



## Public Document Pack

# Uttlesford District Council

Interim Chief Executive: Rob Tinlin

## Planning Committee

**Date:** Wednesday, 1st September, 2021

**Time:** 10.00 am

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

**Chair:** Councillor S Merifield

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

**Substitutes:** Councillors M Caton, A Coote, N Gregory, V Isham, B Light, G Sell,  
G Smith and J De Vries

### **Public Speaking**

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Public speakers will be offered the opportunity for an officer to read out their questions or statement at the meeting, and encouraged to attend the meeting via Zoom to read out their questions or statement themselves. There is capacity for four additional people to attend the Chamber in person and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest.

For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins

**AGENDA  
PART 1**

**Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 4 - 9  
To consider the minutes of the previous meeting.
- 3 UTT/20/2632/FUL - Land West of London Road, NEWPORT** 10 - 85  
To consider application UTT/20/2632/FUL.
- 4 UTT/21/1855/OP - 22 Tye Green, Mill Road, WIMBISH** 86 - 92  
To consider application UTT/21/1855/OP.
- 5 UTT/21/2113/FUL - Land North of Bartholomew Close, GREAT CHESTERFORD** 93 - 100  
To consider application UTT/21/2113/FUL.
- 6 UTT/21/2114/FUL - Land North of Bartholomew Close, GREAT CHESTERFORD** 101 - 108  
To consider application UTT/21/2114/FUL.

## **MEETINGS AND THE PUBLIC**

In light of the recent High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice. Members of the public are welcome to listen live to the debate of any of the Council's Cabinet or Committee meetings. All live broadcasts and meeting papers can be viewed on the Council's calendar of meetings webpage.

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 4 AUGUST 2021 at 10.00 am**

Present: Councillor S Merifield (Chair)  
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,  
M Lemon (Vice-Chair) B Light, R Pavitt, G Sell and J De Vries

Officers in attendance: W Allwood (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), C Shanley-Grozavu (Democratic Services Officer), M Shoesmith (Development Management Team Leader), E Smith (Solicitor), C Theobald (Senior Planning Officer), C Tyler (Senior Planning Officer) and A Vlachos (Planning Officer)

Public Speakers: L Carpenter, M Culkin, C Day, Cllr N Gregory, Cllr D Hall, C Hawkins, C Houston, Cllr J Jewell, Cllr S Luck, T Magness, Cllr E Oliver and Cllr F Wilkinson

## PC31 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received by Councillors Fairhurst, Reeve, Sutton and Loughlin.

Councillor Pavitt declared a non-pecuniary interest as Ward Member for Littlebury, Chesterford and Wenden Lofts (Agenda Item 3).

## PC32 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved.

## PC33 **UTT/20/3329/DFO - LAND SOUTH-WEST OF LONDON ROAD, LITTLE CHESTERFORD**

The Senior Planning Officer presented a report on a reserved matters application, seeking approval of appearance, layout, scale, and landscaping, for 76 dwellings following the approval of outline planning permission UTT/19/0573/OP.

The application was recommended for approval with conditions.

Members discussed the proposal. Whilst there was agreement that the District would benefit from the affordable housing which the application offered, they raised concerns regarding the following:

- The amount of green space proposed was inadequate, given the size of the development, and the play areas were both small and poorly

positioned on the edge of the site beside a busy road and the attenuation basin.

- The design of the scheme was unsatisfactory as the layout, scale and density were overbearing. Officers confirmed that the proposed layout had been submitted to the Essex Design Quality Review Panel and, whilst it was deemed an acceptable scheme, the developer had used the feedback given to enhance the design further. Members suggested that the design could be improved with a large, central green space.
- The plans indicated the retention of the 50mph zone on the B1383 through the development which raised concerns about pedestrian road safety.
- Further consideration needed to be given to the proposed woodland at the edge of the development. Members suggested that the saplings would die if there were not proper maintenance arrangements in place, and requested that the developer considered planting mature trees instead of whips. It was confirmed that the developer would be expected to work alongside the Parish Council and Woodland Trust in the long-term on the woodland's upkeep.
- Great Chesterford has an inadequate sewage network and is already over capacity. As a result, sewage flooding in the Chesterfords is a common occurrence and there is not enough water pressure in the new developments. Whilst this developer is not at fault, the whole system will not be sustainable with further new development and members requested that a condition be included whereby the housing cannot be occupied until these issues are resolved. Officers explained that such a condition could not be imposed as it would constraint future development and that the utility companies had been informed of the additional 76 properties.
- Electricity substations are often noisy and cause disruption to residents. Members requested that the substation on the new development should to be constructed beyond existing standards so that it would not increase the level of noise beyond the current level of background sound.
- The Parish Council were dissatisfied with the cycle path in the S106 agreement as it was not routed to go to directly to Great Chesterford station. Officers clarified that members were not considering the cycle link as this will be developed on Highway land and so cannot be included in the scheme.
- The car parking provisions were in line with Essex Parking Standards, but did not comply with the Uttlesford Residential Parking Standards as there was no provision of a 3rd parking space for the 4-bedroom dwellings. Whilst officers were satisfied that the development provided sufficient off-street parking and the additional 30 visitor parking spaces could be used by the 4-bedroom dwellings, members indicated that this could mean that 23 of the 30 visitor spaces would potentially be permanently occupied to make up for the missing parking spaces. Furthermore, the parking provision would leave residents with the choice to park away from their house, or off-road.

Councillor Emmanuel proposed that the application be deferred to consider the issues raised around design. This was seconded by Councillor Le Count.

RESOLVED: To defer the application.

*Speakers: Councillor N Gregory, C Day, Councillor D Hall (Great Chesterford Parish Council), Councillor F Wilkinson (Little Chesterford Parish Council) spoke against the application and C Houston (agent) spoke in favour.*

*The meeting adjourned between 11:30 to 11:35*

PC34 **UTT/21/0507/FUL - SITE AT CANFIELD DRIVE, GREAT CANFIELD ROAD, GREAT CANFIELD**

The Principal Planning Officer presented an application for the replacement of 4 existing static homes with 4 detached houses with associated access and parking, as well as the change of use of disused land to 1 travellers' plot.

The application had previously been deferred at July's Planning Committee for a site visit and was recommended for approval with conditions.

As the consultation period was not due to end until the day after the meeting of the Planning Committee, any resolution would be made on the condition that no new evidence be brought to light before the end of the consultation.

In response to member questions, officers clarified that a significant change in definition was introduced in planning policy for traveller sites in 2015 whereby traveller status now excluded those who have ceased travelling permanently. Whilst the proposal would result in the loss of traveller pitches for the future, the 4 new dwellings would address the new need for housing for settled travellers no longer meeting the 2015 definition, such as the current occupants. Furthermore, the additional travellers' plot would ensure that the Council's requirement to provide for such sites in the District was met.

It was noted that the Parish Council had observed that the proposed development site, including the additional travellers pitch, extended beyond the 0.5 hectares which would trigger a contribution to affordable housing. However, the proposal itself only covered an area of 0.46 hectares, which meant that this criterion was not met.

A condition had been included for the removal of the existing day rooms and the caravans, as well as permitted development rights. Members requested that the wording to condition 16 be amended so that the caravans are removed from the site, rather than just the dayrooms.

Councillor Lemon proposed that the application be approved with the additional conditions:

- The dayrooms located on the plot be removed from the site
- The wording to Condition 16 be revised so that the static caravan/mobile homes are required to be removed from the site, rather than just from the plots.

This was seconded by Councillor Le Count.

RESOLVED: to approve the application with conditions.

*Speakers: Councillor J Jewell (Great Canfield Parish Council) spoke against the application and L Carpenter (agent) spoke in favour.*

*Meeting adjourned between 12.17 and 13.15.*

**PC35 UTT/21/0333/OP - SABRE HOUSE, DUNMOW ROAD, STEBBING**

The Planning Officer presented an outline application with all matters reserved, except for access, to demolish all buildings and remove commercial uses (car sales and airport parking etc) and construct residential development of up to 9 dwellings.

The application was recommended for approval with conditions.

In response to questions, officers clarified that the scheme was indicative only and there was no commitment to details such as bedroom sizes or housing mix at this stage in the process. The site had previously received planning permission at committee in 2017, however due to the Covid-19 pandemic, the sale of the land had fallen through, and the permission had not been implemented.

It was confirmed that the land to the rear was owned by the same individual. Currently, the proposed development did not meet the criteria for the requirement to provide affordable housing to be triggered, however, should a further application for housing come forward on the adjacent land, then a contribution to affordable housing would be considered.

During discussion, members raised concerns for the following:

- The indicative housing mix did not meet the area and District's demand for smaller 2/3-bedroom properties.
- The development would result in the loss of employment land, in an area of light industry. Officers clarified that as the land was not a protected employment site, there was no requirement for the freeholder to seek alternative employment options before requesting the change in usage.
- The site was not in a sustainable location as it was not within walking distance of the village centre, had limited access to amenities and had no access to footpaths or countryside.
- The development would be situated close to the B1256 and closely proximate to the A120, prompting concerns around noise and air pollution.
- The access to the site was dangerous, as it is situated on a busy and fast stretch of road.
- The site was potentially contaminated due to its historic commercial use as a petrol filling station and would therefore require input from the Council's Environmental Health Department to clean it before development could commence.

Councillor Bagnall proposed that the application be refused on the grounds of unsustainability (policy S7). This was seconded by Councillor Freeman

RESOLVED: To refuse the application

PC36 **UTT/21/1108/FUL - LAND AT LODGE FARM, BARDFIELD END GREEN, THAXTED**

The Planning Officer presented an application for the demolition of an existing hay barn and erection of new farmhouse.

The application was recommended for refusal.

Members expressed their support for the application and said that there was full justification of need as it would partially restore the historic nature and character of the site, as well as assist the farm in their operations through providing provisions for the farm workers and allowing the full-time supervision of livestock.

Officers clarified that the applicant had not submitted an agricultural planning application, so the proposal could not be assessed as an agricultural case and must be considered on its own merits. On this basis, the development represented a form of inappropriate development in the countryside and was not considered sustainable, due to being poorly served by public transport and not within walking distance of local services.

Councillor Merifield proposed that the application be deferred for a site visit and further consideration around the agricultural requirement. This was seconded by Councillor Le Count.

RESOLVED: To defer the application.

*Speakers: A statement from Councillor S Luck was read out in favour of the application. M Culkin (Thaxted Society) and T Magness (Applicant) spoke in favour of the application.*

PC37 **UTT/21/1811/HHF - WATTS FOLLY, WENDEN ROAD, ARKESDEN**

The Planning Officer presented an application for the proposed single-storey Oak Frame rear extension.

The application was recommended for refusal.

Members recognised the importance of conserving Uttlesford's heritage and debated the need to apply Planning Conservation rules in a balanced way. Officers explained that whilst the proposal may not cause substantial harm to the building, there was no dispute that there would be harm, such as to the building's circulation.

Several members indicated their concerns with the extension, given the prominent location of the Grade 2 listed cottage and the matters raised within Place Service's assessment.

Councillor Le Count proposed that the application be refused. This was seconded by Councillor Sell.

RESOLVED: to refuse the application.

*Speakers: Councillor E Oliver and C Hawkins (Applicant) spoke in favour of the application.*

PC38 **UTT/21/1812/LB - WATTS FOLLY, WENDEN ROAD, ARKESDEN**

Councillor LeCount proposed that the application be refused. This was seconded by Councillor Sell.

RESOLVED: to refuse the application.

PC39 **UTT/21/1870/TCA - THE BLUEBELL INN, HIGH STREET, HEMPSTEAD**

The Development Manager presented a notification of intent to carry out tree work within a conservation area at The Bluebell Inn, Hempstead. The proposal was to fell 1 cobnut, 1 hawthorn and 1 plum tree, as well as to reduce lower branches of 1 pine, and reshape 1 plum.

Councillor Pavitt proposed that no objection be raised to the proposed tree work. This was seconded by Councillor Lemon.

RESOLVED: To raise no objection to the proposed tree works.

*The meeting ended at 15.10.*

# Agenda Item 3

## UTT/20/2632/FUL (Newport)

### MAJOR APPLICATION

<b>PROPOSAL:</b>	<b>Construction of 89 new dwellings, vehicular access from London Road and associated parking, open space and landscaping. Including the provision of ball catch netting for the recreation club, a car park and associated access for Newport Primary School including landscaping improvements, an off-site playground highway improvements to the bridleway and associated development.</b>
<b>LOCATION:</b>	<b>Land West of London Road Newport Essex</b>
<b>APPLICANT:</b>	<b>Trivselhus UK Limited</b>
<b>AGENT:</b>	<b>Phase 2 Planning &amp; Development Ltd</b>
<b>EXPIRY DATE:</b>	<b>14<sup>th</sup> January 2021</b>
<b>CASE OFFICER:</b>	<b>Henrietta Ashun</b>

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### 1. NOTATION

- 1.1 Newport Outside Development Limits abuts onto a conservation area.

### 2. DESCRIPTION OF SITE

- 2.1 The site comprises an area of 5.07ha in size located in the southern part of Newport. The site is bounded on the east by London Road and the residential properties fronting that road and to the north by the residential development fronting onto Frambury Lane. The western boundary is formed by Newport County Primary School and Newport village recreation ground with residential properties to the south and agricultural land and the M11 motorway beyond. The application site incorporates a narrow area of land which lies between the primary school and recreation grounds and extends up to the bridleway to the west.
- 2.2 The site is located to the south of the village centre and to the southeast of the railway station. Both are within easy walking distance.
- 2.3 The site is currently in arable use and slopes down in a west to east direction with a fall of some 6m.

### 3. PROPOSAL

- 3.1 This planning application seeks full planning permission for the erection of 89 bespoke dwellings, associated car parking, landscaping and amenity provision.

Community benefits are proposed alongside which include the provision of land for the primary school, including educational installations and associated car park, improvements to the bridleway, ball catch netting for the recreation club and the provision of a playground on the Common for older children.

- 3.2 This revised application follows a previously approved extant permission on the site under application reference UTT/15/1869/FUL which was granted permission in 2017 following an appeal (reference APP/C1570/W/16/3166101, see Appendix 2) and which included a greater number of dwellings as well as an element of commercial floor space.
- 3.3 Typologies:
- One-storey
  - Two- storey semi-detached
  - Two-storey detached
  - Two storey terraced
- Housing mix:
- 6 x one bed units
  - 25 x two bed units
  - 23 x three bed units
  - 32 x four bed units
  - 3 x five bed units
- Cycle and car parking
- 224 car parking spaces
  - 25 visitor cycle space per unit
  - Each home is provided with cycle parking
- 3.4 The application includes 28.1% of affordable homes. In this case the development includes 25 units.
- 3.5 Vehicular access will be taken from London Road, as identified on the submitted masterplan, with pedestrian and cycle linkages also available through to the bridleway and to Frambury Lane.
- 3.6 The layout has been refined following advice received from Planning Officers during pre-application discussions and as a direct result of the Essex Quality Review Panel feedback.
- 3.7 The masterplan for the new development adopts a similar pattern to that of the historic village of Newport and proposes two linear streets, and three enclosed spaces of varying sizes. Four character areas are proposed.
- 3.8 The application site falls towards London Road at approximately a 1 in 15 gradient. Therefore, in order to create roads, footways, drives and gardens at gradients that enable disabled access, the existing site will be stepped to form two platforms for development, separated by a new retaining wall formed in gabion stone-filled baskets.
- 3.9 The proposed layout enhances the connectivity in the south of the village by allowing through access for pedestrians, dog walkers and cyclists, and creating new areas of public open space for all to enjoy. Vehicular access is proposed off London Road to the east, the position of the access point has been moved further south compared to the currently consented scheme to increase the distance from the Frambury Lane/ London Road junction as was suggested by local residents in the interests of enhanced road safety.

- 3.10 The masterplan also shows an additional emergency access route for the adjacent primary school as requested by the Essex County Council Highways department.
- 3.11 In the appeal scheme, the homes are clustered around 2 central greens. This proposal includes 3 areas of communal open space Frambury Square is the largest of these and is at the heart of the development providing the connection point for the areas of connectivity detailed above. These spaces will include informal seating areas, 'play on the way' stations, cycle hoops and allow residents and visitors to interact with nature.
- 3.12 The site also includes a 'panhandle' of land to the west that is proposed to be gifted to the school. Within this area, the application proposes a parking area for 19 cars and a cycle store for 32 bicycles, accessed off the western shared access road/ bridleway.
- 3.13 The new pedestrian route between the school and recreation ground will run through the school's ground, with a fence separating the 2.5 metre wide foot/cycleway from the school compound. Foraging space of circa 1450m<sup>2</sup> has been reserved in the south of the site for the existing badger sett. This is a significant increase from the 900m<sup>2</sup> allowed for in the previously consented scheme and will allow and encourage the badgers to continue to thrive in their present location.

#### **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 Trivselhus UK Limited, the applicant is a national house builder that is recognised for its sustainability and eco credentials and was committed to start delivering the project in mid/late 2021. However this has been delayed due to the assessment of the application in addressing outstanding issues which have been raised.
- 5.2 The following documents have been submitted in support of the application:

##### Technical Reports:

- Planning Statement
- Design and Access Statement (DAS)
- Statement of Community Involvement (SCI)
- Transport Assessment (TA)
- Landscape and Visual Impact Appraisal (LVIA)
- Preliminary Ecological Appraisal and Ecology Survey
- Biodiversity Checklist
- Bat Report
- Heritage Desk Based Assessment

- Noise Impact Assessment
- Flood Risk Assessment (FRA)
- SUDs Checklist
- Arboricultural Report
- Air Quality Assessment
- Accommodation Schedule
- Communal Area Lighting Map
- Pre-Planning Utilities Report
- Reptile Survey

Various Floorplans and Elevations have been submitted, available in full on the application file. However, key drawings submitted are as follows:

- Location Plan
- Accommodation Layout
- Garden Layout
- External Materials Layout
- Coloured Layout
- Parking Layout
- Existing Layout
- Tree Protection Plan
- Landscape Masterplan
- Softworks Masterplan
- Existing Site Layout – Tree Survey
- School Link

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/19/0210/DOC - Application to discharge Condition 3 (revised floorplans ) attached to UTT/15/1869/FUL allowed on appeal APP/C1570/W/16/316601. Part discharged under UTT/18/1964/DOC and now supplying details regarding Plots 84, 87 & 88 – Discharged in full on 03.04.2019
- 6.2 UTT/18/1964/DOC - Application to discharge conditions 3(revised floor plans and elevations) 4(samples and details) 6(bird hazard management plan) and 7(biodiversity enhancement management) following approval on appeal UTT/15/1869/FUL Appeal Ref: APP/C1570/W/16/3166101 dated 27.10.2017. – Discharged in part on 01<sup>st</sup> November 2018
- 6.3 UTT/18/0559/DOC - Application to discharge condition 15 (archaeological investigation) following approval on appeal of UTT/15/1869/FUL appeal ref 17/00010/REF dated 27.10.2017.- Refused to discharge on 04.04.2018
- 6.4 UTT/15/1869/FUL - Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access – Refused on 18.11.2016

UTT/15/1869/FUL which was granted permission in 2017 following an appeal (reference APP/C1570/W/16/3166101, see Appendix 2) for the erection of 94 residential dwellings including flexible mixed use building (use classes B1, D1 or D2); open space, landscaping and new access

6.5 **Pre-application history of current application:**

- The first pre-application enquiry for the residential development of the site on 13th March 2020 and the first pre-application discussion was held online, via Zoom, on 29th April 2020
- a meeting held via Zoom on 4th June 2020
- Members Briefing 14th August 2020
- Essex County Council Quality Review Panel (EQRP)

6.6 **Statement of Community Involvement**

The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- An online public consultation held between Monday 1st June and Friday 17th July 2020, advertised event by letter and advert in Newport News
- A phone line was also provided for those without access to the internet to request copies of the proposals and to leave their comments

7. **POLICIES**

**National Policies**

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

**Uttlesford Local Plan (2005)**

ULP Policy S3 – Other Development Limits  
ULP Policy S7 – The Countryside  
ULP Policy H1 – Housing Development  
ULP Policy H3 – New Houses within Development Limits  
ULP Policy H9 – Affordable Housing  
ULP Policy H10 – Housing Mix  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Protection  
ULP Policy GEN4 – Good neighbourliness  
ULP Policy GEN5 – Light Pollution  
ULP Policy GEN7 – Natural Conservation  
ULP Policy GEN8 – Vehicle Parking Standards  
ULP Policy ENV5 – Protection of Agricultural Land  
ULP Policy ENV11 – Noise Generators  
ULP Policy ENV14 – Contaminated Land  
ULP Policy ENV15 – Renewable Energy

Uttlesford Interim Climate Change Planning Policy

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace (November 2005)  
Energy Efficiency and Renewable Energy October 2007;

Other Material Considerations  
Newport Neighbourhood Plan (adopted 2021)

Essex Design Guide  
ECC Parking Standards  
UDC Parking Standards

## **8. NEWPORT PARISH COUNCIL COMMENTS**

### **8.1 Summary**

The principle of development on this site was set by the appeal decision in 2017 on planning application UTT/15/1869/FUL (appeal ref APP/C1570/W/16/3166101) (although this permission has now expired) and by the site's inclusion in the (now withdrawn) Local Plan and allocated as site NEWP 1 in the Newport, Quendon and Rickling Neighbourhood Plan which was approved by Uttlesford District Council Cabinet on the 24th November 2020.

