in the context of the application site and these potential noise sources.

The development of this site could have impacts on the amenity of existing neighbouring residential occupiers during the site preparation and construction phases of the development. To mitigate any adverse impacts, it is recommended that all construction operations are carried out in accordance with an approved Construction Management Plan. The following condition is therefore recommended in this respect:

Construction 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

Light:

No details of external lighting have been provided with this application. It will be necessary to ensure that any lighting scheme introduced in conjunction with the development does not have an adverse impact on existing neighbouring residential occupiers from obtrusive or spillover light or glare. The following condition is therefore recommended in this respect:

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 the development commencing. Only the details thereby approved shall be implemented.

Reason: To ensure good lighting design and protect the amenity of neighbouring occupiers from adverse impact.

Ecology

No objection subject to securing biodiversity mitigation and enhancement measures

We have reviewed the Preliminary Ecological Appraisal (T4 Ecology, September 2019) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

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

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve

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

The mitigation measures identified in the Preliminary Ecological Appraisal (T4 Ecology, September 2019) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level.

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

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

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 Preliminary Ecological Appraisal (T4 Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

- 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).

3. 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 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)

Crime Prevention Officer

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

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

BAA Aerodrome Safeguarding

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

10 REPRESENTATIONS

10. 1 letter of objection, comments include:

- Over development of the site,
- The development will have a suburbanising impact,
- The access is dangerous,
- Loss of woodland,
- Impact to ecology,
- No need for these dwellings in the village,
- No facilities within the village,
- Increase in traffic

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

11 The issues to be considered in the determination of this application are

- A Location and principle of housing (ULP Policies S7 and the NPPF)
- B Character and Design (ULP Policies S7, GEN2, ENV3 and the NPPF)
- C External and internal space (GEN2, NPPF, Technical Housing Standards 2015)
- D Neighbouring Amenity (GEN2, NPPF)
- E Access and Parking (GEN1, GEN8, Uttlesford Local Parking Standards, Essex County Council Parking Standards 2009 and the NPPF)
- F Protected species and biodiversity (ULP Policy GEN7 and the NPPF)
- G Flood risk (ULP Policy GEN3 and the NPPF)
- H Infrastructure (GEN6 & PPG)
- I Affordable housing (H9 & the NPPF)
- J Housing mix (H10 & SHMA)
- K Contamination (ULP ENV14)
- L Exposure to poor air quality (ULP ENV13)
- M Light pollution (ULP Policy GEN5)

A Location and principle of housing (ULP Policies S7 and the NPPF)

11.1 Permission in Principle was allowed on appeal following the refused application UTT/18/3326/PIP the erection of min. 6 dwellings and max. 8 dwellings, therefore the principle and location of this development has been established.

11.2 This application seeks to address the technical details of the development (reserved matters), as such these details will be a considered in the following paragraphs.

B Character and Design (ULP Policies S7, GEN2, ENV3 and the NPPF)

11.3 ULP Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

11.4 ULP Policy GEN2 advises development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of the surrounding buildings.

11.5 ULP Policy ENV3 considers the loss of traditionally opens spaces and trees and advises development will not be permitted the need of the development outweigh ether amenity value.

- 11.6 The scale of the dwellings are considered appropriate and will include bungalows and garage buildings. The height and scale of the dwelling will be comparable with the existing dwellings along Stortford Road. The development will include a 2 detached and 6 semi-detached dwellings, the dwellings will include traditional design features with a mixture of hipped and gabled pitched roofs. The external materials will include brick and render facing walls, weather boarding under a tile and slate roof. As such it not considered the external appearance and scale of the dwellings are compatible with the neighbouring residential development and therefore would not be out of place or harmful to the character of the site.
- 11.7 The layout of the development will provide an appropriate siting for the dwellings and garages within the site and that is compatible with the dwellings along Stortford Road and relating well to the street scene. The design of the buildings are traditional and considered in keeping with residential development in the vicinity .The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or has a cramped appearance
- 11.8 Landscaping details have been submitted with the application, this includes closed boarded fencing between properties, post and rail fencing to the rear of the properties, and this will be enhanced by the introduction of new hedgerows. The majority of the trees and hedgerow to the front and side of the site will be retained, Also further enhanced planting within the site will be included. The Council's Landscape Officer has been consulted, no objections of further recommendations have been made.

