

UTT/18/1256/OP (CLAVERING)

(MAJOR)

PROPOSAL: **PROPOSAL: Outline application for up to 31 no. Dwellings (net gain of 30 units), with all matters except access reserved. Demolition of 'Poppies' and alterations to access onto Stortford Road to create access road. Provision of 38 no. parking spaces for visitors to adjacent school. Extension of school playing field and creation of sports pitch. Provision of open space and play areas, balancing pond and associated infrastructure.**

LOCATION: Land West of Stortford Road

APPLICANT: Mrs Pat Rowe

AGENT: Mr Christopher Hennem

EXPIRY DATE: 17 August 2018

CASE OFFICER: Sara de Barros

1. NOTATION

1.1 Outside of development limits, SSSI Impact Risk Zones

2. DESCRIPTION OF SITE

2.1 The application site consists of a detached dwelling which faces onto Stortford Road on the Western side, is bounded on all sides by residential properties and Clavering Primary School which lies on the eastern boundary.

2.2 Open fields lies to the rear of the residential curtilage of dwelling known as Poppies. The application site consists of a detached dwelling which faces on to Stortford Road and benefits from a detached double garage to the front side.

2.3 The host dwelling is comprised of a one and half storey detached dwelling with undeveloped fields classed as open Countryside that has been used as Farmland to the south-west of the site.

2.4 A public footpath runs along the northern, eastern and Southern boundary.

2.5 The site of Poppies is approximately of 0.2 ha and the land to the rear of the garden of Poppies measures approximately 3.3ha. The average residential curtilage serving properties to the West of Stortford Road are relatively long and extend onto this parcel of land.

2.6 To the West of the application site lies further fields that serves the Farm approximately 400m away.

2.7 The site lies close to an ancient scheduled monument, Clavering Castle.

3. PROPOSAL

- 3.1 The proposal relates to the erection of 30no dwellings and one replacement dwelling and the creation of additional infrastructure for the primary school, most notably the provision of a drop-off/parking to serve the school and the creation of a car parking area within the school and a new playing field.
- 3.2 The application seeks outline consent with all matters except access reserved. The proposed scheme would seek to demolish the existing dwelling known as Poppies to create an access off Stortford Road.
- 3.3 The new car park serving the School proposed the creation of 38no parking Spaces. The proposed scheme would also seek to provide passing bays to alleviate the current parking situation encountered at the School. This would see an improved drop off pick up area for parents at the School.
- 3.4 The proposed scheme also seeks to gift a piece of land to the School to serve as an extension to the existing playing fields pitch. The land that is proposed to be gifted to School will support the Schools future plans for expansion to the Primary School.
- 3.5 The proposed scheme is for 31no dwellings, 12of which would be affordable and the proposed mix would be;

Affordable rented

2no 1 bed flats
1no 2 bed bungalow
3no 3 bed houses
2no 3 bed houses

4no shared ownership housing

2no 2 bed houses
2no 3 bed houses

Market housing

To be determined at reserved matter application

- 3.6 The application proposes that a condition is imposed at outline stage to secure the provision of single storey dwellings on the Northern boundary. This is to ensure no detrimental impact is created upon the amenities of occupiers of the dwellings facing onto Pelham Road.
- 3.7 A balancing pond is proposed to the South of the proposed site to provide a suitable drainage scheme to serve the proposed development.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application has been submitted with the following accompanying documents;
- Landscape and Visual Impact Assessment
 - Planning Statement
 - Preliminary Arboricultural Method Statement
 - Site Specific Flood Risk Assessment

- Sustainability Statement
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment
- Ecological Scoping Survey
- Biodiversity validation checklist
- Site Waste Management
- Design and Access
- Statement of Community Involvement
- Planning Policy Document
- SUDS Checklist
- Supporting information regarding Parking Spaces
- Clavering Arable Land description
- Examples of previous projects
- Laps and Leaps report
- Affordable housing statement
- NC16.297-Lva01 Viewpoint photos
- Landscape and Visual Appraisal
- Revised NPPF Update to Planning Statement
- EIA Screening
- Structural assessment

Statement of community involvement

- 5.2 Consultations have been undertaken through a series, exhibitions prior to the submission of the application with the Planning authority. Great effort was made to ensure that the local public was notified of the exhibition, by way of advertising and Open discussions were held at the public event.

The feedback received from the community involvement process has been provided within the application and was of most very positive.