As referendums cannot at present take place due to the restrictions caused by Covid-19 the Government's Planning Guidance has been changed to immediately give 'significant weight' to Neighbourhood Plans in determining planning applications in the villages as stated on the gov.uk website: "Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application." Source:

<https://www.gov.uk/guidance/neighbourhood-planning--2# covid-19>

Trivselhus have engaged early and thoroughly with local residents, Newport Parish Council (NPC), Newport Primary School and Sports Committee which is much appreciated. The early consultation has led to an excellent working relationship being built and a number of amendments/improvements to the proposed scheme have resulted as a consequence.

NPC believe that the design and layout of this development are a distinct improvement on that detailed in the extant permission. There are also several benefits to the community including:

- Newport Primary School to have use of the strip of land adjacent to the school
- A new staff car park for the Primary School to be provided on the strip
- Improvements to the bridleway leading to the recreation ground to adoptable Highways standard
- A new playground for the village on the Common, suitable for older children
- Ball catch netting and fencing for the Recreation Ground
- New footpaths
- Contribution to the upgrade of the waste water treatment plant in Newport

### **3. Corrections:**

Newport is described as a town in para 3.1 of the Landscape and Visual Impact Assessment in the application pack. Newport is not a town, it is a village. Para 3.7 of the Transport Assessment relates to another scheme, not to this proposal. The A120 is indeed south of Newport but is circa 10 miles away.

3.7 The site has excellent access to the immediate and wider highway network, including the A120 which is located to the south of the site, accessed directly from either the B1008 or B184 Woodside Way. The A120 runs in an east/west alignment from Hertfordshire to Colchester, providing connections to Puckeridge, Bishop's Stortford, Takeley, Notley, Braintree, Coggeshall and Marks Tey. The A120 also provides direct access to the key location of Stansted Airport.

#### 4. Affordable Provision:

The primary concern that NPC have relating to this development is the very low provision of affordable dwellings within the scheme – only six 1 bed properties from a development of 89. Compare this with a recent development in Newport for 84 dwellings at Cala which contained the full 40% affordable provision in a range of house/flat sizes. We are conscious that the infrastructure benefits detailed above carry a financial consequence and concur that this may justify a modest reduction in the provision; we also note that the extant application carried a 20% affordable requirement although this permission has now expired. However, the level proposed is too low. There is a pressing need for affordable dwellings in the village and 6 is not an appropriate volume of affordable dwellings relative to the scale of the development. At the time of writing, NPC have not had visibility of the Financial Viability Assessment that seeks to justify this low level of provision. We note that UDC's Housing Officer is still seeking the full 40% provision. The accommodation schedule in Appendix 5 of the Planning Statement in the application pack shows that initially there was an intention to deliver 91 houses with 37 of these being affordable. Appendix 7 of the Planning Statement in the application pack shows an accommodation schedule dated June 2020 that shows 18 affordable dwellings included in the scheme. It is not clear what has happened to occasion these changes. Concern over the low level of affordable dwellings is shared by the Essex Quality Review Panel, who stated in Appendix 13 of the Planning Statement that:

The panel expressed concern at the level of affordable housing currently being discussed (less than 20%) and requested that the developer work with the Council to find ways in which to improve on this.

#### 5. Density:

NPC support the volume of dwellings proposed, at 23 dwellings per hectare this is fully in accordance with the preference given in the NQRNHP.

#### 6. Building Heights/Relationship to existing Built Environment:

NPC retain a preference for buildings adjoining the bungalows on Frambury Lane to be single storey rather than two storey, however we are pleased that the orientation of the houses in the Banwell Mews area of the scheme is at right angles to the existing dwellings which will hopefully minimise the risk of overlooking. No measurements are provided in the application pack to demonstrate that the distance between properties adheres to the EDG guideline of a minimum 25m distance. Also NPC are concerned by the potential for overlooking from plots 85, 86 and 87 into the rear of the houses and gardens at Brick Cottages, particularly given the differential in levels.

#### 7. Design:

The road layout was described as meandering by Trivselhus in their original public presentation to Newport residents this term is echoed by the Essex Quality Panel in Appendix 13 of the Planning Statement; however the housing layout in the proposal is linear and blocky, without any softening of the positioning of houses to follow the road layout. We agree with the conclusion drawn by Trivselhus in Appendix 14 of the Planning Statement that detached properties are appropriate

as many of the existing properties on London Road follow this pattern. This is noted by the Inspector in the recent appeal decision in April 2020 regarding the Bricketts application on London Road ref APP/C1570/W/19/3241539 / UTT/18/1827/FUL:

6. The appeal site is a narrow rectangular area of land comprising a detached bungalow, its garden and an area of paddock that immediately surrounds it. It is located on the western side of London Road on the approach to the village of Newport, the centre of which is some distance to the north. Development along London Road is predominantly characterised by detached dwellings set in generously proportioned plots with their own accesses. The only notable exception is a short cul-de-sac immediately to the north of the appeal site, The Spinney, which accommodates a series of bungalows on small plots. An existing tree belt on both sides of London Road screens the appeal site from the road and softens the approach into the village.

#### 8. Garden Sizes:

The garden sizes proposed meet the minimum standards in the EDG for most of the properties. We would request that Permitted Development Rights are removed for the 1 and 2 bed properties which have smaller than 100m<sup>2</sup> gardens in order to ensure that any extensions planned will be subject to planning permission to ensure that gardens are not reduced excessively. Plot 10 is below the required minimum for a 3 bed house.

#### 9. Surface Water Drainage:

Newport Parish Council own the Common, over which surface water drainage could be routed to the river Cam instead of a road-based route via London Road and Station Road.

NPC have received independent advice on this matter and are happy to discuss this further with Trivselhus and UDC. There is an outstanding issue with the culvert under London Road that currently channels surface water from the site across the Common to the river Cam. The culvert is not fit for purpose and the road is subject to regular flooding during heavy rain. It is essential that the new scheme improves this situation and does not make the problem worse. NPC request that this issue is raised with the ECC SUDS team as a significant issue specific to this site.

#### 10. Green Spaces:

The initial presentations by Trivselhus to Newport residents suggested that these areas would have a more distinct character and purpose. It was proposed by NPC that playground space should be located off-development to benefit the broader community and fill a need for play space for older children in particular. The green spaces within the development also need to have a clear purpose and for residents to have visibility of the space to monitor children at play. Whilst the nearby 1970's Bullfields development is unremarkable architecturally one thing it does have is an excellent open green space (that all the houses face onto) which is good for children playing out near to their homes and for social interaction between residents. Cars are accommodated away from the green space. The examples on Essex Design Guide has examples of open spaces that are not surrounded by roads, and it would be NPC's preference for such accessible open spaces to feature within Frambury Fields to facilitate community engagement. The landscape design shows a positive use of native plants and trees, NPC particularly like the planting of a fruit tree in each garden.

#### 11. Playspace on the Common:

The range of equipment on the mood board in the application pack looks very exciting and the use of wooden equipment is excellent from a sustainability and design point of view. NPC are concerned however that the underlying plan only

shows three items of play equipment alongside two benches and a picnic table. It would be useful to clarify if that is the extent of the proposed playspace.

#### 12. Noise:

NPC have discussed the installation of acoustic fencing on the top of the bank at the recreation ground rather than on the boundary of the proposed site. There are two benefits

– one being the increase in privacy for residents in the south west of the site such that users of the recreation ground cannot look down into their gardens or the rear of the houses. The second being that the acoustic impact should be greater with the fence being at a higher level proportionate to the houses on the slope below. There would need to be an agreement in place regarding ongoing maintenance and access for this fencing. NPC note that the level of the motorway is higher than the recreation ground and the proposed site. It would be useful to understand whether the acoustic measures will actually achieve the mitigation levels required given the difference in levels. Would acoustic fencing alongside the motorway be more effective than adjacent to the site?

#### 13. Parking:

Uttlesford District Council has enhanced parking standards for good reason as this is a rural district with high levels of car use. NPC are aware that the proximity to the train station and footpaths to village amenities will promote sustainable travel methods - however there are limits to the destinations that can be reached via these methods. Car ownership and use is consequently likely to remain high. NPC are concerned that 10 of the 4 bed houses only have 2 car parking spaces each instead of the required 3 (plots 29,30,31,32,38,39,47,48,65,67).

There is no provision for on-street parking in neighbouring streets. The parking provision on site needs to be sufficient for the houses proposed.

#### 14. Footpaths:

NPC support the introduction of new footpaths throughout the site which will play a key role in ensuring the permeability of the site, encouraging ease of movement and connection to village amenities on foot and by cycle. NPC request that the footpath leading to Frambury Lane has fencing to ensure the privacy and security for the residents either side of the proposed route.

#### 15. Safeguarding / Privacy at the School:

We note that acoustic fencing is planned to mitigate noise from the school. This would have the added benefit of providing privacy for the school and a mitigation for safeguarding concerns.

#### 16. Conclusion:

Notwithstanding the issues relating to affordable provision and surface water drainage NPC are supportive of this scheme and consider it to be an infinitely preferable scheme to the extant permission. We are pleased with the time and effort that Trivselhus have taken to engage with the local community and with the changes that have already taken place during the consultation phase. We are hopeful that the issues around the level of affordable provision and surface water drainage can be resolved in consultation between UDC, NPC and Trivselhus.

## 9. CONSULTATIONS

### 9.1 ECC Suds

*First Response (19/10/2020)*

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

- It should be demonstrated that roof water is also being treated before being discharged off site. Within the FRA it states that all roof water is being treated by permeable paving, however this does not appear to be the case on the drainage layout.

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

#### Second Response (18/11/2020)

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

#### **Condition 1**

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

- Limiting discharge rates to 4.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### **Condition 2**

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

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

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

### **Condition 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority

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

#### **Reason**

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

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

### **Condition 4**

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

#### **Reason**

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

## **9.2 ECC Place Services (Heritage/Conservation)**

Built Heritage Advice pertaining to an application for the construction of 89 dwellings, vehicular access from London Road and associated parking, open space and landscaping. Including the provision of ball catch netting for the recreation club, a car park and associated access for Newport Primary School including landscaping improvements, an off-site playground, highway improvements to the bridleway and associated development.

The application site is located to the west of London Road and is located south of the buildings along Frambury Lane, the existing site is undeveloped land. This

application has the potential to affect several designated and non-designated heritage assets including the Newport Conservation Area and its setting, which abuts the site to the north east. The other asset's affected are:

- Granta, Grade II listed (list entry number: 1235094);
- Rose Cottage, Grade II listed (list entry number: 1275882);
- Willmary, Grade II listed (list entry number: 1234756);
- 1-6 Pond Cross Cottages, Frambury Lane (Non-designated heritage assets, Ref: 226);
- 2-3, Station Road (Non-designated heritage assets, Ref: 228);
- Bank House, Station Road (Non-designated heritage assets, Ref: 229);
- Berwyn House and Buriton House, Station Road (Non-designated heritage assets, Ref: 230) and
- The Maltings, Station Road (Non-designate heritage asset, Ref: 223).

The proposal includes up to 89 dwellings, densely infilling the site. The setting of the heritage assets identified above will be affected by the development, which fronts London Road. Newport developed in a linear manner along London Road, the B1383, this part of the Conservation Area (Area 7) very much follows the linear pattern of development with Willmary forming a visual stop when viewed from the North within the Conservation Area, and as a gateway when viewed from the south. The proposal will be visible from existing views within the Conservation Area and on the approach into the Conservation Area, however I do not consider the proposals to detract from or harm the significance of the affected heritage assets.

Therefore, I have no objection to this application. With regards to the National Planning Policy Framework (2019), local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (Para.192c). Thus, high-quality external materials should be employed, such as timber cladding. Were permission to be granted, I request the following condition is attached:

- No above ground works shall commence until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

### 9.3 **Essex Police**

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

We have concerns that it appears that predominantly the proposed lighting consists of bollard lighting. It should be noted the Secured by Design Homes Guide 2019 paragraph 18.3 states in relation to bollard lighting "Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided" to comment further we would require the finer detail such as the 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 achieve a Secured by Design Homes award.

#### 9.4 UDC Housing and Enabling Officer

##### **Revised Comments:**

Thank you for the information which is useful as Kift confirm 28.1% AH is viable for the site. In terms of the tenure split the 64%- 36% is preferable to the 60/40 split and it makes sense for the 3 bed to be for affordable rent rather than S/O and an RP would likely prefer this anyway and we do not want partial commuted sums.

I am pleased to see that my comments regarding integration have been taken on board and the attached layout sketch with the justifications highlighted in red in your email are acceptable.

It is a Member decision as to how much weight they give to the environmental aspect of the proposed development and whether they consider the reduction in the proportion of AH from 40% to 28.1% is acceptable on this basis

##### **Initial Comments:**

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

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 89 properties. This amounts to 36 affordable properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 5 bungalows across the whole site delivered as 2 affordable units and 3 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards; 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

I note that this application is only offering to provide 6 affordable housing properties out of a total of 89 which equates to 6.75%. In addition, no affordable housing bungalow provision is included within the application.

The number and mix of affordable housing provision included within the application is inadequate and fails to sufficiently assist towards meeting the identified affordable housing need for the Uttlesford District.

It is disappointing that despite concerns regarding the level of affordable housing provision being raised during preliminary discussions with Planning Officers that the applicants have still chosen to submit the application with such a low proportion of affordable housing properties for the proposed development.

This application, as currently submitted, provides both an inadequate number of affordable homes plus no affordable, fully wheelchair accessible properties and is therefore strongly objected to in its current form.

#### **9.5 Kift Independent Viability Consultant employed by UDC Comments**

Conclusion:

This scheme has been the subject of robust debate between the parties over the past 9-10 months and KCL is of the opinion that the delivery of 25no. units (28.1%) with an affordable housing tenure split of 16no. affordable rent (64%) and 9no. shared ownership (36%) is a realistic and viable option. All parties involved in the debate have had to accept/agree that delivery of this type of Eco housing is more expensive to build than the traditional estate housing delivered to building regulation standards. Unfortunately, both Savills and KCL's own valuer have advised that the increased build costs (and their associated costs) are not reflected in increased sales values in the UK housing market. In addition, the applicant has been requested to provide a number of community incentives from local stakeholders. It is these higher than average 'green premium' build costs (over an additional £2m higher than those of an efficient developer building traditional estate-based housing), along with the 'community incentives' the developer has been asked /agreed to provide (totalling circa £1m) that have had a direct impact on the schemes ability to satisfy its affordable housing planning obligation.

#### **9.6 Natural England**

The proposed development is approximately 12.5km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

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

The Footprint Ecology report describes the issues arising from recreational pressure in more detail and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.170-175). There are also duties on LPA's under section 28G(2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice.

Having regard to the evidence and in accordance with the above requirements it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted and that the draft new local plan has recently been withdrawn from examination, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate as part of the Local Plan process. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case by case basis in the absence of an up to date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures. For the proposed development we consider the following mitigation would be appropriate:

#### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

#### Off-Site Mitigation

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

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would be met by the National Trust.

As an indication of some costs, the Mitigation Strategy sets out that independent Visitor Surveys will take place every 5 years at a cost of £30,900, annual Impact Surveys will take place at a cost of £2522 and soil compaction analysis will take place annually at a cost of £3090. We would be happy to discuss this in more detail if required.

## 9.7 UDC Environmental Health

I note the accompanying acoustic report by Ensaf identifies the site as subject to environmental noise from the nearby M11 motorway to the south west, the B1383 London Road to the east and Newport Primary School and mirrors the requirements in respect of EH comments relating to Application UTT/15/1869/FUL determined at Appeal.

With the following internal levels highlighted in respect of noise criteria:

Situation	Location	07:00 – 23:00 hrs.	23:00 – 07:00 hrs.
Resting	Living room	35 dB LAeq,16 hour	-
Dining	Dining room/area	40 dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16 hour	30 dB LAeq, 8 hour
Sleeping	Bedroom	-	45 dB LAMax (several times in any one hour)

and for external areas a target of 50dB(A) LAeq,16 hours with a maximum limit of 55dB(A) LAeq,16hour is required.

The report builds upon the previous submission with the use of the TEMPRO software to overcome limitations given the current conditions in relation to the National Pandemic to provide updated acoustic data in respect of the impact of traffic flows.

For external amenity spaces mitigation is proposed through the use of fences up to 2.0 metres high constructed free from holes with a minimum surface density of 5 kg/m<sup>3</sup>. With the above external criteria met for all but a limited number of amenity gardens and with public amenity nearby for those cases which are just above the criteria to offset any potential harm which is acceptable.

For internal spaces with the windows open a number of facades do not meet the above criteria with acoustic ventilation considered by means of mitigation. Glazing requirements are also developed with a range of specifications detailed depending on location. For noise arising from the school, including substantial impacts during break and lunch times, further acoustic fencing is proposed as means of mitigation.

On the basis of the submission I am satisfied that subject to the incorporation of the identified measures the site is suitable for residential accommodation and would suggest the following condition is attached to any consent:

The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by Ensafé Noise Impact Assessment reference AC109054-1R5 dated 23rd September 2020 and shall thereafter be retained as approved.

I note for fixed plant the precise details are unknown and advise this matter can be dealt with by condition namely:

A noise assessment and report shall be submitted to and approved in writing by the local planning authority which demonstrates that the cumulative measured or calculated rating level of noise emitted from any new fixed plant introduced shall be 5dB(A) below the existing background noise level, at all times that the new fixed plant operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

The impact from construction activities also needs to be considered and I recommend the following condition be attached to any consent:

*No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:*

- i. the parking of vehicles of contractors, site operatives and visitors;*
- ii. loading and unloading of plant and materials;*
- iii. storage of plant and materials used in constructing the development;*
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- v. wheel washing facilities;*
- vi. measures to control the emission of dust and dirt during construction;*
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;*
- viii. details of measures that will be applied to control the emission of noise and including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;*
- ix. details of the construction access*

*The approved Construction Method Statement shall be adhered to throughout the construction period for the development.*

Moving to matters relating to contaminated land I note the Application includes a Phase 2 Contaminated Land Assessment prepared by Ground Engineering reference C14484 dated August 2018. The assessment, which includes extensive soil sampling, does not identify the need for remediation of soils beneath the site due to the absence of statically elevated concentrations of contaminants. As such I recommend the following condition be attached to any consent:

*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.*

Finally, in respect of air quality considerations, I note the Air Quality Assessment undertaken by Ensaf reference AQ109216R4 dated September 2020 which concluded in respect of end use no additional mitigation techniques are required to meet relevant air quality objectives. As such I recommend the following condition be attached to any consent:

*Prior to the occupation of any building electric vehicle charging points shall be provided for that building. For the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling and for the commercial building within the garage area for the commercial building. Thereafter these charging points shall be maintained and retained as provided.*

## 9.8 **Anglian Water**

### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### WASTEWATER SERVICES

#### Section 2 - Wastewater Treatment

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

#### Section 3 - Used Water Network

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

#### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England

includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## 9.9 **ECC Ecology**

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

No objection subject to securing biodiversity mitigation and enhancement measures.

### **Summary**

We have reviewed the documents provided with this application including, the Preliminary Ecological Appraisal (Cambridge Ecology, September 2020), Reptile Report, Bat Activity Surveys Report, and Ecological Mitigation and Enhancement Plan (The Ecology Partnership, September 2020); Landscaping Masterplan, Softworks Masterplan, and On Site Street Lighting Plan (Trivselhus, September 2020); Tree Protection Plan Proposed Site Layout (Trivselus, July 2020); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.

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](http://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.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The site is within the Zone of Influence for Debden Water SSSI, as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)), and as the development involves more than 50 units it is necessary for the LPA to consult with Natural England on this scheme.