C External and internal space (GEN2, NPPF, Technical Housing Standards 2015)

- 11.9 The proposed garden size for the dwellings are acceptable as they are all over 100 sqm's and therefore accord with the recommendations in the Essex Design Guide. The proposed development also meets the internal space standards for different sized dwellinghouses as stipulated in 'Technical Housing Standards - nationally described space standard 2015'. It is therefore concluded that the proposed scheme accords with the above policies.

D Neighbouring Amenity (GEN2, GEN4, ENV11, NPPF)

- 11.10 The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light or overbearing impact due to the distances between proposed dwelling and distance between the neighbouring sites. The dwellings are of a bungalow design and therefore overlooking is not considered an issue as the development accords with recommendations in the Essex Design Guide in regards to back to back and side distances between new development and existing dwellings. Therefore it is considered that the proposal, due to its scale, design and siting (in terms of proximity to boundary and/or relationship with neighbouring properties), does not result in an unacceptable loss of light, overbearing impact and loss of privacy to neighbouring amenity. It is therefore concluded that the proposed scheme accords with the above policies
- 11.11 ULP Policy GEN4 and ENV11 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Stortford Road. As such I do not consider the disturbance would be of a significant level that will result

in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4 and ENV11

E Access and Parking (GEN1, GEN8, Uttlesford Local Parking Standards, Essex County Council Parking Standards 2009 and the NPPF)

- 11.12 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The proposal includes vehicle and pedestrian access arrangements to the front of the site linking to Stortford Road. The Highways Authority has been consulted in regards to the application and does not object to the development subject to the imposition of conditions. As such it is considered the proposal will not have any harmful impact to highway safety and the proposal complies with ULP Policy GEN1.
- 11.13 ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009).
- 11.14 Each dwelling will include off street parking that is in accordance with adopted standards, a further 3 unallocated visitor parking spaces will be provided within the site. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

F Protected species and biodiversity (ULP Policy GEN7 and the NPPF)

- 11.15 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. A protected species survey has been submitted with the planning application, Essex County Council Ecology has been consulted in regards to the proposed development and has made no objections subject to conditions. It is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7.

G Flood risk (ULP Policy GEN3 and the NPPF)

- 11.16 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The site is not in an area at risk of flooding and, as the proposal is not a 'major development'; national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.
- 11.17 Notwithstanding the above, it is noted that an appropriate surface water drainage scheme would need to be implemented through the Building Regulations approval process.

H Infrastructure (ULP GEN6 & PPG)

11.18 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

I Affordable housing (ULP H9 & the NPPF)

11.19 Policy H9 and its preamble form the basis for seeking affordable housing provision for new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

J Housing mix (ULP H10 & SHMA)

11.20 Policy H10 requires that small market housing comprises a significant proportion of the total number of units. The Council's Housing Enabling Officer has not made any objections or further recommendations to the proposed scheme. The proposed 3 bedroom homes are pursuant to identified needs within the Strategic Housing Market Assessment, therefore, the mix is in accordance with the ULP Policy H10 and is meeting local and district wide needs and provide appropriate market housing for the area in this regard.

K Contamination (ULP ENV14)

11.21 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application includes a contamination brief of the site however, there is always a potential risk associated with such commercial sites where made ground may be present. The UDC Environmental Health Officer has been consulted, no objections have been made subject the imposition of a planning condition. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

L Exposure to poor air quality (ULP ENV13)

11.22 ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and paragraph 105 of the NPPF.

M Light pollution (ULP Policy GEN5)

11.23 ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution however it is recommend a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development.

12 CONCLUSION

A The principle of the development has been established under approved planning in

principle application (UTT/18/3326/PIP)

- B The layout, scale and appearance of the development is considered appropriate. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2 GEN8 and the NPPF.
- C The landscaping details are considered appropriate for the site and therefore accords with ULP Policies S7, GEN2, and ENV3.
- D The submitted layout plan shows that impacts on residential amenity are likely to be insignificant and therefore accords with ULP Policies GEN2 and GEN4.
- E The proposal would not be harmful to protect/priority species subject to conditions and in accordance with ULP Policy GEN7.
- F The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1

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 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 ULP ENV13 and paragraph 105 of the NPPF
- 3 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
- 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 Prior to occupation of any of the proposed dwellings, a minimum of the northern dropped kerb pedestrian crossing point across Stortford Road, as shown in principle on DWG no. F19113/01 Rev. B (Proposed Site Plan), with appropriate tactile paving if necessary, shall be provided.
REASON: In the interest of highway safety and accessibility and in accordance with ULP Policy GEN1
- 6 The gradient of the proposed vehicular access shall be not steeper than 8% (1 in 12.5).
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1 and the Essex Design Guide
- 7 No dwelling shall be occupied until the associated parking and/or turning head as indicated on DWG no. BRD/18/096/005 Revision A has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1
- 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 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.
 - l) Loading and unloading of plant and materials;
 - m) Storage of plant and materials used in constructing the development;
 - n) Wheel and underbody washing facilities