6. RELEVANT SITE HISTORY

- 6.1 UTT/0781/01/FUL -Two Storey extension and single storey extension
- 6.2 UTT/0068/79 -Double garage and conversion of integral garage

7. POLICIES

- 7.1 Section 70 (2) of The Town and Country Planning Act 1990 requires the local Planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as materials to the application
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations

Relevant development plan policies and material considerations are listed below;

7.2 Uttlesford Local Plan (2005)

S7 Outside Development Limits
 GEN1 Access
 GEN2 Design
 GEN3 Flooding

GEN5 Light Pollution
GEN6 Infrastructure provision to protect development
GEN4 Good Neighbourliness
GEN7 Nature conservation
GEN8 Vehicle parking standards
ENV5 Protection of agricultural land
ENV8 Other Landscape Elements of Importance for Nature Conservation
H9 Affordable Housing
H10 Housing Mix
LC4 Provision of Outdoor Sport and Recreational Facilities Beyond
Development limits

7.3 **Supplementary Planning Documents/Guidance**

- Lifetime Homes
- Parking Design and Access (2009)
- The Essex Design Guide (2005)
- Uttlesford Local Residential Parking Standards (2013)

7.4 **National Policies**

National Planning Policy Framework (NPPF)

7.5 **Other Material Considerations**

Emerging Local Plan policies have been considered in the decision making process:

SP1 Presumption in Favour of Sustainable Development
SP2 The Spatial Strategy 2011-2033
SP3 The Scale and Distribution of Housing Development
SP10 Protection of the Countryside
SP12 Sustainable Development Principles
SP13 Historic Environment
H1 Housing Density
H2 Housing Mix
H6 Affordable Housing
H10 Accessible and Adaptable Homes
TA1 Accessible Development
TA2 Sustainable Transport
TA2 Provision of Electric Charging Points
TA3 Vehicle Parking Standards
INF1 Infrastructure Delivery
INF4 High Quality Communications Infrastructure and Superfast Broadband
D1 High Quality Design
D2 Car Parking Design
D8 Sustainable Design and Construction
D9 Minimising Carbon Dioxide Emissions
EN7 Protecting and Enhancing the Natural Environment
EN10 Minimising Flood Risk
EN11 Surface Water Flooding
EN12 Protection of Water Resources
C1 Protection of Landscape Character

8. CLAVERING PARISH COUNCIL COMMENTS

- 8.1 Clavering Parish Council **OBJECTS** to this application as this application as the application fails on the following points;

FAILS Uttlesford District Council Saved Local Plan Policy S7

The proposed development is outside the envelope of the village. It is inappropriate development. There is no reason to make it an exception. The December 2017 Affordable Housing Survey by RCCE demonstrates the current need for affordable housing in the village of Clavering and is served by the approved, but not yet built, planning application UTT/15/2606/DFO which provides 6 affordable houses.

8.2 **FAILS Uttlesford District Council Policy GEN1 – Access**

The access to the main road network is not capable of carrying the traffic generated by the development safely. The Parish Council believes the design of the site compromises safety. The vehicle numbers using the access onto the Stortford Road to join the main road network is obviously not safe for users of the pavement on the West side of Stortford road. This is particularly concerning given the proximity to a nursery school, preschool and primary school (who all share the ECC site on the Stortford Rd). It also unclear from submitted drawings whether a car can turn into the access road at its junction with the Stortford Road if one is leaving. There are no turning details shown for the passage of refuse vehicles for the access road around the site. There is no clear indication on the drawings of the access road of the dimension of the roadway for vehicles and the allowance provided for pedestrians and other users of the access road. No footways appear to be shown for 21 properties, with 8 appearing to have footways shown to be on the opposite side of the access road to the property and the remaining 2 properties appearing have pathways to the front of the dwelling. There are no cycle paths shown. There is a concern in relation to the safety of the proposed herringbone parking areas which, as detailed, do not provide for safe opening of car doors for those with children under 12 years of age nor adequate safe refuges to reach/leave pathways.

- 8.3 Further, the primary school safeguarding policies (which shares its site with a preschool and a nursery school) are unlikely to allow further points of access into the school grounds rather than through its main gate.

- 8.4 There is no evidence that it has been designed to meet the needs of people with disabilities.