We also 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](http://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 exceeds 50 units, Natural England consider that it is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

The Preliminary Ecological Appraisal (Cambridge Ecology, September 2020) confirms that the site is dominated by species poor low value grassland with boundary habitats of biodiversity value including hedgerows (some with grassy margins), trees, dense scrub, and tall ruderals. The report advises that where possible boundary features and mature trees should be retained. Due to the value of the boundary habitats and their potential to support mobile protected and Priority species the ecology reports are time limited and the need for further surveys, if work does not commence within a year, should be secured by a condition of any consent.

The Reptile Report (The Ecology Partnership, September 2020) found a small population of common reptiles on the northern boundary and the Bat Activity Survey Report (The Ecology Partnership, September 2020) found the site was regularly used by foraging and commuting bats. Badger activity was noted by the ecological assessments and the need for a licence to allow works that may impact the main sett identified, a copy of which should be submitted to the LPA and secured by a condition of any consent, to provide certainty that the works proposed have done everything possible to avoid impacts to badgers.

As the site has wildlife value and potential an Ecological Mitigation and Enhancement Plan (The Ecology Partnership, September 2020) has already been formulated, and includes the development of an Ecology Partnership to ensure all sensitive works (including vegetation clearance and implementation of protection zones) are undertaken in the presence of a suitably qualified ecologist. The mitigation strategy needs to include post development monitoring of biodiversity and the use of a specialist contractor to remove a stand of Japanese Knotweed. The enhancement strategy and wildlife sensitive lighting scheme are outlined on the Softworks Masterplan and On Site Street Lighting Plans (Trivselhus, September 2020). These mitigation and enhancement management plans should be implemented in full and secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

***Recommended conditions:***

***1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS***

*“All mitigation measures and/or works shall be carried out in accordance with the details contained the Preliminary Ecological Appraisal (Cambridge Ecology, September 2020), Reptile Report, Bat Activity Surveys Report, and Ecological Mitigation and Enhancement Plan (The Ecology Partnership, September 2020); Landscaping Masterplan, Softworks Masterplan, and On Site Street Lighting Plan*

*(Trivselhus, September 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, the strict adherence to the Ecological Mitigation and Enhancement Masterplan, post development monitoring of biodiversity, and the use of a specialist contractor to remove a stand of Japanese Knotweed.”*

**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: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS**

*“The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”*

**Reason:** *To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.*

*The works shall be implemented in accordance with the approved details and shall be no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

## **3. ACTION REQUIRED: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED**

*“If the development hereby approved does not commence within 12 months from the date of the survey results in Environmental Impact Assessment (MLM Group, August), the approved ecological mitigation measures secured through condition 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 the development.*

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

**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).*

## 9.10 **MAG London Stansted Airport**

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 subject to the following Conditions:

- *During construction robust measures must be taken to control dust and smoke clouds.*

*Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.*

- *During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.*

*Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using MAN.*

- *All exterior lighting to be capped at the horizontal with no upward light spill.*

*Reason: Flight safety - to prevent distraction or confusion to pilots using STN.*

- *No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.*

*Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.*

## 9.11 **ECC Highways**

Final response

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

Part of the application includes a car park for the school. In order to provide safe and suitable access to the car park the current bridleway 41/16 will need to be taken off the definitive map between the school and the access to the recreation area and upgraded to highway for all traffic with the provision of a footway and carriageway (the bridleway will remain west of the recreation ground). This will involve a process separate to this application at the risk of the developer. The works are required as a condition.

To improve connectivity and sustainability from the development a footway/cycleway is required to connect to bridleway 41/16 and the school as is a pedestrian link to Frambury Lane. Real time passenger information at the bus stops are required to encourage bus use. The access works onto London Road

have been subject to technical review and safety audit. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for; I. vehicle routing, 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. VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer. Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Access Prior to first occupation of the development, the accesses and pedestrian crossing point on London Road, as shown in principle on submitted drawing 056-QVAHA-J1-DR-C-0571 rev7, shall be provided. The primary access shall be a minimum of 5.5m width with two 2m width footways. Both accesses shall have clear to ground visibility splays with dimensions of 2.4m by 45m in both directions, as measured from and along the nearside edge of the carriageway they shall be retained free of any obstruction at all times thereafter. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Access to Frambury Lane: Prior to first occupation of the development the highway works on between the school and the access to the recreation ground shown in principle on drawing number 056-QVA-HA-J2-DR-C-0581 rev1 and DR-C-0585 rev 1 shall be provided. The road width shall be a minimum of 4.8m with a footway of minimum 1.8m. Bollards in the car park shall be placed so as to allow turning of a refuse vehicle and the road shall be designed with a 20mph speed limit. Reason: To provide safe and suitable access to the proposed car park in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Footway/cycleway: Prior to first occupation of the development a footway/cycle of minimum width 2.5m shall be provided between the site and the bridleway 41/16 as shown in principle in drawing number 056-NTA-XX-00-DR-L-0519 REV P04, it shall be hard, smooth, level, durable, and safe in all weathers and situated clear of any hedging. Reason: To provide safe and suitable access for pedestrians and cyclists in the interest of highway safety and promoting sustainable travel in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Link to Frambury Road: Prior to first occupation a footway/cycleway link of minimum width 3m shall be provided between the site and Frambury Lane to the

north as shown in principle in drawing number 056-NTA-XX-00-DR-L-0507 REV P04, it shall be hard, smooth, level, durable, and safe in all weathers. Reason: To provide safe and suitable access for pedestrians and cyclists in the interest of highway safety and promoting sustainable travel in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Parking: No dwelling shall be occupied until such time as the vehicle parking spaces indicated for that dwelling on drawing number 01765-S-06 rev 2, have been hard surfaced and sealed and cycle parking has been provided in accordance to the Essex Parking Standards (2009) and as indicated for other areas on the aforementioned plan. The school parking shall be provided at a phase agreed with the planning authority. The parking spaces shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with 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 is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Bus stops: Prior to first occupation the bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) shall be provided with the provision of real time passenger information, such real time information shall be provided to the specification of the highway authority. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

8. Travel Packs: Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Informatives: (i) The layout of the development is unlikely to be adopted by the highway authority.

(ii) The works to the public right of way 41/16 will be subject to a separate consultation process. This process and the associated works will be undertaken at the risk of the developer with no cost to the highway authority. (iii) Any real time information, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

(iv) 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](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

(v) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(vi) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(vii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(viii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no 41/16 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

#### *Initial response*

The Highway Authority has assessed the information which has been submitted with the planning application and has the following comments to make:

1. The application proposes a car park to be accessed from the bridleway 41/16, in order to order to accommodate the additional traffic and footfall the bridleway between the school access and the access to the sports pavilion should be upgraded to adoptable standard with a minimum 4.8m carriageway and 2m footway. Drawings were provided at pre-app stage but have not been formally submitted with this application.

- a. The drawings should be dimensioned
- b. Clearly show the extent of existing highway and school land
- c. Visibility splays
- d. tracking

2. From a highways and permeability perspective the 3m footway/cycle between the site and the bridleway is welcomed, hedging should be planted 1m clear of the cycleway/footway to ensure that the path is not overgrown. I understand that my

colleagues in education have concerns that it encroaches into land that is required for education and they will be in contact with more details.

3. Not all the submitted highways drawings correspond with those submitted for S278, S38.

There is no vehicular visibility splay shown for the minor access onto London Road

Until this information is received and assessed the highway authority would recommend a holding objection.

## 9.12 **ECC Education**

### Final Response

At present, Newport Primary School's site is 1.17ha – it is estimated that the Early Years and Childcare (EY&C) facility on the site is 0.1ha. Representations sent as part of the previous Local Plan process sought to achieve a minimum site area of 1.6ha, plus additional EY&C space. The minimum additional land area that we could support for school use is 0.18ha, and this excluded a public footpath or extra parking in excess of the school's own requirements (1 space per 15 pupils maximum, plus 5% for drivers with disabilities as per the Essex Parking Standards).

If approved, this development will result in additional land available to the school of around 0.15ha (109m<sup>2</sup> x 14.08m). This is below our minimum requirement outlined above and, therefore, has little value in school place planning terms. For that reason, please accept this correspondence as an objection to the proposal.

If Uttlesford District Council decide to permit the development, with a S106 agreement lined up, it is requested that the car park (including space for an emergency access) and the strip of land between the current school boundary and footway are treated as separate land options. It is assumed that the applicant will be delivering the car park; if so, it is hoped the S106 will include specifications covering matters such as surfacing, lineage, fencing/gating, drainage and lighting. We will be able to provide those details in due course. Fencing and landscaping of the strip will also require consideration. Please see our previous letter outlining the financial contributions sought for this development.

### Initial Response

Thank you for providing details of the above planning application for up to 89 new homes. From the information I have received, I have assessed the application on the basis of 89 houses. Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 8.01 Early Years and Childcare (EY&C) places; 26.70 primary school, and 17.80 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

### Early Years and Childcare:

Although there is some EY&C capacity in the area, the data shows places to meet demand from this proposal. An additional 8.01 places would be provided at an estimated cost per place of £30,127.00 and so, based on the demand generated by this proposal set out above, a developer contribution of £241,317.27, index

linked to quarter two, 2020 is sought to mitigate its impact on local EY&C provision.

**Primary Education:** This development proposal sits next to Newport Primary School, which has a published annual admission number of thirty pupils. Provisional figures suggest that the school is full in Reception this academic year and there was a small waiting list for places at the start of term. GP registration data, received from the NHS, suggests that potential future cohort sizes are in line with previous groups with the school being the closest provision for an average of 42 children. It must be noted that not all children require a place at a mainstream state school and some will choose other local schools. Looking at the wider area, which includes Clavering and Rickling (Uttlesford Primary Group 6), forecasts which are set out in the Essex School Organisation Service's '10 Year Plan' suggest that additional capacity will be required within the plan period with a potential need to expand Newport Primary for the 2025/26 academic year. Additional land to facilitate the expansion of Newport Primary is desired.

It is expected that this land shall meet the criteria as set out in the Developers' Guide (including fencing and suitable surroundings) and be transferred to the County Council at nominal cost. The current version of the Developers' Guide can be found attached. Please note that a new version is due for release in the near future. Noting the suggested car park, the school cannot be expected to fund its construction.

A car park on any additional land could limit our expansion options if it takes up too much land, and any joint use with the community would need to be agreed (times of use; cost of maintenance and additional security). Improvements to the lane that runs in front of the school is also requested, to ensure that pupil safety is not compromised by additional traffic/active travel is not discouraged.

Finally a new vehicular route, suitable for emergency and ground maintenance purposes and providing access to the boundary of the school field from London Road via the housing development, is sought. The estimated cost of the project is £547,563.60. This equates to £20,508.00 per place, index linked to quarter two, 2020.

**Secondary Education:** The site is around a kilometre from the Joyce Frankland Academy and, as such, is in a sustainable location from a secondary education perspective. The school has a published annual admission number of 180 pupils but took a higher number this September to meet demand. The school is grouped with Saffron Walden County High and attracts pupils from a wide area. Forecasts for the area (Uttlesford Secondary Group 3), set out in the 10 Year Plan, suggest that some additional spaces may be required next academic year. The estimated cost of the project is £443,736.20. This equates to £24,929.00 per place, index linked to quarter two, 2020. Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available. In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare, primary and secondary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

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

#### 9.13 NHS- West Essex

Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of West Essex Clinical Commissioning Group (CCG), incorporating NHS England Midlands and East (East) (NHS England).

#### 2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.

2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

#### 3.0 Review of Planning Application

3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

A Healthcare Impact Assessment has been prepared by West Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

#### 4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 222 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development Premises Weighted List Size<sup>1</sup> NIA (m<sup>2</sup>)<sup>2</sup> Capacity<sup>3</sup> Spare Capacity (NIA m<sup>2</sup>)<sup>4</sup> Newport Surgery 8,530 440.48 6,424 -144.43  
Total 8,530 440.48 6,424 -144.43

<b>Premises</b>	<b>Weighted List Size <sup>1</sup></b>	<b>NIA (m<sup>2</sup>)<sup>2</sup></b>	<b>Capacity<sup>3</sup></b>	<b>Spare Capacity (NIA m<sup>2</sup>)<sup>4</sup></b>
Newport Surgery	8,530	440.48	6,424	-144.43
<b>Total</b>	<b>8,530</b>	<b>440.48</b>	<b>6,424</b>	<b>-144.43</b>

Notes: 1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list. 2. Current Net Internal Area occupied by the Practice 3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services" 4. Based on existing weighted list size 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

#### 5.0 Healthcare Needs Arising from the Proposed Development

5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and STP estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Newport Surgery, a proportion of the cost of which would need to be met by the developer.

5.3 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals

<b>Premises</b>	<b>Additional Population Growth (89 dwellings)<sup>5</sup></b>	<b>Additional floorspace required to meet growth (m<sup>2</sup>)<sup>6</sup></b>	<b>Spare Capacity (NIA)<sup>7</sup></b>	<b>Capital required to create additional floor space (£)<sup>8</sup></b>
Newport Surgery	222	15.22	-144.43	45,660
<b>Total</b>	<b>222</b>	<b>15.22</b>	<b>-144.43</b>	<b>45,660</b>

developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £45,660. Payment should be made before the development commences.

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

## 6.0 Conclusions

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

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

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

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

6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

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

## 10. REPRESENTATIONS

10.1 A site notice was displayed at the application site on the 22<sup>nd</sup> October 2020 and expired on the 12<sup>th</sup> November 2020.

An advertisement was placed in local press and expired on the 12<sup>th</sup> November 2020.

The neighbour notification period expired on the 12<sup>th</sup> November 2020.

A representation was received from Cllr Neil Hargreaves, Ward Councillor as follows:

This development provides benefit above s106 requirements - a car park, road works, some land and an offsite playground. Note however, the playground would be on land provided free by the Parish Council and so is effectively allocating land at residential value as such space(s) would otherwise be required on site, as shown in the existing permission for the site. So some deviation from the 40% affordable houses requirement would therefore be acceptable, but provision of only 6 is not acceptable. Without seeing the financial justification it is therefore not possible to respond to the application. I understand a review is being done.

Please can all consultation and deadlines be kept open until this information is available?

### 10.3 Summary of neighbouring representations received as follows:

#### *Character*

- Too many houses within Newport bringing increased construction, loss of rural land and natural habitats.
- Village losing village feel and development is eradicating this.
- Insufficient green spaces

#### *Ecology*

- Very few ecological mitigation measures incorporated into development, as well as a lack of SuDS measures.
- Lack of bat and swift bricks within ecological measures supplied.
- Overlooking and loss of amenity and light into the adjoining 9 bungalows on Frambury Lane Newport.

#### *Infrastructure*

- No extra infrastructure addition from these builders for Newport residents.
- Primary school will be unable to cope with extra pupils and no mention of expansion.

#### *Highways*

- Extra traffic and dangerous access onto London Road near the Station Road and Frambury Lane junctions
- The B1383 traffic has increased over the past 5 years due to new developments in and around the village of Newport by over 40%
- There are no street lights after midnight and ALL Emergency Services use this section of the B1383 corridor for surrounding villages as well as the
- M11 and Stansted airport.
- Pollution and parking problems.
- Insufficient road capacity such that more traffic along B1383
- M11 regularly gets closed diverting North & or South bound traffic through the village.

#### *Flooding*

- Concern regarding the flooding along London Road and in the limelight of inadequate drainage/old drainage system of Newport. New property's and hard services for parking etc being built on Agricultural Land.
- Regarding the back of the London Road properties the increase of substantial flooding is a high probability as the geographical water filters from the land to properties which are approximately three meters below your land site
- Flooding is always a problem in Newport with sewerage escaping from drains and how will rainwater drainage get across Newport Common.
- inadequate drainage/old drainage system of Newport
- Insufficient provision for truly affordable & accessible homes, to provide for the residents of Newport.

- The Newport, Quendon and Rickling Neighbourhood Plan has now been through full Council and min the current circumstances can therefore 'be given significant weight in decision- making, so far as the plan is material to the application'

## 11. APPRAISAL

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

- A Principle of Development
- B Housing Land Supply
- C Loss of Agricultural Land
- D Design & Amenity
- E Affordable Housing
- F Highways
- G Ecology and Trees
- H Sustainability
- I Environmental Health
- J Flooding
- K Infrastructure Provision to support the development
- I Other Material Considerations

### **A The Principle of development –Impact on Countryside Character (NPPF, ULP Policies S7 and GEN2)**

- 11.1 The development of the site needs to be considered and assessed against the current Local Plan and the NPPF. The application site comprises 5.07 hectares of land and is located within the open countryside on the edge of Newport. The site is outside the development limits of Newport as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.2 The Council's Review of the adopted policies of the Local Plan found Policy S7 to be partly consistent with the NPPF but that while the NPPF takes a positive approach, rather than a protective, Policy S7 is still compatible with the aims of the NPPF in protecting the countryside.
- 11.3 In determining the approved scheme, The Inspector also considered that "*any conflict with policy S7 should only be given limited weight*".
- 11.4 This application is supported with the submission of a Landscape & Visual Impact Appraisal (LVIA). The LVIA assesses the impact the proposed development would have on the landscape and countryside. A number of viewpoints have been duly assessed. The site is judged to be of medium landscape sensitivity and of medium landscape value and the LVIA concludes that the proposed development is considered as having a very limited adverse impact on local landscape and visual amenity.
- 11.5 The Inspector also concluded that "*...there is harm to the character and appearance of the area, both in terms of the general landscape and the street scene. That harm is however limited as it is localised and contained*".

- 11.6 The applicant proposes a landscaping scheme to create a green buffer comprising retained landscape features, new planting. It is considered that this buffer would create adequate screening and containment which would minimise the harm on the countryside.
- 11.7 It is considered with the proposed design of the properties, spacing, storey height, building form, materials, landscaping the impact is appropriately minimised.
- 11.8 The principle of such a scheme on the site has been established through the approved scheme and considered by the Inspector to be localised and contained. Notwithstanding, the above, the LVIA demonstrates that the impact on the landscape would be limited.

*Planning history*

- 11.9 The approved scheme is historic application reference UTT/15/1869/FUL for erection of 94 residential dwellings including flexible mixed use building (use classes B1, D1 or D2); open space, landscaping and new access.
- 11.10 This consent is a material consideration in the assessment of this scheme. The scheme was refused at Planning Committee and subsequently allowed on appeal in October 2017 appeal reference APP/C1570/W/16/316610. This scheme will be referred to within this report as the 'approved scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly.
- 11.11 Below are key headlines in relation to the 2017 approved scheme:
- 94 houses
  - 40% AH
  - Flexible mixed use commercial building (at the time use classes B1, D1 or D2)
  - Two areas of open space
- 11.12 The approved scheme is also mentioned within the Newport and Quendon Rickling Neighbourhood Plan.
- 11.13 Main changes to the newly proposed scheme from the extant scheme are as follows:
- Reduction in quantum of development by 5 houses
  - Removal of commercial element
  - Increases spacing between houses
  - Reduction in the amount of affordable housing by 11.5%
- An additional number of areas of open space

- 11.14 Effectively the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts. Therefore the principle of housing on this site has already been established in accordance with Local Plan Policies S7.....

**B Housing Land Supply**

- 11.15 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short

of this and is only able to demonstrate a supply of 3.11years (Five Year Housing Land Supply update April 2021)

- 11.16 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 11.17 The Inspector observed “*Irrespective of the precise extent of the shortfall, I agree with the parties who both accept that that the shortfall is material and that as a consequence significant weight should be given to the benefit of delivering housing which can contribute toward addressing that shortfall*”. These comments are a material consideration.
- 11.18 The provision of 89 residential units represents a significant proportion of the annual housing supply based on the district. In this respect the proposal would make a valuable contribution to the housing supply and it is considered that the limited harm on the countryside would not outweigh the many positive economic, environmental and social benefits of the scheme discussed within the body of this report.

### **C Loss of agricultural Land**

- 11.19 The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.
- 11.20 Annex 2 (glossary) of the NPPF describes Best and most versatile land as ‘land in grades 1, 3 and 3a of the Agricultural Land Classification’.
- 11.21 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.
- 11.22 The Inspector noted “*The appeal site in the context of Uttlesford and the small extent of the site, only some 4.5 hectares is not in my view a ‘significant’ development of agricultural land, in the context of paragraph 112 of the Framework. It is a relatively small isolated field that is to an extent compromised in quality by the Japanese Knotweed, albeit that an eradication programme is ongoing. Also the site is sustainably located in relation to the village, which I return to below*”.
- 11.23 Furthermore, the Inspector considered that “*... I am satisfied that the use of the site does not conflict with policy ENV5 or the Framework at paragraph 112. This is a neutral factor in the planning balance*”. These comments are a material consideration.