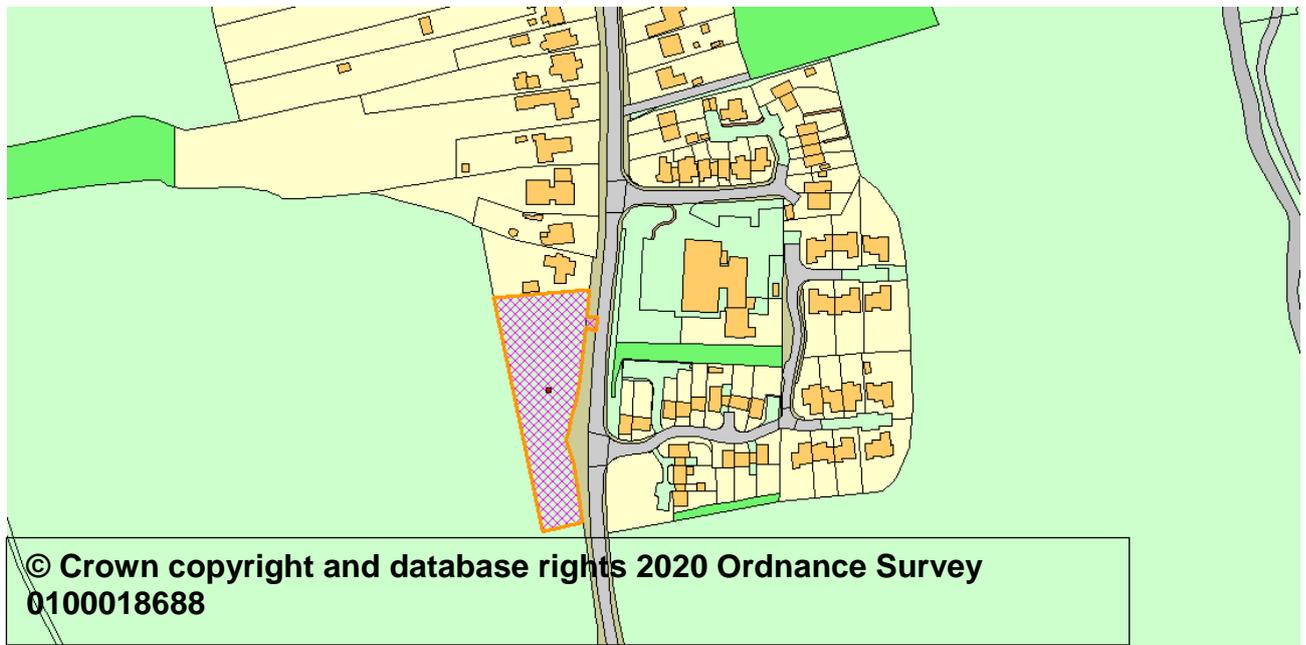
All works shall be carried out in accordance with the approved CMP thereafter.

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 control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 10 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14



Organisation: Uttlesford District Council

Department: Planning

Date: 1st July 2020

Agenda Item 6

UTT/20/1143/FUL
(Saffron Walden)
(Major Application)

PROPOSAL: Application to vary condition 8 (electric vehicle charging points) of application UTT/19/1823/FUL – amendment from 10 no. electric vehicle charge points to 4 no. electric vehicle charge points

LOCATION: Saffron Walden Country High School, Audley Road, Saffron Walden Essex CB11 4UH

APPLICANT: Saffron Academy Trust, Saffron Walden Country High School,

AGENT: Trident Building Consultancy

EXPIRY DATE: 17 August 2020

CASE OFFICER: Rosemary Clark

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The application site is situated within the grounds of Saffron Walden County High School. Vehicular and pedestrian access is gained via a driveway entrance adjoining Audley End Road. The application site relates to an area south west of the High School Building.

3. PROPOSAL

3.1 This application relates to the variation of Condition 8 attached to UTT/19/1823/FUL which was approved on 8.11.19 for the Creation of an Artificial Grass Pitch (AGP) with associated features including: fencing and entrance gates, pitch barrier with entrance gates, fenced enclosure, hard-standing areas, vehicular maintenance and emergency access, 15m high floodlight system. Maintenance equipment store, football car park, grassed mound and replacement planting.