- 11.24 Given the extent of the site, the nature of land in Uttlesford and the previously approved scheme, it is considered that the proposed development would not result in disproportionate loss of best and most versatile land. It is considered therefore that the development is in accordance with ULP Policy ENV5, and the NPPF.

**D Design, Appearance, Standard of Accommodation and Amenity (ULP Policies GEN2, NPPF);**

**Design and Appearance**

- 11.25 National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings

*Masterplan design*

- 11.26 The proposed design has developed through the pre-application and design review panel process. The design of the proposed development is centred around four main character areas:

1. Frambury Square-
2. Banwell Mews- Mews type development
3. Dawson Green-Mews type development
4. Village Streets (Frambury Drive and Cam Hill)

Each character area offers a distinct environment within the new neighbourhood.

*Detailing*

- 11.27 The applicant proposes a number of measures to provide articulation to the scheme including:

- dual fronted corner turner buildings
- paired tall buildings (2.5 storeys)
- visible side elevations with feature slot glazed elements to avoid views of blank gables
- projecting brick detailing
- box windows on feature buildings
- Juliette balconies
- panel surrounds

- 11.28 The facade treatment is defined by the building typology which vary by providing fully brick faces, part clad/part brick and fully clad facades.

*Scale and Massing*

- 11.30 The houses are mainly detached but include some semi-detached and short terraces. The buildings extend from one-storey to two and a half storeys in height. The roof profiles are mainly gable fronted with traditional pitched roofs, and pitched roofs with projecting gables. It is noted that the current proposed scheme is an improvement on the approved scheme in terms of its siting, massing and spacing.

- 11.31 *Density*  
The proposed development will deliver a total of 89 residential dwellings, at a density of 23 dwellings per hectare (dph), based on the developable envelope of 3.87 ha.
- 11.32 *Materials*  
The applicant proposed to blend the existing with the proposed development through two brick colours, four timber cladding colours and grey and red roof tiles comprising:
- Buff multi-stock brick
  - Red multi stock brick
  - Timber panelling (White, grey, black and miss)
  - Stale effect concrete roof tiles
  - Plain clay effect roof tiles
- 11.33  
The actual use of the materials is defined by the character area. Colours vary between each area.
- 11.34  
The approach to materials as outlined is considered to be appropriate however details and samples are required and are proposed to be conditioned, in line with the Conservation Officer's comments.
- 11.35  
Overall, it is considered that the proposed design of scheme meets the criteria for Policy GEN2 providing a high-quality design of design, creating a sense of place whilst respecting the surrounding scale, form and appearances of the locality and sensitivities of the site.
- 11.36 **Standard of Accommodation**  
All of the proposed dwellings are self-contained have been designed to meet or comfortably exceed the Nationally Described Space Standards (NDSS). The separation distances afforded between facing habitable room windows within the proposed development itself are satisfactory in accordance with the Essex Design Guide and would prevent a loss of privacy and provide suitable daylighting. Generous sized windows are proposed which would provide adequate ventilation and daylight and sunlight provision into habitable rooms.
- 11.37  
The proposed dwellings generally exceed minimum requirements of Essex Design Guide by providing a garden area of 50m<sup>2</sup> for one and two bed homes and 100m<sup>2</sup> for 3 bedroom plus homes. However, there is a single unit (plot 10) which does not meet the recommended garden size, on the basis that the majority of houses do provide sufficient garden space and there is easy access to open space within the development and within the recreation area this is considered acceptable. In addition each home will have access to nearby open space within the development and wider area, with suitable access to green infrastructure including the off-site LEAP to be provided by the applicant.
- 11.38  
All homes are provided with fruit trees, patio areas, space to dry clothes, cycle storage, refuse and water butts to collect rainwater for gardening. The application proposes that 5% of the of all units would be M4(3) standard (wheelchair user dwellings) and the remaining units 95% would meet M4(2) accessibility/ adaptability standards, which exceed the requirements. Four bungalows are designed to M43(3) standards.

11.39 Overall, it is considered that the proposed development would provide a high standard of accommodation for future occupiers in compliance with the Essex Design Guide.

*Amenity*

11.40 Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

*Overlooking & Loss of privacy*

11.41 The proposed dwellings have been designed with consideration to the existing neighbouring dwellings and are generally located away from main window walls to these properties. The development has been designed to take into account the topography of the site and diagrams have been submitted to demonstrate as such. The properties which back onto the school are suitably distanced away by virtue of the depth of the rear gardens and boundary treatment will be provided Juliette balconies are proposed mainly on the frontage of some properties and details have been duly conditioned.

*Outlook/daylight & sunlight*

11.42 The application is supported by a Daylight and Sunlight assessment which confirms that there would be no harmful impact to surrounding properties in terms of either daylight or sunlight. The applicant has sought to maintain suitable separation distances between habitable room windows.

11.43 The siting, height, projection and separation distances afforded between the proposed units and existing houses are adequate to ensure there would be no undue loss of daylight or sunlight.

*Noise & Disturbance*

11.44 Given that the only use would be residential in nature, this would be in keeping with the locality. Construction noise would be controlled by a pre-commencement Construction Method Statement.

11.45 Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policies GEN2 and GEN4 of the Local Plan.

**E Affordable Housing (ULP Policy H9, NPPF)**

*Amount*

11.46 Policy H9 states that the Council will seek to negotiate on a site to site basis an element of affordable housing of 40%.

11.47 The applicant initially offered 6% of affordable housing, which was not considered to be acceptable, and the Housing and Enabling Officer objected to the scheme. Through negotiations with the LPA and UDC's viability consultant, the applicant has now offered 28.1% affordable housing (25 units), on the basis that it was not

11.48 viable to provide anymore.

The proposed affordable unit mix comprises the following:

- 6 x one bed
- 12 x two bed
- 5 x three bed

- 2 x four bed

*Tenure Split*

11.49 UDC's affordable housing requirement is for the following tenure split:

- 70% Social Rent or Affordable Rent
- 30% Intermediate (e.g. Shared Ownership)

11.50 The eventual tenure split of 64% social rent (16 units) and 36% shared ownership (9 units), was also revised to accord with the Housing Officers requirements.

*Integration*

11.51 The Housing and Enabling Officer initially objected to the lack of integration of the affordable housing units. The applicant asserted that they were trying to balance the request for these units to be spread across the whole development with the needs of Housing Associations who prefer to keep the units together for practical maintenance purposes. They propose the following:

- 6 no. units along London Road
- 8 no units located in Banwell Mews
- 1 unit located on Cam Hill
- 5 units located on Frambury Square
- 5 units located on Dawson Green

11.52 The applicant provided a compromise where the affordable housing units were more dispersed within the development to address the concerns raised, which has overcome the Housing and Enabling Officer concern.

11.53 UDC's viability consultant, Kift Consulting, concluded that on the basis of the high build costs for the eco homes and the number of community incentives, the delivery of 25no. units (28.1%) with an affordable housing tenure split of 16no. affordable rent (64%) and 9no. shared ownership (36%) is a realistic and viable option.

11.54 The Housing and Enabling Officer has confirmed that the mix, tenure split, and distribution is acceptable, however he has deferred on whether the amount of affordable housing would be considered acceptable.

11.55 The affordable housing units meet the Nationally Described Technical Space Standards and the applicant has stated that they will be built to the same high standards as the market units and appearing tenure blind.

11.56 It is considered that the amount of affordable housing, tenure split and integration with the other market units would comply with Policy H9 and ensure that the development would provide a sufficient amount of affordable housing within the scheme.

11.57 The affordable housing will be secured by legal agreement. Conditions are recommended to provide details including the numbers, type, tenure and location; the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; and the occupancy criteria.

**F Access and Transport (GEN1, GEN8, NPPF)**

11.58 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the

surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport. The application was accompanied by a Transport Assessment and the scope was agreed with the Highway Authority prior to submission.

#### *Access*

- 11.59 Access is to be provided onto London Road and the works which have been subject to technical review and safety audit.

#### *Pedestrian links*

- 11.60 To provide a sustainable connective link, a footway/cycleway is required to connect to bridleway 41/16 and the school as is a pedestrian link to Frambury Lane. The footway/cycle way will have a minimum width of 2.5m.
- 11.61 The currently fenced off pedestrian link to Frambury Lane from the north end of the site is to be re-opened to allow integration with the wider community.
- 11.62 The bridleway running to the immediate west of the site will be upgraded.

#### *Car parking*

- 11.63 Policy GEN 8 applies appropriate car parking standards which include minimum cycle spaces and maximum vehicle spaces. A total of 224 car parking spaces are proposed for the residents, including 23 visitor parking spaces, 3 of which are disabled parking spaces. The provision is below expected UDC standards by 6 spaces.
- 11.64 The parking provision this is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links, improvement to public transport. Furthermore, the applicant has based the parking provision taking into account car ownership in the locality.
- 11.65 *School car park would comprise 19 car parking spaces and 32 cycle parking spaces located to the west of the site.*

#### *Sustainable Transport*

- 11.66 The location of the development will allow residents to use sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars. The site is within 200m of the railway station and close to bus stops on London Road. The Inspector considered the site to be well located in terms of its proximity to amenities and services and stated *“This is a positive attribute of the location of the site and therefore weighs positively in favour of the development and I attribute it moderate weight”*. These comments are a material consideration.
- 11.67 The Highways Authority have also recommended travel packs to be provided or residents comprising Residential Travel Information and six one day travel vouchers for use with the relevant local public transport, to promote sustainable travel. A Travel Plan is not required in this instance as the number of units are below the required threshold.
- 11.68 Real Time Passenger information at adjacent bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) have been sought by the Highways Authority and agreed to be provided by the developer. This is secured via condition should planning permission be granted.

- 11.69 Electrical Charging Points will be provided for all homes, within garages or externally.
- 11.70 Covered cycle storage is provided within garages or a bike box.
- 11.71 The Highways Authority consider that proposed development to be acceptable from a highways and transportation perspective, subject to conditions and mitigation which have been duly imposed.
- 11.72 The application proposal is therefore considered to accord with ULP Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan 2005, Essex County Council Parking Standards, UDC Residential Parking Standards and the NPPF 2019.

**G Ecology, Trees and Landscaping (GEN7, ENV3, NPPF);**

- 11.73 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.
- 11.74 The proposed development is approximately 12.5km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. Therefore, the site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England and Place Services (Ecology) have requested that 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. It should be noted that this mitigation strategy has not been formally adopted. The applicant has cited that the proposed development already provides off-site mitigation including the LEAP on the Common, improvements to the bridleway and footpaths, the fence to the recreational ground and the improved drainage.
- 11.75 It is considered that the Hatfield Forest is sufficiently distanced away from the proposed development and the future occupiers of the proposed development are likely to seek recreation locally given the location of the site, improved access to green infrastructure as proposed. On this basis it is not considered that the contribution would be necessary to mitigate the impact of the proposed development, that it does not meet CIL requirements and thus is not required.
- 11.76 The site has wildlife potential and necessary surveys were carried out by the applicant team. A small population of common reptiles were found on the northern boundary and the site is used regularly for foraging and commuting of bats. Badger activity was also noted. Although it was established that the site is dominated by species poor low value grassland with boundary habitats of biodiversity value including hedgerows (some with grassy margins), trees, dense scrub, and tall ruderals.
- 11.77 An Ecological Mitigation and Enhancement Plan has been submitted, and the following is proposed by the applicant:
- Biodiversity enhancements include
  - Log piles
  - Hedgehog/small mammal house

- Insect houses
- Bat boxes
- Bird boxes
- Reptile mounds

- 11.78 The submitted documents have been duly reviewed by the Place Services Ecologist who stated that no objection was raised subject to securing biodiversity mitigation and enhancement measures.
- 11.79 Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.

*Trees and landscaping*

- 11.80 Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.
- 11.81 There are no Tree Preservation Orders on the site. The applicant proposes to retain the majority of trees on the site. 10 individual trees and 2 groups are proposed to be removed on the on the eastern side and one small group on the south side to facilitate the proposed works. The remaining other 61 trees and 16 groups are currently proposed to be retained.
- 11.82 Outside of the site, to the southeast is a group TPO. Trees adjacent to this group are proposed to be retained apart from one tree in poor condition.
- 11.83 Landscaping is centred around three main areas of open space with seating areas: Frambury Square (new larger public square), Dawsons Green and Banwell Mews; and landscaping around the site and garden areas comprising:
- Buffer planting
  - Specimen shrubs
  - Climbers
  - Low ornamental hedges
  - Shrub/grass planting
  - Lawn
  - Boundary hedging
- 11.84 It is considered that although some trees will be removed to facilitate the development, a significant number of high-quality trees will be replanted on the site; and the majority of trees will be retained. Furthermore, a comprehensive landscape strategy is proposed throughout the site including public open spaces. The loss of the open field has already been established through the extant scheme. Therefore, the development would accord with Policy ENV3.

**SUSTAINABILITY**

- 11.85 Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption.
- 11.86 Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero.

- 11.87 The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse emissions.
- 11.88 The applicant is known for its eco-credentials and seeks to provide the 89 homes with high sustainability standards. Trivselhus Climate Shield System is a fundamental component of the proposed development that utilises prefabricated closed timber wall panels with 240mm of thermal insulation to help protect the environment and ultimately fight climate change, by reducing carbon emissions. A Trivselhus home will help homeowners reduce their energy consumption whilst minimising waste.
- 11.89 The timber is sourced in slow growing forests in Sweden owned by a parent company. The Climate Shield construction has the following benefits:
- Solar gain – triple glazed windows to trap natural heat
  - Fabric first
  - Insulation – closed panels with extreme insulation
  - Air tight- joints to prevent warm air escaping
  - Low energy needs – low heating costs
  - Ventilation – ventilation and heat recovery system to recycle warmth and fresh air
- 11.90 The inspector noted in the appeal decision that “*the eco-village standard of the development would be a benefit of the scheme to which I afford significant weight*”. These comments are a material consideration.
- 11.91 Overall, it is considered that the proposed houses are to be of a high sustainable standard which would accord with local and national planning policy.

## **I Environmental Health (GEN4, ENV13, ENV14, NPPF)**

### *Contamination*

- 11.92 The applicant has submitted a phase II contamination survey which does not identify the need for remediation. The Environmental Health Officer has been consulted and recommends a condition to ensure that if any evidence of contamination is found the LPA should be notified immediately.
- 11.93 *Air Quality*  
Policy ENV13 (Exposures to Poor Air Quality) and seeks to protect users of residential properties from exposure to poor level air quality. The application is supported by an Air Quality Assessment which concludes that in respect of end use no additional mitigation techniques are required to meet relevant air quality objectives. The Environmental Health Officer has requested that prior to occupation Electrical Charging points shall be provided.
- 11.94 *Noise*  
Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance. The Noise Impact Assessment found that the site is subject to environmental noise from the nearby M11 motorway to the south-west, the B1383 London Road to the east and Newport Primary School. A number of attenuation measures were proposed including:
- fencing
  - walls

- glazing
- façade treatment

11.95 The Environmental Health Officer has no objection on noise grounds on the basis that the mitigation measures are adhered with, further details are submitted should any fixed plant be proposed and a condition requiring a construction method statement.

11.96 Subject to the included conditions, the proposal accords with ULP Policies GEN4, ENV14 and the NPPF 2019.

**J Flooding (ULP Policies GEN3, NPPF);**

11.97 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.

11.98 The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated within the NPPF, however due to the size of the site a Flood Risk Assessment (FRA) is duly required.

11.99 Taking into account the site is located within flood zone 1, sloping land and the measures proposed to mitigate surface run-off including SUDs, the Inspector noted “...*there was no substantive evidence to demonstrate that the proposed development would not be safe from flooding or that it would worsen flood risk elsewhere*”.

11.10 Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).

11.10 The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology this will comprise:

- Water butts and soakaways
- Below ground attenuation tanks
- Permeable paving
- Rainwater harvesting
- Landscaping

11.10 The Local Lead Flood Authority who are responsible to provide advice on SUDS on major developments, do not object to the scheme on the basis that the imposition of conditions are imposed in relation to detailed surface water drainage details a scheme to minimise the risk of off-site flooding, a maintenance plan which have been duly conditioned.

11.10 The applicant has agreed to off-site drainage/sewer connection through the recreation ground which will be secured via a legal agreement.

11.10 Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

**K Infrastructure (ULP Policies GEN6, NPPF);**

11.10 Policy GEN6 seeks Infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development.

11.10  
6 Contributions should be CIL compliant and meet the provisions of National Planning Policy. In accordance with Paragraph 57 of the NPPF, Planning obligations must only be sought where they meet all of the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

*Education*

11.10  
7 Taking into account the nature and scale of the development it is considered that there would be requirement for improvements to off-site infrastructure

11.10  
8 A number of financial contributions have been secured to mitigate the impact of development with regards to education. ECC Education identify that there is some capacity in the area for early years, however an additional 8.01 places would be needed requiring a contribution of 241,317.27. The estimated cost for primary places is £547,563.60. This equates to some additional spaces may be required next academic year for secondary school places which would equate to £443,736.20. The applicant has agreed to pay all of the requested financial contributions towards education to mitigate the impact of development.

*School Land*

11.10  
9 Land has also been gifted to the school for play, horticulture and outdoor learning. This land comprises a strip of land on the western part of the site adjacent to Newport Primary School.

11.11  
0 The ECC (Education) have objected on the grounds that contributions are required towards education in addition to an increased amount of land for educational purposes. Additional land to facilitate the expansion of Newport Primary is desired to be transferred to the County Council at nominal cost.

11.11  
1 The applicant has argued that they have agreed to provide a financial planning contribution that meets the need for additional pupil places that would occur as a result of the development. The additional land that is being made available to the school for parking primarily and that ECC require this to provide space would make up the current shortfall, is not relevant to the application. Furthermore the land is not owned by ECC Education.

11.11  
2 Notwithstanding the above, the LPA wanted to ascertain whether the land could potentially be increased by moving the boundary of the footpath/cycleway southwards and reducing the width of the access adjacent to the proposed carpark and school. The footpath/cycleway is an important link within the site to create permeability which was requested by the Highways Authority. The applicant's landscape architect duly assessed this option and provided the following resultant impact:

- 11.11  
3
1. Encroachment on the Root Protection Areas and potential hedge/verge loss
  2. Ecology – hedge/verge is habitable and maintains a wildlife corridor
  3. Aesthetically –the route and lighting would be compromised creating potential security, safety and surveillance issues.

11.11  
4 ECC Education were reconsulted on the above changes and they formally object to the proposed development. Education have stated that the minimum additional land area that they could support for school use is 0.18ha, and this excludes the public footpath or extra parking. They have ascertained that the gifted land is below their minimum requirements and has little value in school place planning terms and as such their object to the proposed development.

11.11  
5 Taking the above into account the LPA consider that the hedge cannot be compromised on the basis of its ecological, visual amenity value as well as its potentially carbon neutralising effect. The LPA is satisfied that this option has been duly pursued; and moving the footpath/cycleway southwards is not a viable option. However, the LPA have suggested that reducing the width of the footpath/cycleway to circa 2.5 metre in consultation with the Highways Authority would be a reasonable compromise. Accordingly, the applicant reduced the width of the road and moved the area southwards by 0.5 metres.

11.11  
6 In addition, Education requested that a new vehicular route, suitable for emergency and ground maintenance purposes and providing access to the boundary of the school field from London Road via the housing development, is provided. In response, the applicant commissioned an independent Access Report which concluded that an alternative emergency access route into the school from the proposed development would have no material effect on the assessment and management of risk from fire to occupants of the school, prevention and evacuation measures would not be affected by an additional access. In addition, emergency access would be maintained during any proposed road works. It is considered that the access has been duly considered by the applicant, and the financial contributions in addition to the gift of school land is adequate to mitigate the impact of the development on education.

11.11  
7 Concerning the school land which was also provided in the extant scheme, the Inspector notes "I am satisfied that the provision of the additional land is appropriate in scale and kind and would facilitate the expansion of the school to accommodate additional pupils from the development and is thereby justified". These comments are a material consideration.

11.11  
8 In conclusion, it is observed that the applicant has agreed to provide contributions to mitigate the impact of the proposed development, and whilst understanding ECC position in terms of its desire for more land, it is not considered that this requirement would mitigate the proposed development which is required in accordance with National Planning Policy nor is the request CIL Regulation compliant. Furthermore, the proposed gift of land fairly and reasonably relates to the scale of the development. Accordingly, it is considered that the contributions towards education and gift of school land (which includes works to provide a car park and landscaping) would sufficiently mitigate the impact of the development on education.