3.2 Condition 8 relates to 10 x electric vehicle charging points shall be installed within the proposed car park area. These shall be provided, fully wired and connected, ready to use before the use 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 the designated air quality management area and in accordance with ULP Policy ENV13, Emerging Local Plan Policy TA2 and the NPPF.

3.3 The application seeks consent to vary condition 8 from 10 no electric vehicle charge points to 4 no. electric vehicle charge points.

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 condition was added at the Planning Committee meeting after the committee report recommended that 2 no. points were appropriate. The requirement for 10 no. points was decided upon without due consideration to the financial impact and viability of the whole project, the availability of existing electrical capacity or the remote location of the new football car park at the extreme edge of the school site.
- 5.2 They wish to propose the provision of 4 no. electric vehicle charge points instead. These will be split so that there are 2 no. EVCPs at two different locations on the School site. 2no. would be located at the new football car park which are most likely to be used in the evenings or weekends when the football pitch is being used by Saffron Walden Community FC. The other 2 no. EVCPs would be provided elsewhere in the existing school car park where there is better visibility and they are more likely to be used by daytime visitors to the schools or teachers. (see updated information submitted 9 July 2020)

6. RELEVANT SITE HISTORY

- 6.1 UTT/19/1823/FUL - Creation of an Artificial Grass Pitch (AGP) with associated features including: fencing and entrance gates, pitch barrier with entrance gates, fenced enclosure, hard-standing areas, vehicular maintenance and emergency access, 15m high floodlight system, maintenance equipment store, football car park, grassed mound and replacement planting – Approved with conditions 8.11.19

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2018)

7.2 Uttlesford Local Plan (2005)

GEN2 - Design

ENV13 – Exposure to Poor Air Quality

7.3 Essex Design Guide

8. PARISH COUNCIL COMMENTS

- 8.1 No objections

9.0 CONSULTATIONS

9.1 HIGHWAYS

From a highway and transportation perspective the Highways Authority has no objections to make on this application to vary condition no. 8 to reduce the number of electric vehicle charging points from 10 to 4, as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as Country 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 : SM02 – Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU
- ii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definite Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 35 (Saffron Walden) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

9.1 ENVIRONMENTAL HEALTH

The applicant wishes to install 4 electric charge points instead of the 10 conditioned in the original application.

This development is just outside the Saffron Walden AGMA but will nevertheless add to local air pollution and an appropriate level of mitigation is expected. NPPF18 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.

The Uttlesford Air Quality Technical Planning Guidance recommends 2% dedicated electric charging points (ECP) of the total provision. This would be 1.1 charging bays for this scheme of 55 parking bays.

For developments in the Air Quality Management Area (AGMA) it recommends 1 charge point per 10 spaces which would be 5.5 charging bays.

The close proximity of the site to the Saffron Walden AQMA and likely increased traffic through the town as a result of the development supports the requirement for 5.5 ECP bays for this scheme with additional cable provision designed to prepare for increased demand in future years.

The Planning Committee requested 10 ECP as an improvement to this development

scheme and therefore this matter should be decided by the Planning Committee.

10 REPRESENTATIONS

- 10.1 Site Notice posted 2.6.20
30 Neighbours were consulted – one response received – objection
I wish to object to reducing the number of electric charge points required for the development. I do not believe the provision of these points would add significantly to the development cost, nor does it seem credible that electrical supply is likely to be an issue since the intention is to mount floodlights on the site. Since charging an electric vehicle takes a period of time, it is better that those points are located in areas where people are likely to be parked for an extended period – for example when attending a football match or training session – and suggest the developer should not be trying to set officers and councillors in opposition to each other in the way their comments seem to do. (see response from agent 9.7.20)
- 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 proposal relates to the variation of Condition 8 attached to planning approval UTT/19/1823/FUL. The applicant seeks to reduce the number of Electric Charging Vehicle points from 10 to 4. The issue to be considered is whether the reduction in (EVCP) would be harmful to air quality of the location (ULP Policy GEN2 and ENV13).
- A Whether the reduction in (EVCP) would be harmful to air quality of the location (NPPF, ULP Policy GEN2 and ENV13, Essex Design Guide)**
- 11.1 This application solely relates to the variation of condition 8 with regard to the number of Electric Vehicle Charging Points that need to be provided as a result of the approval of UTT/19/1823/FUL. The approved application is for the Creation of an artificial Grass Pitch and associated features, including provision for 55 cars at the Saffron Walden County High School.
- 11.2 Since the application was approved the Emerging Local Plan has been withdrawn, apart from this all other National and Local Plan Policies remain unchanged.
- 11.3 The site is situated outside of the Air Quality Management Area (AQMA) – Saffron Walden. It is acknowledged that the new facility will have the potential to introduce additional traffic onto the local road network due to the availability of use for training and matches outside normal school hours. The site is within walking and cycling distance of the local community, however it is inevitable that it will attract private vehicles from beyond the immediate area. The Environmental Health response on the initial application stated that the impact on air quality is likely to be negligible, measures should be incorporated to reduce emissions to a minimum, including those to support non car travel, as the site is within acceptable cycling/walking distance from the local community. They recommended that 20% of parking bays should have electric vehicle charging points. However, in the absence of any adopted Planning Policy to enforce this requirement, but in line with proposals contained within the Emerging Local Plan.
- 11.4 It was initially recommended to the Planning Committee that 2 EVCPs was sufficient