11.11  
9 *Car park (within gift of school land)*  
The applicant proposed to provide a carpark within the gift of the school land. This is to be secured as part of the s106 agreement. The car park would facilitate a car park for the school to enable safe pick up and drop off as requested by the Parish Council to improve upon the existing poorly laid out parking arrangements which have been identified as a hazard.

11.12 0 The car park is also proposed to be used/shared with the local community parking after school hours in the evening and weekends will enable the public using the recreational ground and croquet pitch to have access to readily available secure parking. This has been duly considered and will form part of any legal agreement to secure the developments mitigation in accordance with Local Plan Policy GEN6.

11.12 1 Page 81 of the Neighbourhood Plan notes that the proposals considered, or in progress, include:  
“Support the Trivselhus plan to move the Primary School car park to the west, accessed off the bridleway to the Recreation Ground. The car park to be shared use between the school and the recreation ground”.

11.12 2 Education have noted with their initial comments that a car park on any additional land may limit their expansion options if it takes up too much land, and any joint use with the community would need to be agreed (times of use; cost of maintenance and additional security). It is observed that the land is not owned by ECC education. The joint use is in the process of being agreed.

#### *Play Area*

11.12 3 A Local Equipped Area for Play (LEAP) will be provided for public on the south-western part of The Common, which will provide a range of play opportunities with a focus on older child/teenager use. The applicant has agreed to provide this in accordance with the Parish Council's wishes and to be secured by s106 agreement.

#### *NHS Contribution*

11.12 4 West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development, to a total of £45, 660. The applicant has agreed to this sum to be secured by s106 agreement.

11.12 5 With regards to the s106 contributions in the approved scheme which are not dissimilar to the proposed scheme, the Inspector noted “overall I am satisfied for the reasons given above that the proposed contributions would make adequate provision for any additional need for community and social infrastructure arising from the development. They meet the necessary tests in the context of regulation 122 and 123 of the Community Infrastructure Regulations 2010 and the Framework para 204 where appropriate”.

11.12 6 Taking the above into account it is considered that the application provides sufficient infrastructure to support the proposed development. It is therefore concluded that the proposal accords with Policy GEN6.

#### **I Other considerations:**

##### Security:

11.12 7 Policy GEN2 seeks all development to incorporate design features which deter crime or disorder and the fear of crime fence.

11.12 8 Essex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures to the applicant.

Heritage:

11.12 The site lies outside of Newport Conservation Area located to the south of the  
7 site, and not lie adjacent to any listed buildings. In order to appropriately assess  
any potential impact the applicant submitted a Heritage Statement with the  
application.

11.12 The Conservation Team considers that the proposal will be visible from existing  
8 views within the Conservation Area and on the approach into the Conservation  
Area, however they do not consider the proposals to detract from or harm the  
significance of the affected heritage assets and raise no objection.

11.12 The Inspector considered in the extant scheme that “Whilst relatively close it is  
9 separated from the site and there are no inter-visibility or associative connections  
between the site and the Conservation Area. The development would not be  
within the Conservation Area and would not affect its setting”.

Archaeology:

11.13 Policy ENV4 seeks to ensure development proposals preserve and enhance sites  
0 of known and potential archaeological interest and their settings. Given that the  
archaeological conditions were duly discharged in relation to the approved  
scheme, the Archaeologist has confirmed that all of the archaeological work has  
been completed on this site and there will be no requirement for an archaeological  
condition.

11.13 Ecology, Environmental Health, Highways and Stansted Airport have not raised  
1 objections to the scheme and the scheme is not in a flood sensitive area. These  
elements weigh in the scheme’s favour.

11.13 The application site would provide a net gain of 89 additional dwelling which  
2 would have access to services within the surrounding area. There is also the  
potential to secure ecological benefits. I attach these matters significant weight.

Overall it is considered the benefits of the scheme outweigh the any limited harm  
that may occur from the scheme.

**12. CONCLUSION**

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

**A** The principle of development was further established with the approval of a similar  
scheme. Overall it is considered the benefits of the scheme outweigh the any  
limited harm that may occur to the countryside. Therefore the proposed scheme is  
seen to accord with policies S7, of the Uttlesford Local Plan 2005 and the NPPF.

**B** Overall it is considered that the public benefits of the scheme taken as a whole,  
which include the provision of a significant amount of housing are such that they  
outweigh any negatives of the scheme. The proposed development will make a  
significant contribution towards sustainable development thus complies with the  
NPPF.

**C** The proposed development would not result in disproportionate loss of best and  
most versatile land. It is considered therefore that the development is in  
accordance to ULP Policy ENV5, and the NPPF.

- D** In design and amenity terms, the layout has been improved from the extant consent and creates a successful public realm through the series of character areas, open spaces and landscape spaces. Given the separation distances afforded, no undue harm will be posed to adjoining occupiers as a result of the development. The scheme is considered acceptable and accord with ULP Policies GEN2 of the Uttlesford Local Plan 2005 and the NPPF 2019.
- E** The scheme would provide a new sustainable neighbourhood with a mixture of eco homes with high standard of accommodation, a mix of housing types and affordable housing.
- F** While the proposed scheme will result in an increase in traffic movements from the site the impact of the increased movements on the local road network has been carefully assessed and the Highways Authority have confirmed that the proposed trips will not have a significant impact on the highway, subject to mitigation measures as requested by Essex County Council Highways. The application proposal is therefore considered to accord with ULP Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2019
- G** No objections are raised with from the Ecology Officer, subject to the recommended conditions. The impact on trees is considered acceptable and the landscaping is well considered and appropriate for the site. The application proposal is considered to accord with ULP Policy GEN7 and the NPPF
- H** The eco home credentials of the homes are exemplar and would comply with UDC's Interim Climate Change Policy and the NPPF.
- I** The development does not pose any harm regarding noise or contaminated land. Subject to the included conditions, the proposal accords with ULP Policies GEN4, ENV14 and the NPPF 2019.
- J** 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.
- K** The development has made adequate provision to improvements off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6

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

**(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation within 6 months of the determination of this application to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:**

- i. Provision of 28.1% affordable housing**
- ii. Payment of contributions towards Education Provision**
- iii. NHS Contribution**
- iv. Transfer of Land to Newport Primary School**
- v. School Land Works (including car park)**
- vi. Bridleway upgrade**
- vii. Cycle Path**
- viii. Recreation Ground Net**
- ix. LEAP on the Common**
- x. Management Company**
- xi. Access to car park to be provided to Parish Council at weekends and after school hours**
- xii. Costs**
- xiii. Pay the monitoring fee**

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

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

- i. No provision of affordable housing**
- ii. Non-payment of contribution towards education provision**
- iii. Non-payment of contribution towards NHS provision**
- iv. Non-payment towards highway infrastructure**
- v. No provision of school land provision**
- vi. No provision of LEAP**
- vii. No appropriate barrier to Recreation Ground**
- viii. No appropriate access to Parish Council**
- ix. No provision of management arrangements**
- x. Non –payment of the Council’s reasonable legal costs**
- xi. Non-payment of the monitoring fee**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.  
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
  
3. Prior to the construction of any dwellings samples of the colours and details of the materials to be used for the construction of the dwellings and commercial building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
  
4. Prior to the construction of any dwellings full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and thereafter be retained as such. These details shall include:-
  - i. means of enclosure including details of the proposed walls and fencing
  - ii. a scheme for the erection of fencing adjacent to the recreation ground to protect residents from cricket balls;
  - iii. vehicle and pedestrian access and circulation areas;
  - iv. hard surfacing materials;
  - v. details of the safety measures proposed
  - vi. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, street lighting, etc.);
 Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].  
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
  
5. All hard and soft landscape works shall be carried out in accordance with the approved details shall thereafter be retained as such. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

6. Prior to the commencement of development a management plan for the site shall be submitted to and approved in writing by the local planning authority to detail arrangements for the provision, maintenance and retention of:
  - i. All roads and footpaths;
  - ii. All common areas; and
  - iii. Lighting;

Thereafter, the development shall be implemented and retained in accordance with the management plan.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

8. 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. vehicle routing,
  - 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.
  - VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

9. Prior to first occupation of the development, the accesses and pedestrian crossing point on London Road, as shown in principle on submitted drawing 056-QVA-HA-J1-DR-C-0571 rev7, shall be provided. The primary access shall be a minimum of 5.5m width with two 2m width footways. Both accesses shall

have clear to ground visibility splays with dimensions of 2.4m by 45m in both directions, as measured from and along the nearside edge of the carriageway they shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005

10. Prior to 60% occupation of the development the highway works between the school and the access to the recreation ground shown in principle on drawing number 056-QVA-HA-J2-DR-C-0581 rev1 and DR-C-0585 rev 1 shall be provided and thereafter be retained as approved. The road width shall be a minimum of 4.8m with a footway of minimum 1.8m. Bollards in the car park shall be placed so as to allow turning of a refuse vehicle and the road shall be designed with a 20mph speed limit.

REASON: To provide safe and suitable access to the proposed car park in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

11. Prior to 30% occupation of the development a footway/cycle of minimum width 2.5m shall be provided between the site and the bridleway 41/16 as shown in principle in drawing number 056-NTA-XX-00-DR-L-0519 REV P04, it shall be hard, smooth, level, durable, and safe in all weathers and situated clear of any hedging. The footway/cycleway shall be retained as such thereafter.

REASON: To provide safe and suitable access for pedestrians and cyclists in the interest of highway safety and promoting sustainable travel in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

12. Prior to first occupation the bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) shall be provided with the provision of real time passenger information, such real time information shall be provided to the specification of the highway authority.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and

DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

14. Prior to the occupation of any building electric vehicle charging points shall be provided for all the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling. Thereafter these charging points shall be maintained and retained as provided.

REASON: To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF.

15. The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by Ensaf Noise Impact Assessment reference AC109054-1R5 dated 23rd September 2020 and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF .

16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of contractors, site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. details of measures that will be applied to control the emission of noise and including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
- ix. details of the construction access

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: To safeguard the amenities of the surrounding neighbours and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

17. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies GEN4 of the Uttlesford Local Plan 2005 and the NPPF.

18. All mitigation measures and/or works shall be carried out in accordance with the details contained the Preliminary Ecological Appraisal (Cambridge Ecology, September 2020), Reptile Report, Bat Activity Surveys Report, and Ecological Mitigation and Enhancement Plan (The Ecology Partnership, September 2020); Landscaping Masterplan, Softworks Masterplan, and On Site Street Lighting Plan (Trivselhus, September 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, the strict adherence to the Ecological Mitigation and Enhancement Masterplan, post development monitoring of biodiversity, and the use of a specialist contractor to remove a stand of Japanese Knotweed.

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) and Policy GEN7 of the Uttlesford Local Plan 2005

19. Works within 20m of an active badger sett, including exclusion fence installation and garden creation, shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
  - a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and Policy GEN7 of the Uttlesford Local Plan 2005.

20. If the development hereby approved does not commence within 12 months from the date of the survey results in Environmental Impact Assessment (MLM Group, August), the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- establish if there have been any changes in the presence and/or abundance of protected species, and

- 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 the development.

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

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) and Policy GEN7 of the Uttlesford Local Plan 2005

21. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 4.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of

the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed; and Policy GEN7 of the Uttlesford Local Plan 2005

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and comply with Policy GEN3 of the Uttlesford Local Plan 2005.

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

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

25. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

REASON: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and to comply with Policy GEN2 of the Uttlesford Local Plan 2005.

26. During construction robust measures must be taken to control dust and smoke clouds.

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

27. During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.  
Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using MAN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.
28. All exterior lighting to be capped at the horizontal with no upward light spill.  
Reason: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.
29. No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.  
Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.
30. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting in relation to that parcel is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.  
REASON: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
31. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 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.  
REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

**Appendix 1 – Appeal Decision**



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## Appeal Decision

Inquiry Held on 11-14 September 2017

Site visit made on 13 September 2017

**by Kenneth Stone BSc Hons DipTP MRTPI**

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

**Decision date: 27 October 2017**

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**Appeal Ref: APP/C1570/W/16/3166101**

**Land West of London Road, Newport, Essex.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sir Arthur Ellis Will Ltd against the decision of Uttlesford District Council.
  - The application Ref UTT/15/1869/FUL, dated 15 June 2015, was refused by notice dated 18 November 2016.
  - The development proposed is described as the 'erection of 94 residential dwellings including flexible mixed use building (use classes B1, D1 or D2); open space, landscaping and new access'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 94 residential dwellings including flexible mixed use building (use classes B1, D1 or D2); open space, landscaping and new access at Land West of London Road, Newport, Essex in accordance with the terms of the application, Ref UTT/15/1869/FUL, dated 15 June 2015, subject to the conditions contained in the schedule at the end of this decision.

### Application for costs

2. At the Inquiry an application for costs was made by Sir Arthur Ellis Will Ltd against Uttlesford District Council. This application is the subject of a separate decision.

### Procedural matters

3. The date of the application in the banner heading above is taken from the original application form, however, I note that amended sections of the application form were provided to update the certificate of ownership confirming that Essex County Council Highways were also an owner and adding an amended declaration. These were dated 10 October 2016, before the application was determined on 18 November 2016.
4. At the Inquiry it was confirmed that the applicant and appellant was correctly identified as 'Sir Arthur Ellis Will Ltd', as on the application form, and not 'Sir Arthur Ellis Will Trust Ltd' as noted on the appeal form.
5. The application was refused by Uttlesford District Council (UDC) for three reasons, these relating to matters concerning highway safety, development in the open countryside outside the defined settlement limits of Newport, and the

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<https://www.gov.uk/planning-inspectorate>

failure to make adequate provisions for increased pressure on social and community infrastructure resulting from the development. The Council's proof of evidence<sup>1</sup> confirms the Council would not be defending reason for refusal 1 and would not be inviting me to refuse planning permission on the basis of road safety or convenience grounds.

6. Prior to the Inquiry the Appellant submitted a draft planning obligation under sec 106 of the Act. A certified copy of a completed Unilateral Undertaking (UU) was submitted at the end of the Inquiry<sup>2</sup> and its provisions are considered later in this decision. At the end of the Inquiry it was agreed by the Council that the matters related to social and community infrastructure would be resolved by the completed and executed Unilateral Undertaking. The Council and Appellant agreed that it overcomes the 3<sup>rd</sup> reason for refusal.
7. Newport Parish Council (NPC) were accorded Rule 6(6) party status and presented evidence in support of its objections to the proposals. These included matters related to all three of the Council's original reasons for refusal as well as other matters.
8. The Government published a consultation on 'Planning for the right homes in the right places: consultation proposals' and associated documents on 14 September 2017. As this was the last day of the Inquiry sitting, the parties were afforded the opportunity to comment on the effect of the consultation on their respective cases, if any, in writing. The Inquiry was formally closed, in writing, on the 22 September 2017. I have taken account of the parties comments in my decision.

#### **Main Issues**

9. On the basis of the above the main issues in this appeal are:
  - the effect of the proposed development on the character and appearance of Newport and the surrounding countryside; and
  - The effect of the proposed development on the safe operation of the highway network in the surrounding area and whether the internal road layout of the appeal site would be safe.

#### **Reasons**

##### *Background and planning policy*

10. The development plan for the area comprises the saved policies of the Uttelsford Local Plan 2005 (ULP).
11. Following the withdrawal of its previous emerging local plan in January 2015 the Council has embarked on preparing a replacement Local Plan and has recently approved, July 2017, a Regulation 18 Consultation Draft Proposed Local Plan which it anticipates submitting for examination in spring 2018 with adoption in spring 2019<sup>3</sup>.
12. For the purposes of this appeal the statutory development plan and the starting point for my consideration of the appeal is the ULP. The latest emerging consultation draft local plan is at an early stage of the process and can only be

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<sup>1</sup> Paragraph 5.12 of Proof of Evidence of Mr Philip Hughes

<sup>2</sup> ID 20

<sup>3</sup> Paragraph 4.25 Mr Hughes proof of Evidence.

afforded limited weight. Furthermore the emerging plan proposes amongst other matters significant new settlements which are, I am informed, a contentious matter and subject of unresolved objections. This further reduces any weight that could be attributed to the emerging plan given the advice at paragraph 216 of the National Planning Policy Framework (the Framework).

13. Reason for refusal 2 relates to development in the countryside, outside the defined settlement limits of Newport, and in this regard relies on policies S3 and S7 from the ULP. Policy S3 identifies Newport as a Key Rural Settlement, the boundaries of which are identified on the proposals map, and is a permissive policy indicating that development compatible with the settlement's character and countryside setting will be permitted within the settlement boundaries. Policy S7 is a countryside protection policy, with the countryside being identified as those areas outside settlement boundaries and not within the Green Belt. The policy indicates there will be strict control on new building and 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. The policies work together to direct development to within the identified settlements and protect the countryside beyond.
14. Whilst there is a Steering Group for the Newport, Quendon and Rickling Neighbourhood Plan there is no made Neighbourhood Plan. Indeed any such progress towards a Neighbourhood Plan is at its very early stages with a recent consultation exercise on possible policies only just having concluded but no agreement or draft proposals for consultation having yet been formulated<sup>4</sup>.

*Character and appearance*

15. The appeal site is located towards the southern end of Newport a small village set in the Cam river valley. The Briantree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments by Chris Blandford Associates describe character areas in Uttlesford, amongst other adjoining authority areas. In terms of the Cam river valley in Uttlesford the landscape character assessment describes the key characteristics of the area as including rolling open landscape, well vegetated river banks, large scale downland, low hedges and few trees and dispersed settlements on valley sides connected by busy B roads. The visual characteristics in that assessment identify attractive panoramic views from the valley slopes, views of towns and villages from higher ground, with urban fringe settlement often not well integrated into the landscape.
16. The appeal site and immediate environs towards the southern end of Newport on the western valley slope is representative of many of these characteristics. The site is presently fallow agricultural land outside, but directly adjacent to the built up area of the village. Indeed the site is contained by ribbon development fronting London Road, to the east; the properties fronting Frambury Lane to the north; and Newport County Primary School and the Newport Village Recreation Ground to the west. The southern boundary contains a mature tree belt that separates the site from the countryside beyond and some of the deeper lying development accessed off London Road.
17. The site is not covered by any protective landscape designations and it is not argued by any party that the site forms part of a valued landscape for the

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<sup>4</sup> Evidence of Cllr Hargreaves

purposes of paragraph 109 of the Framework. There are no public rights of way across the site.

18. In overall terms I saw that the site was significantly contained by existing built development and development associated with an urban form (the Primary School and playing fields) as well as structural landscaping such that it was a relatively distinct and segregated area of open land.
19. It is common ground between the parties that the site is located outside of the defined settlement limits of Newport as defined in Policy S3 of the ULP and the adopted proposals map and therefore for the purposes of policy S7 of the ULP is within the countryside.
20. The proposal would result in a change from an open field to a housing development, which would alter the intrinsic character of the site. The site is visible in the wider area and in views from public footpaths on the opposite valley side. In particular the site is seen in the context of the visible built form of the village along London Road and Frambury Lane and is contained and separated from the adjacent wider open countryside to the west and south by the Primary School, Recreation Ground and mature tree and boundary landscaping. In this context the introduction of housing would not appear as an isolated or alien element, as housing is already visible in close proximity to the site in wider views.
21. The proposal would result in a reduction in the openness surrounding the southern end of the village and a minor, but contained, incursion into the countryside. This would be harmful to the general landscape character of the area. However, the residential development would not break the skyline would be contained by surrounding features and other built elements and would not rise any higher up the valley slope than the existing settlement. On this basis the harm is localised and limited.
22. In closer views the development will have an impact on the London Road Frontage. Firstly from development fronting on to London Road and secondly from views into the site at the main entrance on to London Road.
23. The properties proposed for London Road, four closely spaced detached houses, would not be out of keeping with the pattern of development on the approaches along London Road. Here the development is a mix of bungalows and two storey properties of detached, semi-detached and terraced form of various ages and designs. The properties would be of a different age and design but there is variation in the street already. The loss of significant sections of the landscaped hedge would reduce the softening effect this currently has but this is an overgrown hedge of little aesthetic value other than in softening the road frontage.
24. At the entrance to the proposed site the layout provides for a large commercial building, an open hard landscaped area and the main access road. This would introduce a wide and open vista from London Road upwards and into the proposed development. There are other examples of large footprint buildings close by and areas of open forecourt, on the petrol filling station opposite for example, such that this would not appear totally out of keeping. It would be however a noticeable intervention in the street scene. The view of the rising estate road and properties closely spaced fronting onto the estate road would

not be dissimilar to that of Frambury Lane, which similarly has properties rising from London Road.