to cover this proposal and this was agreed with the Agent. It was resolved at Planning Committee that 10 EVCP should be installed ready to be used prior to use of the facility.

- 11.5 Saffron Academy Trust have submitted this application to vary the condition giving the reason that the cost and practicalities of installing 10 EVCP is unreasonable given that this facility is for use by the community and attached to the school and that the costs make it unviable to proceed on this basis.

It is also difficult to argue that any number of points is required by Policy as currently there is no Local Plan Policy that covers this situation. The NPPF, paragraph 153 indicates that new development should:-

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable

Whilst it is encouraged that as much effort as possible is put into reducing carbon footprint, and we have the guidance from Environmental Health, stating that 1 charging point should be installed for every 10 car parking spaces, that would mean 5.5 EVCP would need to be provided. This application has come some way to try to meet that requirement.

- 11.6 Additional information has been submitted by the Agent during the life of this application to clarify the reason for this variation request. The applicant in this case is a School Academy Trust, and not a “Developer”. The 3G football facility will be a genuinely “Community use” scheme, and it is not for profit. The users will, during the school week, be the pupils of County High School, all other local primary schools and other visiting school children. Outside of school hours, the primary users will be children from 4 to 18 years old from the Saffron Walden area and of course surrounding villages, as well as some visiting teams for football matches on Saturdays and Sundays. The Agent reiterates that The Academy trust (and Saffron Walden Community Youth FC, the partner club) is not seeking to drive revenue by generating large profits from the Community football pitch. It is pointed out that the bulk of the funding for this project will be in the form of a Grant from the Football Foundation, and there will be a binding agreement whereby all surplus revenue is spent exclusively on improvement of existing football facilities at the School, i.e it will be invested in the existing grass football pitches at County High

- 11.7 It was originally proposed that the EVCPs would be situated within the existing car park (2 units) and in the “new” car park (2 units). However, it is now proposed that the EVCP’s are all placed together in an alternate location in the existing school car park where it is expected that the EVCP’s are far more likely to be used both during the school week and outside of school hours. The units would be installed to the south-west of the site in bays 19-22 (see revised drawing submitted 9.7.20). The EVCPs will be more visible, more accessible to other daytime users (as well as football users), and are closer to the school buildings whilst still being only a short walk to the 3G AGP site. If the units were situated in the football car park, this is at the furthest edge of the school site and is relatively secluded, so it is felt that the points will be less likely to be utilised. Locating the EVCPs more prominently in the existing school car park is more likely to open up use by school staff during the school week.

- 11.8 As the facility has the potential for use mainly by the “local” community and

predominately school pupils it is considered that a bank of ten EVCPs is excessive and disproportionate to the 55 spaces to be provided in the “new” 3G car park.

- 11.9 The type of EVCP unit proposed is a “trickle” or destination charger which provides a slower rate of charge for vehicles which might be parked up for an hour or longer. This is the type which might be found in a retail car park, hotel or workplace. Whilst still expensive, this type requires less electrical capacity for operation. They would be available for all EV users or visitors to the school and will be operated as part of the Polar/BP Chargemaster network, which is consistent with the EVCPs recently installed at the Common Car Park in Saffron Walden.
- 11.10 The agent has also highlighted that if 10 EVCPs were used simultaneously, at the same time as peak electrical demand on the school and its associated buildings (Saffron Hall), the cumulative electrical demand would be substantial and potentially result in the need for upgrade works to the electrical supply at that part of the school, which may require the provision of a new sub-station to meet “peak demand”. Locating the reduced number of 4 EVCPs in the proposed alternate position does not require significant upgrade to the existing electrical supply network.
- 11.11 In the absence of any planning policy to insist on any EVCPs to be included in any proposal, in this instance the provision for 4 new charging points, in a more central location is acceptable resulting in a positive improvement to providing renewable energy to meet local needs in accordance with ULP Policy ENV13 and ENV15.
- 11.12 There are no objection from the Parish Council.
- 11.13 The Highways Authority have been consulted and raise no objections.
- 11.14 One representation has been received objecting to the reduction in EVCP's. It is their believe that the provision of these points would not significantly add to the cost of the development or that it seems credible that electrical supply is likely to be an issue since the intention is to mount floodlights on the site. The agent has responded to these comments. The proposed floodlights at the new 3G AGP will be highly efficient LED fittings which use substantially less electricity than fittings that might previously have been used. Other points addressed in paragraph 11.1 - 14

12. CONCLUSION

- 12.1 It is considered that the proposal for 4 EVCP is acceptable, resulting in the opportunity to address climate change and reduce carbon footprint in the absence of a Development Plan Policy that insists on provision being made for these units.

RECOMMENDATION – APPROVAL

CONDITIONS

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

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

2. The Use of the artificial grass pitch shall not commence until: (a) certification

that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with ULP Policy LC4.

3. Prior to the use of the artificial grass pitch hereby permitted a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch, multi-use games area and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with ULP Policy LC4.

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

5. Prior to the development above slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 1. Purpose and conservation objectives for the proposed enhancement measures;
 2. detailed designs to achieve stated objectives;
 3. locations of proposed enhancement measures by appropriate maps and plans;
 4. persons responsible for implementing the enhancement measures;
 5. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and

shall be retained in that manner thereafter."

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

6. The development hereby approved and its associated sports lighting shall not be used outside the hours of:
 - a) [8 a.m.] and [10:15 p.m.] Monday to Friday;
 - b) [9 a.m.] and [10:15 p.m.] on Saturday, Sunday and Bank HolidayREASON: To balance illuminating the development for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with ULP Policies GEN4 and ENV11.

7. Prior to commencement of the development, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. This should include boundary treatment between the site and neighbouring property.

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

REASON: To ensure compatibility with the character of the area and to mitigate the loss of trees on the site, in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

8. 4 x electric vehicle charging points shall be installed within the existing car park area marked as bays 19-22 unless otherwise agreed in writing by the Local Planning Authority. These shall be provided, fully wired and connected, ready to use before the use of the development

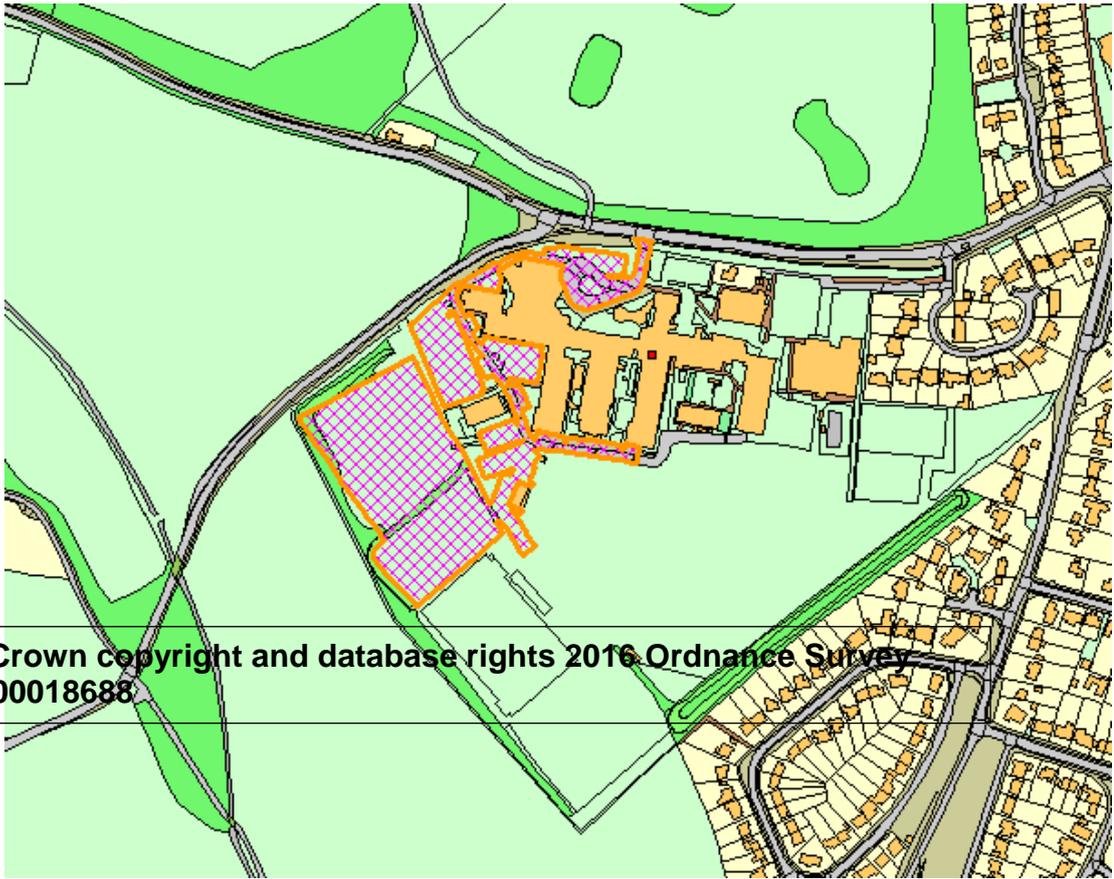
REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within the designated air quality management area and in accordance with ULP Policy ENV13 and the NPPF.