25. The estate of housing adjacent to Frambury Lane is a 1950's / 1960's estate of vernacular buildings with render, tile and brick facades. The palette of materials proposed for the proposed buildings reflects the colours and textures of those materials. There are, of course, significant modern variants in terms of the solar panelling to provide for the energy needs of the proposed houses. Additionally the predominant asymmetric roof forms dictated by the eco-design of the properties would contrast with the more traditional forms of the existing buildings. These design features are however not used on the London Road frontage properties and kept to within the development itself. Thus, the proposed development would present buildings of a more traditional form and appearance on the main road, compatible with the character and appearance of the street scene.
26. The site will be visible up the estate road and between the existing properties on London Road and Frambury Lane and the properties, given their design and layout, would have an urban feel and form. But they are of their age, as are those on the adjoining estate and planning should not attempt to impose architectural style or particular tastes and should not stifle innovation. The design proposes a similar colour and material palette, maintains a scale of property that is consistent with the surrounding streets and more modern additions to the village and which are located at its periphery. In this regard while there will be some harm to the street scene through the loss of vegetation and opening up of a large gap in the frontage this is lessened and reduced by the context and general form of the development.
27. The Council has not adopted the Essex Design Guide and in any case such documents are guidance and not to be rigidly adhered to. The extent and nature of the impact is one that is best considered in the context of the surrounding development which is what I have done.
28. The parties agreed during the course of the Inquiry that the development of the appeal scheme would not have an effect on the nearby Conservation Area. Whilst relatively close it is separated from the site and there are no inter-visibility or associative connections between the site and the Conservation Area. The development would not be within the Conservation Area and would not affect its setting.
29. Overall I conclude that the proposed development would result in harm to the overall landscape character of the area and the street scene. The proposal would result in development beyond the settlement limits, set by policy S3 and therefore in the open countryside, and would therefore conflict with policy S7 of the ULP. Policy S7 indicates development will only be permitted if its appearance protects or enhances the particular part of the countryside within which it is set. Policy S7 has a development management test of compatibility with the surrounding character and, given my conclusions above, I judge this to be failed, which further underpins the conflict with policy. This harm however is limited and localised by the contained nature of the site and its relationship with the surrounding built form. The identified harm weighs against the proposal in the planning balance. Policy S3 is a permissive policy allowing for development within the settlement boundary, as the development is outside the boundary the proposals are not in conflict with policy S3.

### *Highway safety*

30. The Council withdrew its reason for refusal related to highway safety before the Inquiry began. Essex County Council as local Highway Authority did not object to the proposal subject to the imposition of conditions.
31. Newport Parish Council maintained its concern related to highway matters. In particular these included concerns that the proposals would increase the number of accesses onto London Road and these were not sufficiently well spaced to be safe; that the internal arrangements of the development were potentially unsafe as Essex County Council had not positively endorsed or approved the layout; and that the proposed parking arrangements were insufficient and could lead to parking problems on surrounding roads.
32. The fact that Essex County Council did not object to the proposals is itself significant, as if it was of the opinion that the development was inherently unsafe or would lead to unsafe conditions on the highway the appropriate course of action would have been for them to object to the proposals. Mr Bass, for the appellant, confirmed that the reason that the County Council did not endorse the proposed layout was due to the shared surface nature of the proposals and the underlying SUDs drainage system, which is not something it would adopt. This was not challenged by NPC.
33. In terms of junction spacing Mr Bass's evidence demonstrates that the site access would be set some 70m south of Frambury Lane. With the identified visibility splays for these roads being 2.4m x 50m to the left and 2.4m x 45m to the right it can be seen that the accesses would not therefore encroach on the visibility requirement of each other. The visibility splays were calculated on the basis of the 85<sup>th</sup> percentile of the off peak recorded vehicle speeds adjacent to the site. Concerns were expressed that the vehicle speeds recorded were lower than had been undertaken in a speed survey by Essex County Council in June 2016. However, that survey was conducted some 500m to the south of the appeal site. The appellant's speed survey was undertaken at off peak times to ensure free flowing traffic and was carried out adjacent to the site and is therefore more representative of speeds in the vicinity of the proposed access.
34. In terms of the other proposed minor access points these would serve small parking areas. They would not be dissimilar to many other existing accesses in the vicinity of the site and which currently operate without having a significant demonstrable adverse effect on highway safety.
35. For these reasons I am satisfied that the proposed access arrangements are safe.
36. Within the site the circulation roads are laid out and designed on the basis of a 20 MPH design speed. They are laid out as a home zone with shared surfaces, changes in materials, raised tables and other traffic calming measures to discourage excessive vehicle speeds. It was suggested by the appellant that the lack of segregation of road and footpath would assist in reducing speeds and ensure the pedestrian had priority. It was also suggested appropriate signage would be in place. Whilst it is true that there is no direct statement from Essex County Council to say that the road layout is acceptable or satisfactory there is no objection to the scheme. In effect that gives a strong

justification to conclude that ECC did not find the layout dangerous or unacceptable. NPC did not provide any detailed evidence to demonstrate that the road layout was unsafe but relied on the fact the County Council had stated that the layout is unsuitable for adoption. But on the basis of the evidence before me the Highway Authority's objection to adoption lies in the design of the proposal as a shared surface and with a SUDs drainage system rather than in road safety matters. To weigh against the concerns raised by NPC, which did not have a technical highway expert, I also have Mr Bass' unchallenged expert opinion that the scheme is safe.

37. In terms of the level of parking ECC standards, which are minimum standards for residential parking, would require 190 spaces for residents and 24 visitor spaces. The scheme provides for 203 resident parking spaces and 24 visitor spaces and therefore meets the overall ECC standard. The commercial parking is based on a maximum standard with the ECC standards suggesting a maximum of 27 spaces permissible. The plan identifies 8 parking spaces within the commercial building and use of the visitor parking within the vicinity of the building. It is suggested by the appellant that given the proximity to the rail station, within 200m, and bus stops the proposed level of parking would be adequate particularly having regard to the nature of the floor space which would likely serve the local area. I am satisfied that the level of parking proposed accords with the ECC standards, which is a maximum standard for commercial parking, and UDC guidance and that given the level of disabled spaces and cycle spaces the development would be well served with appropriate parking facilities.
38. For the reasons given above I conclude that the proposed development would not result in material harm to the safe operation of the highway network in the surrounding area and would provide a safe internal road layout for the appeal site. Consequently it would not conflict with policies Gen1 and Gen8 of the ULP and the Essex County Council parking standards.

#### **Other matters**

##### *5 year housing land supply*

39. The Council and appellant agree that the Council cannot demonstrate a five year housing land supply<sup>5</sup> and this is not challenged by Newport Parish Council.
40. The Council and appellant disagree on the extent of the shortfall and whilst a significant amount of Inquiry time was spent considering this matter the end result is that at a best position the Council can demonstrate a 4.2 years supply. At worst, according to the appellant, it can only demonstrate a 3.1 years supply. I have no reason to doubt that the actual supply falls somewhere within these parameters.
41. Irrespective of the precise extent of the shortfall, I agree with the parties who both accept that that the shortfall is material and that as a consequence significant weight should be given to the benefit of delivering housing which can contribute toward addressing that shortfall.
42. The parties all accepted that the recent Government consultation<sup>6</sup> should not carry any significant weight in the determination of this appeal and did not

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<sup>5</sup> Statement of Common Ground

<sup>6</sup> Planning for the right homes in the right places: consultation proposals and associated documents

affect their cases. I have given the consultation very limited weight and agree with the reasons given by the parties.

#### *Noise*

43. NPC were concerned that the occupants of the proposed properties would not be adequately safeguarded from noise. NPC did not produce any acoustic evidence to support the claim but were concerned at the approach adopted in the appellant's noise assessment. The main source of noise of concern was that from the M11 motorway.
44. The noise assessment has been undertaken by suitably qualified and competent persons. The assessment regards the site as an urban area. To justify this position it has had regard to the advice in BS8233:2014 which seeks to give examples of situations where noise sources in the surrounding environment may affect consideration of the impact, and mitigation that is required, or the acceptability of the development.
45. The scheme takes on board and makes provision for the noise mitigation measures put forward in the noise assessment. There is further protection through the details required by the proposed condition in terms of fencing to ensure consideration is given to the design and detail of the acoustic fencing, amongst other matters.
46. The parish council did not put forward a noise expert or rely upon any expert evidence to challenge the submitted reports of the appellant. I have therefore given more weight to the evidence of the appellant in this regard. On the basis of the evidence before me I conclude for the reasons given above that there would be no harm to the living conditions of future residents by virtue of noise and disturbance from the close by M11. As there is no harm or any effect is mitigated this is a neutral factor in the overall balance

#### *Flooding*

47. Concern was expressed by NPC and other objectors about the potential for the proposals to adversely affect surface water flooding in the area. However, there was no technical or expert evidence provided to support or justify the claims. The appeal site is located in flood zone 1 and the proposal is located on a sloping site. The road layout and overall site layout is based around a SUDs scheme which is part of the wider eco-credentials of the scheme. The supporting information with the application demonstrates that the proposed houses are safe from flooding and there was no substantive evidence submitted to challenge that position.
  48. In the context of the potential for the site to affect flood risk off site and elsewhere it was demonstrated that much of the flooding issues in the locality were down to faults with the existing surface water drainage system. The appellant's evidence demonstrates that much of the existing situation is not directly related to water running off the site onto adjacent land but rather the existing drainage infrastructure off site. It was further demonstrated that with the reduction in run-off rates from the site through the controlled collection of surface water and the new surface water system that would be operated there would be a potential improvement to the existing situation. In this regard the existing run-off from the site onto London Road could be more effectively managed and there is the potential to address some of the existing problems with the system to further improve the drainage in the area.
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49. In this regard there was no substantive evidence to demonstrate that the proposed development would not be safe from flooding or that it would worsen flood risk elsewhere. As there is a potential benefit in terms of reducing off-site flooding this is a positive benefit of the scheme. However, the effect is limited and therefore the positive weight I attach to this is limited in the overall balance.

*Best agricultural land*

50. The appeal site is Grade 2, very good, agricultural land which in the glossary of the Framework falls within the Category of Best and Most Versatile Agricultural Land (BMVAL). The appeal site however is presently fallow; the evidence from Mr Challenger being that this was due to an area of the site having Japanese Knotweed. He advised that the tenant farmer did not wish to farm the land while this persisted.
51. The site is not previously developed land and is not located within the settlement limits. In the context of Policy ENV5 of the ULP if agricultural land is required developers should seek to use areas of poorer quality except where other sustainability considerations indicate otherwise. This is consistent with paragraph 112 of the Framework which also directs authorities to seek to use areas of poor quality land in preference to that of higher quality land.
52. In Uttlesford much of the open countryside is Grade 2 agricultural land with limited areas in grade 3 land or other non-agricultural land. The appeal site in the context of Uttlesford and the small extent of the site, only some 4.5 hectares is not in my view a 'significant' development of agricultural land, in the context of paragraph 112 of the Framework. It is a relatively small isolated field that is to an extent compromised in quality by the Japanese Knotweed, albeit that an eradication programme is on-going. Also the site is sustainably located in relation to the village, which I return to below.
53. Taking these factors together in the round I am satisfied that the use of the site does not conflict with policy ENV5 or the Framework at paragraph 112. This is a neutral factor in the planning balance.

*Living conditions of occupiers of adjoining properties*

54. The appeal site is located adjacent to existing properties fronting onto London Road and Frambury Lane. The plots adjacent to those existing properties fronting London Road, plots 12 through to 16 are bungalows. The proposed properties would be set at a higher level but have rear gardens in excess of 15m in depth and would be in excess of 24m from the closest existing properties. With the use of appropriate screen fencing I am satisfied this would adequately protect the amenities of the occupants of those existing properties.
55. Along the northern boundary, that with Frambury Lane, plots 76 – 94 would set a line of houses, including link-detached, semi-detached and a short terrace at 77 – 80, to the rear of the existing bungalows and two storey properties. These proposed houses would 'face' back to back with the properties in Frambury Lane, other than plot 76, which would have its flank wall facing them. The proposed houses would have rear gardens in excess of 15m and a minimum distance between the main facing rear facades of the proposed properties and those on Frambury Lane of 25m at the closest point. The cross section provided through plot 88 and Appleby suggests that the floor level of the properties on the development site would be lower than those of the

properties in Frambury Lane such that the first floor level would be only marginally above the ground floor level of those properties. Given the changes in levels, and boundary treatment, which can be the subject of a suitably worded condition, I am satisfied that the general arrangement would not significantly compromise the privacy and current living conditions of the occupants of properties in Frambury Lane.

56. The property Appleby has an outbuilding at the rear of the property which has been converted into habitable accommodation. There are windows in the structure which face out over the appeal site and which are only a short distance off the boundary. These windows would be in close proximity to the boundary. However, with a boundary fence they would not be overlooked. However given their close proximity to the boundary the outlook would be substantially reduced if fencing is introduced. The accommodation is laid out to take advantage of views over the adjoining land and on the basis of no fencing. If a solid fence were erected by the land owner this would similarly curtail the outlook from these windows, and the land owner could erect fencing under permitted development.
57. There are a number of the properties in the stretch of houses that back onto Frambury Lane that accommodate rooms in the roof space. However, these have roof light windows which are angled along the plane of the roof and set up the roof slope such that there would not be significant overlooking of the adjoining properties. Also a number of the properties have French doors illustrated at first floor level but there is no clear indication on the plans of the extent of any balcony. Large balcony areas could result in a greater degree of overlooking than normal windows or French doors with restricted access (such as with Juliet balconies). The appellant suggested that any such concerns could be addressed by conditions to deal with the specific design of the fenestration of the rear of these properties and/or a restriction on balconies. I have included such a restriction to protect the privacy of the occupiers of properties in Frambury Lane.
58. On the basis of the above reasons I conclude that the proposed development would not have an adverse effect on the living conditions of the occupants of surrounding properties. This is a neutral factor in the planning balance.

#### *Locational sustainability*

59. The appeal site is located adjacent to the settlement boundary of the village. There is a rail station with good links to higher order settlements within 200m of the appeal site. This is easily accessible. There are bus stops on either side of London Road directly outside the appeal site. The village has a range of services and shops that would meet the day to day needs of the future residents of the development, in the centre of the village which is within easy walking distance. There is a primary and secondary school within walking and cycling distance of the appeal site. All parties accept that the site is well located for access to sustainable modes of transport and has good access to services and shops to meet the day to day needs of future residents. This is a positive attribute of the location of the site and therefore weighs positively in favour of the development and I attribute it moderate weight.

*Eco- credentials*

60. The appellant contends that the scheme makes significant contributions to combat the effects of the development on climate change and includes positive sustainability measures generally through the eco-credentials of the scheme. In effect the scheme has been designed to store electricity generated by solar panels in battery units in each property. The amount of electricity generated by the solar arrays on the properties would be stored on site in each property and over summer months, when there would be a surplus supply, this could be exported to the national grid. It is contended that the technology and housing design, materials and insulation etc would ensure that the properties would have a net zero energy demand. This position was not contested by any party and the eco-village standard of the development would be a benefit of the scheme to which I afford significant weight. The Council contended that this should be moderated by the design and impact of the development on the character of the area but that would in effect double count that impact.

*Economic benefits*

61. The appellant has identified a number of economic benefits associated with construction and occupation of the scheme that would support and positively contribute to the local economy.

**Planning Obligation**

62. Prior to the opening of the Inquiry the Council provided a Community Infrastructure Levy compliance statement which set out the justification for the various contributions sought. The appellant submitted an executed Unilateral Undertaking (UU) at the end of the Inquiry, ID20, to make provision for the various contributions. In closing the Council confirmed that its concerns relating to community and social infrastructure was in its view addressed and resolved by what was now the completed and executed UU.

63. The UU makes provision for the delivery of affordable housing, not less than 40% of the residential dwellings, an education contribution (including an early years and child care contribution, a primary contribution and a secondary education contribution), school land for Newport Primary School, a Healthcare contribution, a SUDs management scheme, provision and management of open spaces, phasing and provision of the flexible mixed use building.

64. The CiL compliance statement notes that, of those currently on the waiting list in Uttlesford, some 177 households have indicated they would consider properties in Newport, of which 47 are defined as in housing need. The provision of 37 units as affordable housing would go a significant way towards meeting that need and is given significant weight in my decision.

65. The education contribution, covering all years, is based on child yield ratios and calculations, based on a standard formula with the schools in the catchment area identified as being in deficit in the coming year. As such the contributions are related to the development and the additional pressure that would be placed on these facilities, and are justified.

66. The applicant also has secured the gift of land to the primary school to facilitate future expansion. It is a constrained site and the additional land would facilitate adjustments to parking within the site, which would provide flexibility to enable expansion of the school. While the NPC raised concerns regarding

the amount of land to be provided, there was no objection from the education authority or the school. I am satisfied that the provision of the additional land is appropriate in scale and kind and would facilitate the expansion of the school to accommodate additional pupils from the development and is thereby justified.

67. The health care contribution is requested by NHS on the basis of the additional floor area required within the health catchment area to meet the additional patient yield from the development. As this is directly correlated to the yield from the development I am satisfied that it relates in scale and kind to the development and is justified. The project to which it would be put, Newport surgery or another surgery in the health catchment area relates to the development and the potential use of future occupiers of the development. I am therefore satisfied it has been justified.
68. The SUDs management scheme is required as the proposed roads are not to be adopted. The potential for contributions in the future would relate to the specific site infrastructure and would therefore relate to the development.
69. The open space layout, management and maintenance are specific to the site and requirements to ensure suitable provision and maintenance into the future. There are significant areas of open space within the site which are important elements of the layout. They are key parts of the overall design of the scheme, contributing to the appellant's description of the development as an eco-village. The obligations are necessary to ensure the realisation and maintenance of the open spaces and are clearly related to the development.
70. The scheme overall makes contributions towards matters of social and community infrastructure which would be directly affected by the development. The financial contributions would not be put to schemes that would have more than 4 other contributions provided and are therefore not caught by the Community Infrastructure Regulations pooling restrictions.
71. Overall I am satisfied for the reasons given above that the proposed contributions would make adequate provision for any additional need for community and social infrastructure arising from the development. They meet the necessary tests in the context of regulation 122 and 123 of the Community Infrastructure Regulations 2010 and the Framework para 204 where appropriate.

#### **The Planning Balance**

72. It is agreed that UDC cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework confirms, in these circumstances, that relevant policies for the supply of housing should not be considered up to date. The parties agree that the 'tilted balance' set out in the 4<sup>th</sup> bullet point of Paragraph 14 is engaged in this case.
  73. Paragraph 14 requires that where the development plan is absent silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – the tilted balance. It is further specified that, in effect, the tilted balance is disengaged where specific policies in the Framework indicate development should be restricted (Footnote 9). No such policies apply in this case. Accordingly, I am satisfied that the tilted balance is engaged.
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74. In respect of the main issues I have concluded that there is harm to the character and appearance of the area, both in terms of the general landscape and the street scene. That harm is however limited as it is localised and contained. The harm results in conflict with Policy S7, a policy for the protection of the countryside. It was argued by the appellant that there was inconsistency with the Framework, as the policy seeks to protect the countryside for its own sake rather than the Framework's more permissive approach and recognition of the of the intrinsic character and beauty of the countryside. The Council suggest that taken in the round the Framework identifies protection of the countryside through paragraph 17, 55, 109 and in advising Councils to have clear policies on what will or will not be permitted and where (paragraph 154) such a policy is wholly consistent with the Framework.
75. The Council has, through its Compatibility Assessment, recognised that policy S7 is only partly consistent with the Framework. However, the Council was clear in its view that this inconsistency does not give support for residential development. I do however see policy S7 as being more restrictive than the Framework in general terms in that it seeks to protect the countryside for its own sake. The Framework does not use the word 'protect' in such a context. Instead it has adopted a different phrase, 'recognise the intrinsic character and beauty', and that must have a difference in meaning and intent. In my view that approach is less restrictive than the 'protection' in Policy S7. Policy S7 is therefore not consistent with the Framework. Moreover, Policy S7 is a counterpart to policy S3 which sets the settlement boundaries. The settlement boundaries are out of date as they were drawn up at a time of a different housing requirement and are no longer able to contain the necessary housing development to meet the district's need as demonstrated by the shortfall in the housing land. For these reasons I conclude that any conflict with policy S7 should only be given limited weight.
76. I have concluded that there is a shortfall in the housing land supply and this is material and significant, even if I accept the Council's best position the supply would only be in the region of 4 years. I give considerable weight to the provision of the additional housing, particularly in the circumstances when the Council cannot demonstrate a five year housing land supply. I also give significant weight to the positive benefit of the affordable housing provided as a proportion of the units to be constructed.
77. I have also considered the length of time that the deficit is likely to persist. Whilst the Council is adopting a pragmatic approach and granting permissions for development outside of settlement boundaries, in recognition of its current position, that is not a sustainable way forward and will not address the position in a planned manner with any degree of certainty. The Council contend that with the publication of its regulation 18 draft Local Plan, which is due for submission for examination in April 2018, the situation will be resolved in the short term. However, the draft regulation 18 plan is not yet submitted and during the Inquiry it was confirmed that there are matters of significant contention in terms of the strategy for housing provision that is proposed within it. Moreover beyond the submission of the Plan for examination there is a further significant period prior to its anticipated adoption sometime in mid-2019. It is unlikely the shortfall will therefore be addressed in the short term. In my view, bearing in mind the advice in paragraph 47 to boost significantly the supply of housing, this is not a matter that will be resolved quickly. In the

meantime it is only through the approval of sites such as this that the Council will be able to improve its five year supply position. This site is available and deliverable within 5 years and this supports the weight I have attached to the 94 dwellings proposed.