9. The floodlights hereby approved will be angled to direct light downwards and fitted with louvre baffles to minimise overspill.

REASON

To balance illuminating the development for the maximum use and benefit to sport with the interest of amenity and to accord with ULP Policy GEN4.

UTT/20/1143/FUL



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Organisation: Uttlesford District Council

Department: Planning

Date: 10 July 2020

UTT/20/1306/FUL (SAFFRON WALDEN)

(Part of Uttlesford District Council Offices)

PROPOSAL: The development is the erection of 2 no metal storage units, on a concrete base. Unit dimensions 1040(d) x 2060(w) x 1340(h)mm.

LOCATION: Police Office - The Lodge, 56 London Road, Saffron Walden CB11 4ED

APPLICANT: Police, Fire and Crime Commissioner for Essex

AGENT: Essex Police

EXPIRY DATE: 30 July 2020

CASE OFFICER: Mr Avgerinos Vlachos

1. NOTATION

1.1 Within Development Limits.

Conservation Area (Within the Saffron Walden 1 CA).

Setting of Listed Building (Council Offices – Grade II).

2. DESCRIPTION OF SITE

2.1 The application site comprises The Lodge building (Police Office) that is located to the south-west corner of the Uttlesford District Council Offices on London Road in Saffron Walden. The building includes brick walls under a tiled roof with associated parking spaces nearby. The Council Offices (not the contemporary wing) is a Grade II listed building and therefore the application site forms part of its curtilage. The site is also within the Saffron Walden 1 Conservation Area. Opposite the road there are residential dwellings (including 2 no. Grade II listed dwellings, i.e. no. 15 and 13 London Road); dwellings are also evident to the west of the site in the residential development of Saxon Way and a footpath separates their rear with the application site. There are also trees and bushes along the southern boundary of the site of no amenity value.

3. PROPOSAL

3.1 The proposal includes the erection of 2 no. metal storage units on a concrete base. The proposed materials include green galvanised steel for both the walls and roofs, as evident from the submitted application form.

3.2 The proposed storage units are for secure storage of bikes and equipment. The units measure 2.06m (w) x 1.04m (d) x 1.14-1.34m (h). The proposed units will be located on a proposed new concrete slab.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 The application includes the following document(s):

- Details of storage units
- Heritage and design statement
- Biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1
- **UTT/18/3134/FUL** - Installation of Air Quality Station.
Approved with conditions.
 - **UTT/17/2966/FUL** - Installation of CCTV system.
Approved with conditions.
 - **UTT/16/0446/FUL** - Temporary siting of mobile air quality monitoring unit for a period not exceeding 2 years.
Approved with conditions.

7. POLICIES

- 7.1 S70(2) of the Town and Country Planning Act 1990 (as amended) 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 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 S72(1) of the Town and Country Planning Act 1990 (as amended) requires the local planning authority, in dealing with an planning application, in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4 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.

Uttlesford Local Plan (2005)

S1 – Settlement boundaries for the main urban areas

GEN2 – Design

GEN8 – Vehicle parking standards

ENV1 – Design of development within conservation areas

ENV2 – Development affecting listed buildings

Supplementary Planning Documents/Guidance

None.

National Policies

National Planning Policy Framework (NPPF, 2019)

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council noted no objections to this application.