78. Added to these benefits I also add the positive benefit I have attributed to the eco-credentials of the scheme resulting in a zero energy development, potential exportation of electricity to the grid and supporting the UK in meeting its climate change targets, to which I have given significant weight.
79. The improvement in flood water management reducing flood risk elsewhere and the locational sustainability of the site, given its proximity to sustainable modes of transport and shops and services, are afforded moderate positive weight.
80. There are also economic benefits associated with the construction phase and the additional expenditure in the area post occupation of the development which attract only limited positive weight given that these benefits would derive from any such development in the area.
81. Overall the proposal would result in environmental harm, albeit this would be localised and limited, and would conflict with policy S7. However, the weight to be given to these policies is limited. The development plan is not up-to-date and there is no five year housing land supply. Taking all matters into account I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the scheme. The proposals therefore benefit from the presumption in favour of sustainable development as set out in paragraph 14 of the Framework. The conflict with the development plan is outweighed by the other material considerations and planning permission should be granted.

#### **Overall conclusion and Conditions**

82. A list of draft conditions was provided in the Statement of Common Ground and this was updated during the Inquiry by ID18. I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95 the use of conditions in Planning Permissions.
83. An approved plans condition is required to identify the approved plans for the avoidance of doubt. During the Inquiry the appellant suggested alterations to the fenestration of the properties backing onto Frambury Lane and this is the subject of a condition to safeguard the privacy of the occupiers of those properties.
84. Conditions requiring details of materials and details of landscaping are required in the interest of the appearance of the development. As the landscaping details also provide details of fencing this is required also to protect the privacy of adjoining occupiers. Details of the biodiversity enhancement and bird hazard management are required to ensure the development achieves the enhancements detailed in the supporting information in the interests of ecology of the area and as the development is within the safeguarding area for Stansted airport.
85. Conditions are required to secure the vehicular and pedestrian accesses in the interests of highway safety. Conditions are also required to secure car parking

spaces, improvements to the local bus stops, electric vehicle charging points and the submission of a travel plan to ensure the development makes adequate provision for all modes of transport and encourages the use of sustainable transport modes. The management of the roads footpaths and lighting is secured through condition as the highways are not presently to be adopted by the local highway authority and are required in the interests of highway safety and convenience.

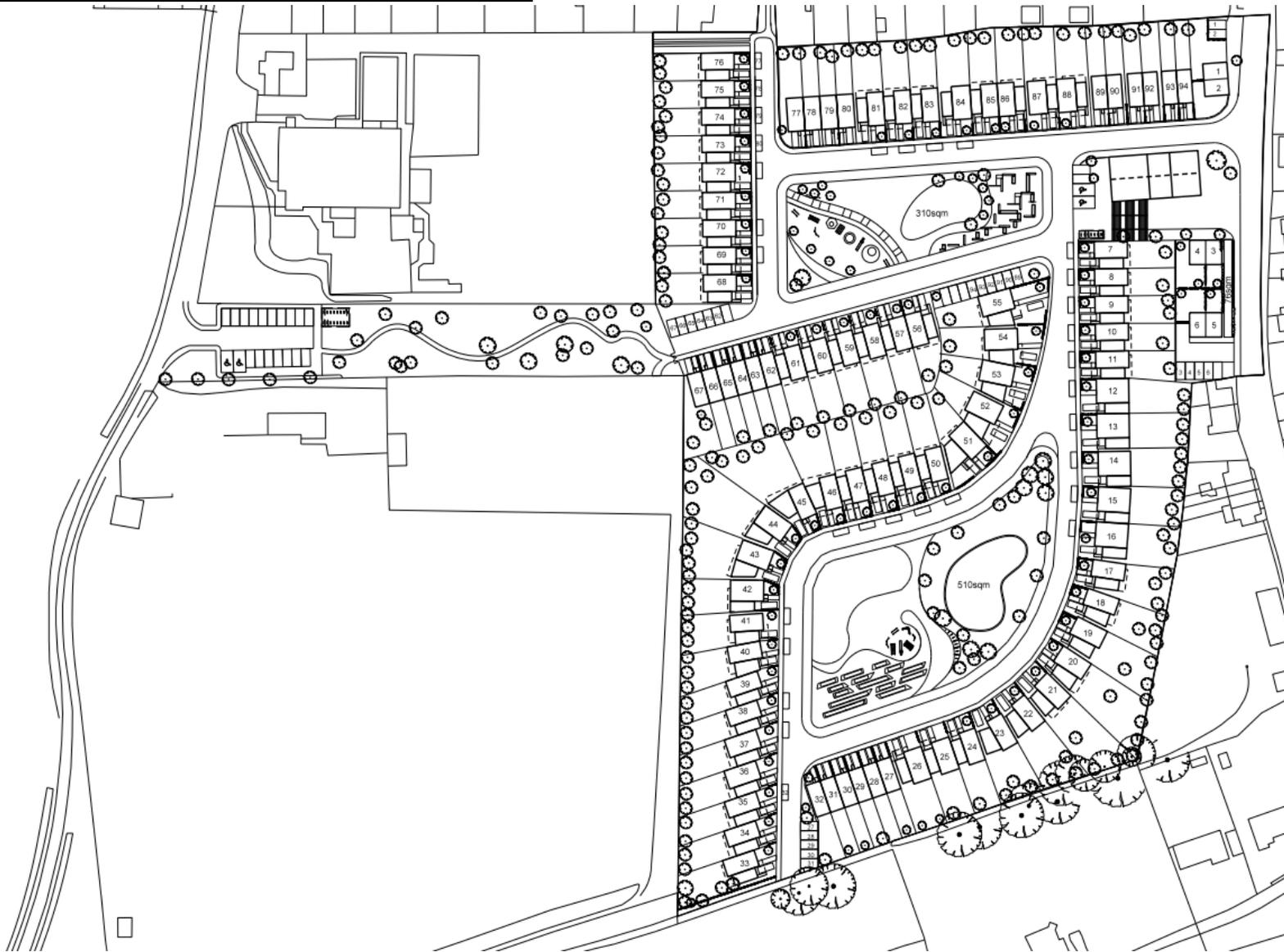
86. Details of surface water drainage, both for the development and during construction and details of the disposal of foul water are required to ensure the development is adequately drained and serviced.
87. A condition is required to ensure archaeological investigation to protect buried remains. A condition to secure a construction method statement is required to protect surrounding occupiers and users of the surrounding road network and a condition is required to ensure provision of wheelchair adaptable housing to ensure adequate provision is made to ensure the development is accessible. A condition is required to confirm the nature of the authorised uses of the commercial building identified in the description of development.
88. Conditions 3, 4, 5, 6, 9, 14, 15, 16, 17, 18 and 20 are 'pre-commencement' form conditions, or include such elements, and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect to mean they need to be resolved before construction begins.
89. With the imposition of these conditions and for the reasons given above I conclude that the appeal should be allowed.

*Kenneth Stone*

INSPECTOR



**Appendix 2 - - Previous Scheme Approved Plans**





# Agenda Item 4

## UTT/21/1855/OP (Debden and Wimbish)

Referred to Planning Committee as the property is owned by Uttlesford District Council.

<b>PROPOSAL:</b>	<b>Outline application with all matters reserved for the erection of 1 no. four bedroom dwelling together with new access, vehicular parking and associated external works</b>
<b>LOCATION:</b>	<b>22 Tye Green, Mill Road, Wimbish, CB10 2XE</b>
<b>APPLICANT:</b>	<b>Mr P Lock, Uttlesford District Council.</b>
<b>AGENT:</b>	<b>The Design Partnership (Ely) Ltd</b>
<b>EXPIRY DATE:</b>	<b>30th July 2021 (Extension of time until 06<sup>th</sup> August 2021)</b>
<b>CASE OFFICER:</b>	<b>Nathan Makwana</b>

---

### 1. NOTATION

1.1 Outside Development Limits

### 2. DESCRIPTION OF SITE

2.1 The site is located outside of any established development limits and therefore is located within the open countryside for planning purposes. It is located within the side and rear curtilage of 22 Tye Green, Mill Road, Wimbish.

### 3. PROPOSAL

3.1 Outline application with all matters reserved for the erection of 1 no. four bedroom dwelling together with new access, vehicular parking and associated external works

### 4. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

### 5. APPLICANT'S CASE

- 5.1 The applicant has provided an access and transport statement, as well as a biodiversity checklist, along with detailed floorplans and elevations. Correspondence has also been submitted by the applicants outlining the need for market housing at this site.
- 5.2 A statement submitted with this application from UDCs Housing Department states that the housing department is charged with making best use of its assets, where we have taken garden reductions that have the potential for use as building plots, the decision has to be made whether it is economically viable for us to develop a site that delivers one additional property or whether it is better to achieve a market sale of a site and then use the proceeds within the housing development programme to deliver more houses on a multi household site.
- 5.3 To date this has been the approach taken by officers and agreed by members. If the current sites achieve planning permission, then Cabinet will be asked to agree to their sale and the proceeds used along with Right to Buy Receipts and borrowing to deliver further affordable housing that meets the housing need of those on the housing register.

**6. RELEVANT SITE HISTORY**

- 6.1 None

**7. POLICIES**

**National Policies**

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

**Uttlesford Local Plan (2005)**

- 7.1 S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN4 – Good Neighbourliness  
GEN8 – Vehicle Parking Standards

**Supplementary Planning Documents/Guidance**

- 7.2 SPD – Accessible Homes and Play space (2005)

**Other Material Considerations**

- 7.3 Essex Design Guide  
ECC Parking Standards (2009)  
UDC Parking Standards (2013)

**8. PARISH COUNCIL COMMENTS**

**8.1 Wimbish Parish Council**

- 8.2 The PC objects to the proposed planning application on the plot due to the overdevelopment of the plot. The PC would support development on the site but it would like to see UDC building two terrace council houses, or affordable houses, for local residents and NOT open market sale.

## **9. CONSULTATIONS**

### **UDC Environmental Health**

- 9.1 Thank you for your consultation on the above planning application. I have reviewed the details and information provided.

The application site is outside aircraft and outside other transportation noise significance contours. The site is also outside the Air Quality Management Zone. It is considered that due to the limited scope of the development it will not negatively impact neighbouring properties. It is considered that the land contamination risk is low, a watching brief condition is recommended to ensure any discovered land contamination is reported to the LPA.

I therefore have no in principal objections to the development subject to the following condition being attached to any consent that maybe granted.

### **9.2 ECC Highways**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. UDC-919-P01 Rev. A, subject to conditions.

## **10. REPRESENTATIONS**

- 10.1 The neighbouring properties have been consulted of the planning application. A site notice was also displayed adjacent to the application site. Two representations have been received objecting to the application proposal.

The neighbour notification period expired on the 06<sup>th</sup> July 2021. The overall expiration of the consultation period was on the 13<sup>th</sup> July 2021.

- 10.2 Summary of representations received as follows:

- 10.3
- The proposed property is considered to be too large and out of character with neighbouring properties.
  - It is out of character to surround buildings which are a mixture of council owned properties and bungalows.

- 10.4 The above are a summary of the representations received. Full versions are available by reviewing the application file online via the public access system.

## **11. APPRAISAL**

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

- A The Principle of Development (NPPF, ULP Policies S7)**  
**B Character, Appearance, Design and Amenity (ULP Policies GEN2, GEN4, NPPF)**  
**C Access and Transport (GEN1, GEN8, NPPF)**  
**A The Principle of Development (NPPF, ULP Policies S1, H5)**

- 11.1 ULP Policy S7 states that the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be 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. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan.
- 11.2 There will be strict control on new building. 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.
- 11.3 Paragraph 6.13 of the Local Plan states that infilling with new houses will be permitted within settlements subject to safeguards. Some settlements are not included in any boundary. These are settlements where there are no apparent opportunities for infilling, because there are no gaps left for development and, in some cases, the approaches to the village are too loose in character for development to be appropriate.
- 11.4 Paragraph 6.14 states that there is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.5 This application proposal is considered to meet the definition of sensitive infilling as this is a small gap located within a group of houses. It is acknowledged that as this is outside of development limits but remains within the built-up settlement of Tye Green.
- 11.6 As identified within paragraph 6.14, this is subject to the development being in character with its surroundings and having a limited impact on the character of the countryside. It is considered that built form in this location would not have a detrimental impact on the character of the countryside.
- 11.7 Subject to criteria regarding the design, the proposal is considered to accord with ULP Policy S7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

**B Character, Appearance, Design and Amenity (ULP Policies GEN2, GEN4, NPPF)**

- 11.8 This application is outline only and therefore the final design (issues of appearance, landscaping, layout and scale) will be determined at the Reserved Matters stage.
- 11.9 The indicative drawing shows that a four-bedroom dwelling could be designed with appropriate parking, bin storage, bike storage and a rear private amenity space that exceeds the 100sqm minimum garden as stated within the Essex Design Guide. The rear garden space measures at 184.6m<sup>2</sup>.
- 11.10 It is noted that two representations and the Parish Council have objected on the grounds of design and impact on the character of the area. Members are

reminded that this is an indicative drawing and therefore not the final design. The final design will be assessed at the Reserved Matters stage. It is solely the principle of the development that is for consideration as part of this application. The illustrative plan shows the proposed dwelling to follow the pattern of development of existing dwellings in the area and is not considered to have a harmful amenity impact to the adjoining property at No 22 Tye Green.

- 11.11 The proposal is therefore considered to accord with the design and amenity criteria outlined in ULP Policies GEN2 and GEN4 as shown in the Uttlesford Local Plan 2005, as well as similar criteria outlined within the NPPF 2019.

**C Access and Transport (GEN1, GEN8, NPPF)**

- 11.12 Matters of access are to be determined as part of the reserved matters stage. The indicative drawing does show that three parking spaces can be accommodated on the site, which meets the adopted parking standards for a four-bedroom dwelling.

- 11.13 Uttlesford District Council require a Transport Statement for all new dwellings between 1 and 9 dwellings. Total parking spaces to be provided as part of the scheme include: 3 no 2.9m x 5.5m parking spaces on plot, electric vehicle charging point – 1 no adjacent to the parking spaces and storage provision for two cycles.

- 11.14 Essex County Council Highways have been consulted and raise no objection subject to conditions.

- 11.15 The proposal is therefore considered to accord with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2019.

**12. CONCLUSION**

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

- A** Subject to criteria regarding the design, the proposal is considered to accord with ULP Policy S7 of the Uttlesford Local Plan 2005 and the NPPF 2019.
- B** The proposal is therefore considered to accord with the design and amenity criteria outlined in ULP Policies GEN2 and GEN4 as shown in the Uttlesford Local Plan 2005, as well as similar criteria outlined within the NPPF 2019.
- C** The proposal is considered to accord with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2019.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and

Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

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

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

5. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

6. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (4.5 metres maximum) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

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

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

### Site Map



Organisation: Uttlesford District Council  
Department: Planning  
Date: 20 July 2021

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## UTT/21/2113/FUL (Great Chesterford)

### (Major Application)

<b>PROPOSAL:</b>	<b>Application to vary condition 15 and to revise the approved schedule of materials of previously approved planning application UTT/19/2288/FUL.</b>
<b>LOCATION:</b>	<b>Land North Of Bartholomew Close, Bartholomew Close, Great Chesterford</b>
<b>APPLICANT:</b>	<b>DCH Construction</b>
<b>AGENT:</b>	<b>The Design Partnership (Ely) Ltd</b>
<b>EXPIRY DATE:</b>	<b>27<sup>th</sup> September 2021</b>
<b>CASE OFFICER:</b>	<b>Chris Tyler</b>

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#### 1. NOTATION

- 1.1 Outside Development Limits

#### 2. DESCRIPTION OF SITE

- 2.1 The site is located to the north east of Rookery Close and Bartholomew Close in Great Chesterford. It comprises an undeveloped parcel of land, bordered by trees and hedgerows.

#### 3. PROPOSAL

- 3.1 Application to vary condition 15 and to revise the approved schedule of materials of previously approved planning application UTT/19/2288/FUL.

- 3.2 Condition 15 of the approved application UTT/19/2288/FUL states:

*'The development hereby approved shall be constructed in accordance with the materials schedule as submitted with the application*

*REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details.'*

- 3.3 The materials as per the existing approved material schedule included Heritage Red Blend facing bricks, this is now proposed to be red brick – Staplefield Block.

#### 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 It is advised by the applicant that the revised materials are required due to lack of current ability and delivery restrictions.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/14/0425/OP-Outline Planning with all matters reserved for residential development of up to 14 dwellings.  
Approved- 3/9/2014

UTT/17/1452/DFO- Details following outline application UTT/14/0425/OP for residential development of up to 14 dwellings - Details of access  
Approved - 31/8/2017

UTT/17/2745/DFO- The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP  
Approved- 21/12/2017

UTT/19/2288/FUL- Proposed residential development of up to 13 dwellings including associated external works and parking.  
Approved -12/5/2020

UTT/20/3263/FUL  
1 no. Bungalow including associated external works and parking (amendments to plot 7 of previously approved application UTT/19/2288/FUL)  
(Approved 19/2/2021)

UTT/20/1959/DOC  
Application to discharge condition 7 (Biodiversity Enhancement Strategy), 9 (surface water drainage), 16 (hard/soft landscaping) and 19 (tree protection measures) attached to UTT/19/2288/FUL  
(Approved 8/2/2021)

UTT/21/0611/DOC  
Application to discharge condition 5 (road condition survey), 9 (offsite flooding) and 17 (construction method statement) attached to UTT/20/3263/FUL  
(Approved 12/8/2021)

UTT/21/0612/DOC  
Application to discharge condition 4 (road condition survey) attached to UTT/19/2288/FUL  
(Approved 12/8/2021)

UTT/21/0479/DOC  
Application to discharge condition 10 (offsite flooding) and 18 (construction method statement) attached to UTT/19/2288/FUL

(Approved 12/8/2021)

## **7. POLICIES**

### **7.1 National Policies**

National Planning Policy Framework (2021)

### **7.2 Uttlesford Local Plan (2005)**

- S7 – The Countryside
- GEN2 – Design
- ENV1 – Design of Development within Conservation Areas

### **7.3 Supplementary Planning Documents/Guidance**

Essex Design Guide

### **7.4 Emerging Plans**

Emerging Great and Little Chesterford Neighbourhood Plan

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No objections subject to noting the importance of the use of high quality materials including heritage tiles and to be in keeping with the surrounding properties.

## **9.0 CONSULTATIONS**

### **Built Heritage Officer**

- 9.1 Upon review of the submitted documents, I have no objection to the amendment of condition 15. The proposed changes to the specified brick for Staplefield Stock is considered acceptable.

## **10 REPRESENTATIONS**

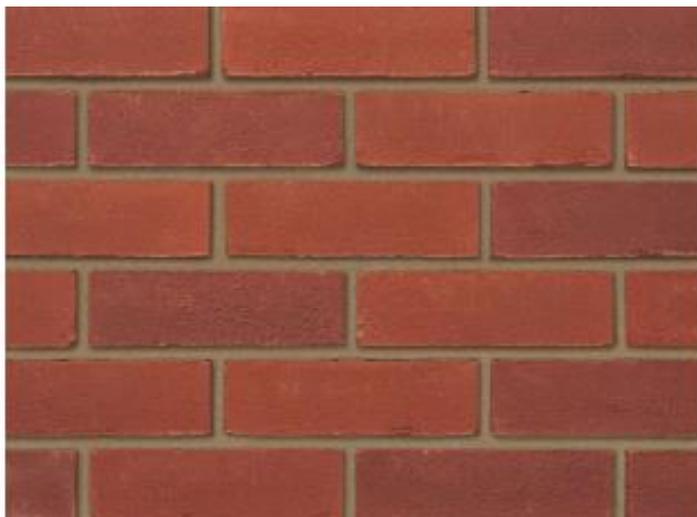
- 10.1 No objections or comments received.