9. CONSULTATIONS

ECC Built Heritage

- 9.1 Built Heritage Advice pertaining to an application for the erection of two metal storage units, on a concrete base. Unit dimensions 1040 (d) x 2060 (w) x 1340 (h)mm.

The Police Office is not a listed building, however it is within the curtilage of the main council office, formerly Old Saffron Walden Hospital, which is Grade II listed (list entry number: 1280236). The site is also located in the Saffron Walden Conservation Area.

Upon review of the submitted documents, detailing the Asgard storage units, I do not consider the proposal to detract from the character of the Conservation Area or the setting of the designated heritage asset.

Therefore, I have no objection to permission being granted.

10. REPRESENTATIONS

- 10.1 The Council did not receive any representation letters from neighbouring occupiers. Also, a site notice was erected on site which expired on 09 July 2020 and the application was advertised in the press.

11. APPRAISAL

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

- 1) Design / impact on character and appearance of the conservation area / impact on the setting of a listed building (ULP Policies S1, ENV1, ENV2, GEN2, and the NPPF);
- 2) Amenity (ULP Policy GEN2);
- 3) Parking standards (ULP Policy GEN8).

1) **Design / impact on character and appearance of the conservation area / impact on the setting of a listed building (ULP Policies S1, ENV1, ENV2, GEN2, and the NPPF);**

- 11.1 *According to ULP Policy S1, development will be permitted within the existing built up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built up area, its countryside setting.*
- 11.2 *According to ULP Policy GEN2, development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings; also, development shall not have a materially adverse effect on the occupiers of neighbouring dwellings*
- 11.3 *According to para 127(c) of the NPPF, development should be sympathetic to the local character, including the surrounding built environment and landscaping setting.*
- 11.4 *According to ULP Policy ENV1, 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. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.

- 11.5 *According to ULP Policy ENV2, development affecting a listed building should be in keeping with its scale, fabric, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.*
- 11.6 The site is located within the development limits of the main urban area of Saffron Walden.
- 11.7 The Council's Conservation Officer was consulted as the site is located within the Saffron Walden 1 Conservation Area and within the setting of a Listed building (Council Offices, former Old Saffron Walden Hospital – Grade II), raising no objections to the proposal. He reported that after reviewing all the submitted documents, the proposal does not detract from the character of the Conservation Area nor the setting of the designated heritage asset.
- 11.8 The proposal will amount to a negligible increase in the built form on site, it will be screened from the main road (as there is a sizeable wall to the southern site boundary), and it will not harm any of the nearby trees and bushes. In terms of design and materials, the proposed green coloured metal units are considered acceptable, as there are similar elements on site (e.g. the neighbouring air quality monitoring units). Therefore, by nature and position, the proposal is considered acceptable.
- 11.9 Overall, the proposal is of subservient scale, form, layout, design and materials that will not harm the character and appearance of the original building nor of the conservation area nor the setting of the listed building, and therefore it accords with ULP Policies S1, ENV1, ENV2, GEN2, and the NPPF.

2) Amenity (ULP Policy GEN2);

- 11.10 *According to ULP Policies GEN2 and H8, development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.*
- 11.11 Due to the nature and location of the proposal, no material overlooking, overshadowing or overbearing effects are considered.
- 11.12 Overall, the proposal will not harm the amenity of neighbouring occupiers by way of loss of privacy, loss of light or an overbearing impact, and thus it accords with ULP Policy GEN2.

3) Parking standards (ULP Policy GEN8).

- 11.13 *According to ULP Policy GEN8, development will not be permitted unless the number, design and layout of vehicle parking spaces proposed is appropriate for the location, whilst Uttlesford Local Residential Parking Standards (2013) and Essex County Council Parking Standards: Design and Good Practice (2009) provide further guidance and good practice.*
- 11.14 The proposal will not harm existing parking arrangements on site nor on the adjacent Council parking area. Therefore, according to local parking standards, there is no need for additional parking spaces. The proposed secure storage units would facilitate in encouraging more sustainable means of travel in accordance with Essex Parking Standards.
- 11.15 Overall, the proposal is in accord with ULP Policy GEN8, and with Essex Parking Standards.

12. CONCLUSION

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

- A** In conclusion the proposal is acceptable and complies with all relevant ULP Policies and the NPPF.

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.

Application: UTT/20/1306/FUL

Address: Police Office - The Lodge, 56 London Road, Saffron Walden CB11 4ED



Organisation: Uttlesford District Council

Department: Planning

Date: 09 July 2020