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

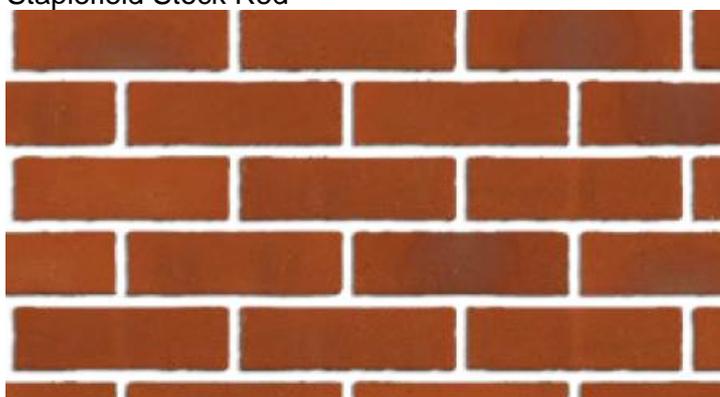
### **A Character and Design (ULP Policies S7, GEN2, ENV1), NPPF (2021), Emerging Great and Little Chesterford Neighbourhood Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

- 11.1 This application solely relates to the variation of condition 15 attached to planning application UTT/19/2288/FUL to revise the approved schedule of materials of the development. The only change to the approved materials is altering the use of Heritage Red Blend facing bricks to Staplefield Stock Red facing bricks.

- 11.2 **Existing Approved Bricks**  
Heritage Red Blend



**11.3 Proposed Bricks**  
Staplefield Stock Red



11.4 The proposed change of brick type will result in a minor material change to the external appearance of the existing approved scheme, however it is considered this will not result in a harmful impact to the overall appearance or character of the development or its surroundings. The revision of the bricks will continue to be consistent with the aims of the Essex Design Guide in regards to appropriate use of materials. As such it is considered the proposal is in accordance with ULP Policies S7, GEN2 and the NPPF.

11.5 No objection in regards to the use of revised bricks have been made by the Council's Built Heritage Officer, as such it is considered the proposal will not result in a harmful impact to the setting of the nearby Conservation Area and is in accordance with ULP Policy ENV1 and the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

**12 CONCLUSION**

A The proposed variation of condition 15 to revise the approved schedule of materials of previously approved planning application UTT/19/2288/FUL is considered appropriate in regards to the character and appearance of the site and its surroundings in accordance with ULP Policies S7, GEN2 and the NPPF.

B The proposed revision to the bricks will not have a harmful impact to the setting of the nearby Conservation Area and is in accordance with ULP Policy ENV1 and the

aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF

- C All conditions from the originally approved planning application UTT/19/2288/FUL will be included if the planning committee members are minded to approved the application.

## RECOMMENDATION – APPROVAL WITH CONDITIONS

### Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be in accordance with the details of;
  - Biodiversity Enhancement,
  - Surface Water Drainage,
  - Hard and Soft Landscaping
  - Tree Protection

Approved under discharge of conditions application UTT/20/1959/DOC - dated the 8<sup>th</sup> February 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and in accordance with ULP Policies GEN2, GEN3, GEN7 and the NPPF.

- 3 Prior to occupation of the development hereby approved, the access arrangement, as shown in principle on DWG no. UDC-842-01 approved under planning permission UTT/19/2288/FUL, shall be fully implemented and shall not be changed without prior written approval from the local planning authority.

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.

- 4 The cycle parking facilities as shown on the approved plans approved under planning permission UTT/19/2288/FUL are to be provided prior to the first occupation of the development and retained at all times.

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

- 5 Following completion of the construction of the dwellings, a comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details of condition 4 approved under application UTT/21/0612/DOC – dated 12<sup>th</sup> August 2021.

The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion

of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with ULP Policy GEN1.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with planning application UTT/19/2288/FUL and agreed in principle with the local planning authority prior to determination. This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting.

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

- 7 Prior to the occupation of the development hereby approved a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

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

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

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

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

- 10 A minimum of a single electric vehicle charging point shall be installed. This shall be provided for each of the houses, 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, TA2 of the emerging local plan and the NPPF

- 11 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

- 12 The development hereby approved shall be constructed in accordance with the submitted materials schedule. Unless otherwise agreed in writing by the Local Planning Authority.

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.

- 13 Within 6 months of the commencement of the development hereby approved details of the walk/cycle way connecting the application site with Stanley Close shall be submitted and approved in writing by the Local Planning Authority. The walk way will be constructed in accordance with the approved details and will not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure the foot way is constructed and completed in appropriate time scale and standard. In the interest of appropriate access to the site in accordance with ULP Policy GEN1.

- 14 The development hereby approved shall be in accordance with the construction management plan approved under discharge of conditions application (UTT/21/0479/DOC - dated the 12th August 2021) and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and ensure the development is in accordance with ULP Policy GEN3 and the NPPF regarding flooding.

- 15 The development hereby approved shall be in accordance with the details of offsite flooding minimisation scheme approved under discharge of conditions application (UTT/21/0479/DOC- dated the 12th August 2021) and shall not be changed without prior written approval from the local planning authority.

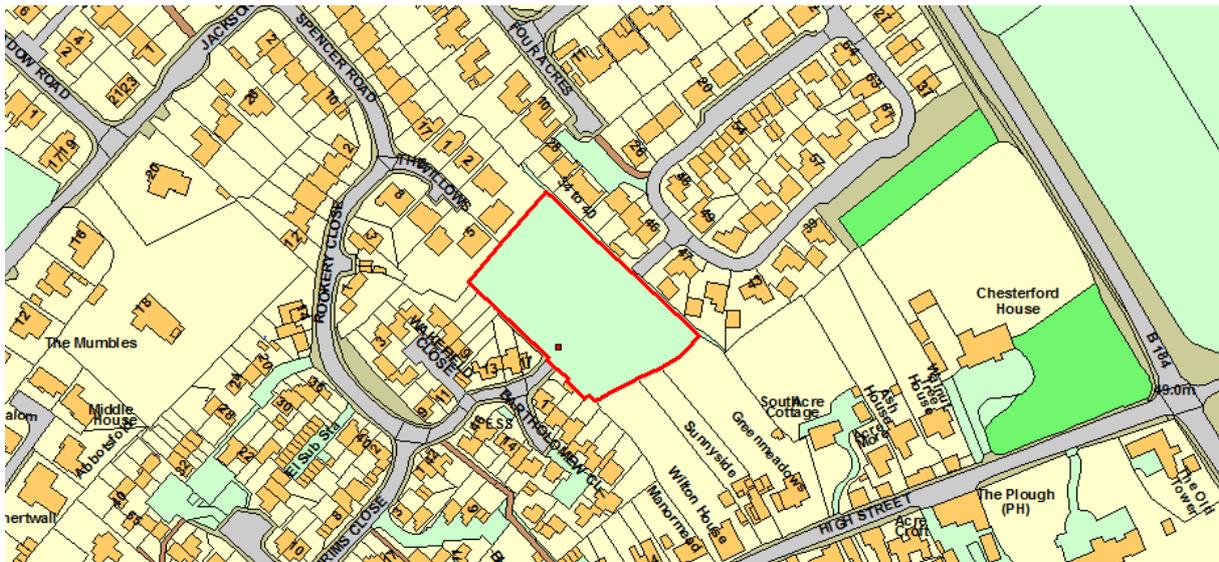
REASON: To ensure the development as a whole is in accordance with the required

conditions as set out in the original planning approval and to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 16 Notwithstanding the submitted plans, all dwellings shall be in strict accordance with the Technical Housing Standards- Nationally Described Space Standards (2015)

**REASON:**

To comply with Policy GEN2 of the Adopted Local Plan 2005 to provide an environment which would meet the reasonable needs of potential users of the development.



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 16<sup>th</sup> August 2021

## UTT/21/2114/FUL (Great Chesterford)

### (Major Application)

<b>PROPOSAL:</b>	<b>Application to vary condition 14 and to revise the approved schedule of materials of previously approved planning application UTT/20/3263/FUL.</b>
<b>LOCATION:</b>	<b>Plot 7, Land North Of Bartholomew Close, Bartholomew Close, Great Chesterford</b>
<b>APPLICANT:</b>	<b>DCH Construction</b>
<b>AGENT:</b>	<b>The Design Partnership (Ely) Ltd</b>
<b>EXPIRY DATE:</b>	<b>3<sup>rd</sup> September 2021</b>
<b>CASE OFFICER:</b>	<b>Chris Tyler</b>

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#### 1. NOTATION

- 1.1 Outside Development Limits

#### 2. DESCRIPTION OF SITE

- 2.1 The site is located to the north east of Rookery Close and Bartholomew Close in Great Chesterford. It comprises an undeveloped parcel of land, bordered by trees and hedgerows.

#### 3. PROPOSAL

- 3.1 This application seeks to vary condition 14 and to revise the approved schedule of materials of previously approved planning application UTT/20/3263/FUL.

- 3.2 Condition 14 of the approved application UTT/20/3263/FUL states:

*'The development hereby approved shall be constructed in accordance with the materials schedule as submitted with the application and planning approval UTT/19/2288/FUL*

*REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details'*

- 3.3 The materials as per the existing approved material schedule included Heritage Red Blend facing bricks, this is now proposed to be red brick – Staplefield Block.

#### 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 It is advised by the applicant that the revised materials are required due to lack of current ability and delivery restrictions.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/14/0425/OP-Outline Planning with all matters reserved for residential development of up to 14 dwellings.  
Approved- 3/9/2014

UTT/17/1452/DFO- Details following outline application UTT/14/0425/OP for residential development of up to 14 dwellings - Details of access  
Approved - 31/8/2017

UTT/17/2745/DFO- The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP  
Approved- 21/12/2017

UTT/19/2288/FUL- Proposed residential development of up to 13 dwellings including associated external works and parking.  
Approved -12/5/2020

UTT/20/3263/FUL  
1 no. Bungalow including associated external works and parking (amendments to plot 7 of previously approved application UTT/19/2288/FUL)  
(Approved 19/2/2021)

UTT/20/1959/DOC  
Application to discharge condition 7 (Biodiversity Enhancement Strategy), 9 (surface water drainage), 16 (hard/soft landscaping) and 19 (tree protection measures) attached to UTT/19/2288/FUL  
(Approved 8/2/2021)

UTT/21/0611/DOC  
Application to discharge condition 5 (road condition survey), 9 (offsite flooding) and 17 (construction method statement) attached to UTT/20/3263/FUL  
(Approved 12/8/2021)

UTT/21/0612/DOC  
Application to discharge condition 4 (road condition survey) attached to UTT/19/2288/FUL  
(Approved 12/8/2021)

UTT/21/0479/DOC

Application to discharge condition 10 (offsite flooding) and 18 (construction method statement) attached to UTT/19/2288/FUL  
(Approved 12/8/2021)

## **7. POLICIES**

### **7.1 National Policies**

National Planning Policy Framework (2021)

### **7.2 Uttlesford Local Plan (2005)**

- S7 – The Countryside
- GEN2 – Design
- ENV1 – Design of Development within Conservation Areas

### **7.3 Supplementary Planning Documents/Guidance**

Essex Design Guide

### **7.4 Emerging Plans**

Emerging Great and Little Chesterford Neighbourhood Plan

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No objections subject to noting the importance of the use of high quality materials including heritage tiles and to be in keeping with the surrounding properties.

## **9.0 CONSULTATIONS**

### **Built Heritage Officer**

- 9.1 No objections regarding the change in the specified brick to Staplefield Stock.

## **10 REPRESENTATIONS**

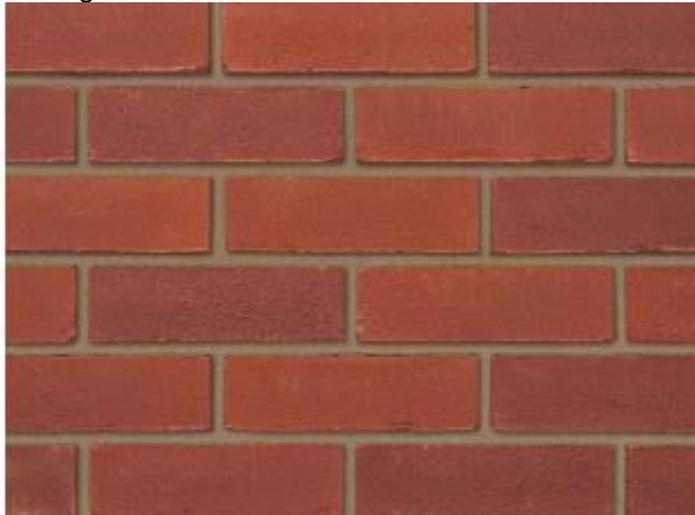
- 10.1 No objections or comments received.

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

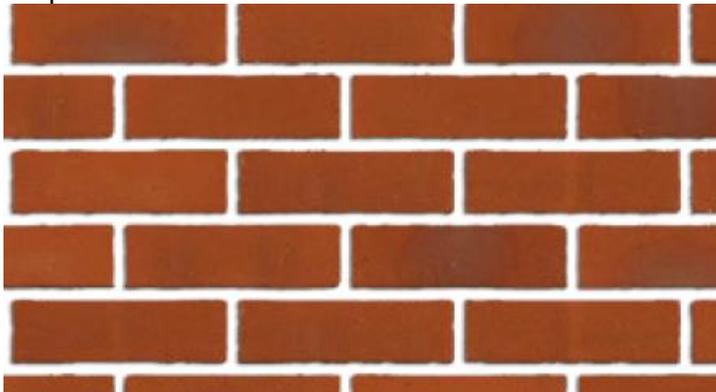
### **A Character and Design (ULP Policies S7, GEN2, ENV1), NPPF (2021), Emerging Great and Little Chesterford Neighbourhood Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

- 11.1 This application solely relates to the variation of condition 14 attached to planning application UTT/20/3263/FUL to revise the approved schedule of materials of plot 7 of the development. The only change to the approved materials is altering the use of Heritage Red Blend facing bricks to Staplefield Stock Red facing bricks.

11.2 **Existing Approved Bricks**  
Heritage Red Blend



11.3 **Proposed Bricks**  
Staplefield Stock Red



11.4 The proposed change of brick type will result in a minor material change to the external appearance of the existing approved scheme, however it is considered this will not result in a harmful impact to the overall appearance or character of the development or its surroundings. The revision of the bricks will continue to be consistent with the aims of the Essex Design Guide in regards to appropriate use of materials. As such it is considered the proposal is in accordance with ULP Policies S7, GEN2 and the NPPF.

11.5 No objection in regards to the use of revised bricks have been made by the Council's Built Heritage Officer, as such it is considered the proposal will not result in a harmful impact to the setting of the nearby Conservation Area and is in accordance with ULP Policy ENV1 and the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

**12 CONCLUSION**

A The proposed variation of condition 14 to revise the approved schedule of materials of previously approved planning application UTT/20/3263/FUL is considered appropriate in regards to the character and appearance of the site and its surroundings in accordance with ULP Policies S7, GEN2 and the NPPF.

- B The proposed revision to the bricks will not have a harmful impact to the setting of the nearby Conservation Area and is in accordance with ULP Policy ENV1 and the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF
- C All conditions from the originally approved planning application UTT/20/3263/FUL will be included if the planning committee members are minded to approved the application.

## RECOMMENDATION – APPROVAL WITH CONDITIONS

### Conditions

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

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

- 2 The development hereby permitted shall be in accordance with the details of;
- Biodiversity Enhancement,
  - Surface Water drainage,
  - Hard and soft landscaping
  - Tree Protection

Approved under discharge of conditions application UTT/20/1959/DOC - dated the 8<sup>th</sup> February 2021) and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and in accordance with ULP Policies GEN2, GEN3, GEN7 and the NPPF.

- 3 Prior to occupation of the development hereby approved, the access arrangement, as shown in principle on DWG no. UDC-842-01 approved under planning permission UTT/19/2288/FUL, shall be fully implemented and shall not be changed without prior written approval from the local planning authority.

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.

- 4 The cycle parking facilities as shown on the approved plan UDC-842-P100 REVA approved under planning permission UTT/20/3263/FUL are to be provided prior to the first occupation of the development and retained at all times.

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

- 5 Following completion of the construction of the dwellings, a comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details of condition 5 approved under application UTT/21/0611/DOC – dated 12<sup>th</sup> August 2021.

The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with ULP Policy GEN1.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with planning application UTT/19/2288/FUL and agreed in principle with the local planning authority prior to determination. This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting.

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

- 7 Prior to the occupation of the development hereby approved a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 8 The development shall be in accordance with the offsite flooding scheme details approved under discharge of conditions application (UTT/21/0611/DOC - dated the 12<sup>th</sup> August 2021) and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and in accordance with ULP Policy GEN3 and the NPPF regarding flooding.

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

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

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

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

- 11 A minimum of a single electric vehicle charging point shall be installed. This 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, TA2 of the emerging local plan and the NPPF

- 12 The dwelling 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

- 13 The development hereby approved shall be constructed in accordance with the submitted materials schedule. Unless otherwise agreed in writing with the Local Planning Authority.

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.

- 14 Within 6 months of the commencement of the development hereby approved details of the walk/cycle way connecting the application site with Stanley Close shall be submitted to and approved in writing by the Local Planning Authority. The walk way will be constructed in accordance with the approved details and will not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure the foot way is constructed and completed in appropriate time scale and standard. In the interest of appropriate access to the site in accordance with ULP Policy GEN1.

- 15 The proposed development shall not be occupied until such time as the vehicle parking areas as indicated on DWG no. UDC-842-01 approved under planning permission UTT/19/2288/FUL has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times.

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

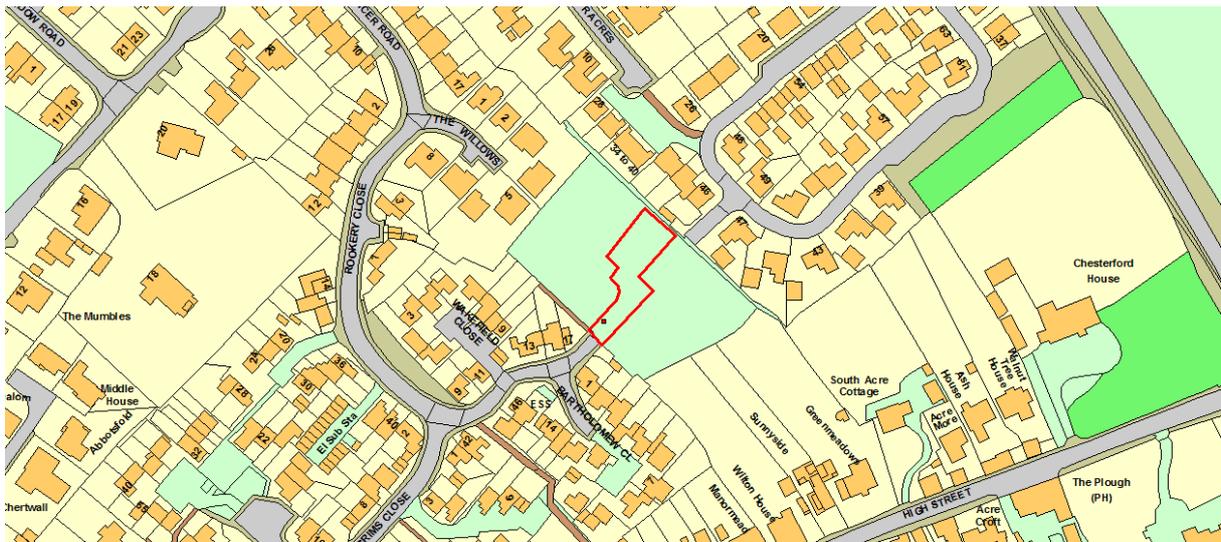
- 16 The development shall be in accordance with the construction management plan approved under discharge of conditions application (UTT/21/0611/DOC - dated the 12th August 2021) and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 17 Notwithstanding the submitted plans, all dwellings shall be in strict accordance with the Technical Housing Standards- Nationally Described Space Standards (2015)

REASON:

To comply with Policy GEN2 of the Adopted Local Plan 2005 to provide an environment which would meet the reasonable needs of potential users of the development.



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