- 8.5 The development does not encourage movement by means other than driving a car. The extra 30 households may easily generate an expected 120 vehicle movements a day (average of 2 cars per household as there are no bus services except for school buses in term time). In term time, with the land given over for school parking/drop off, there can be expected to be an ingress and egress of 38 school vehicle movements twice a day, which is 152 vehicle movements. A conservative total number of vehicle movements on a school day is therefore 272 additional car movements.

8.6 **FAILS Uttlesford District Council Policy GEN2**

The planned access road brings traffic close to three residential properties, a nursery school and a primary school where traffic was not previously; this is therefore a material adverse effect on the reasonable occupation and enjoyment of the residential properties and the schools, given the projected number passing to access the housing or parking areas.

- 8.7 There does not appear to be mitigation for the environmental impact of vehicle emissions as vehicles on the access road pass particularly these three residential properties and nursery school and/or wait at the traffic calming measures especially during school drop-off times.
- 8.8 **FAILS Uttlesford District Council Policy Policy GEN2**
The planned access road brings traffic close to three residential properties The planned access road brings traffic close to three residential properties, a nursery school and a primary school where traffic was not previously; this is therefore a material adverse effect on the reasonable occupation and enjoyment of the residential properties and the schools, given the projected number passing to access the housing or parking areas.
- 8.9 There does not appear to be mitigation for the environmental impact of vehicle emissions as vehicles on the access road pass particularly these three residential properties and nursery school and/or wait at the traffic calming measures especially during school drop-off times.
- 8.10 **FAILS Uttlesford District Council Policy Policy GEN3**
There is known rain run-off from the field to be developed, which results in the rear gardens of adjoining properties along the west side of Stortford Road being flooded.
- 8.11 At times there is rain run off into the road as there are no surface drains on the west of Stortford Road. Given the expected slope of the new access road and there being no drains presently, nor appearing to be shown in drawings from the proposed sloping access road through the demolished property 'Poppies' to its junction with the Stortford the properties. Road, rain run-off from the sloped access road will fall across the Stortford Road to on the east side of Stortford Road.
- 8.12 **FAILS Uttlesford District Council Policy GEN4**
The developing of the access road and use of the sloping section to assess the site later will cause a material disturbance to the occupiers of the three residential properties. The nursery school, the pre-school and the primary school.
- 8.13 **FAILS Uttlesford District Council Policy H4**
There is undoubted disturbance to three adjoining residential properties, the nursery school, preschool and the primary school caused by the projected number of vehicle movements along the access road in term- time and outside term time before vehicles reach the proposed development of houses or parking spaces.
- 8.14 **If UDC cannot demonstrate a 5 year land supply this Application FAILS the Planning Policy Framework (NPPF) on Sustainability** which is required for development on a greenfield site as;
- there is no proven need for this development to take place in the village of Clavering.
 - the current Draft Local Plan shows only a development of 13 houses only for Clavering – a development for 13 houses has already been granted which been granted planning permission (UTT/15/2606/DFO)
 - The countryside should be protected for its own sake.
 - the lack of accessible public transport and heavy reliance on car transport means that this site is unsustainable.
 - The only bus services in the village are the school buses to local schools: these do not connect with the train stations at Audley End (7miles distant) nor Newport (3 miles distant) so there are no sustainable public transport

links.

- Rain is known to currently run-off this site and flood the rear gardens of adjoining properties. Further, as there are no surface drains on the west of the Stortford Road at the junction of the new access road, rain run-off from the sloped access road will run off over the road surface. The proposal for the development of this site does not address this infrastructure need.
- The safety and well-being of all pedestrian users of this proposed development is not considered or met:
- hool parking as detailed does not provide for safe opening of car doors for those with children under 12 years of age nor adequate safe refuges.
- There is no clear indication on the drawings of the access road of the dimension of the roadway for vehicles and the allowance provided for pedestrians and other users of the access road. No footways appear to be shown for 21 properties, with 8 appearing to have footways shown to be on the opposite side of the access road to the property and only 2 appearing to be outside the dwellings.
- There is no requirement to bring new households to secure Clavering's vibrancy in the future as was proved in its being the RCCE Essex Village of the Year 2014, having also held the title in the 1990's. In the citation, Nick Shuttleworth, director of the RCCE, paid tribute to Clavering, saying: "Our competition is all about rewarding vibrant, enterprising and caring villages, a description that sums up Clavering very well. Our judges met with people of all ages who showed real pride in the community and a vision for its future."
- Regarding meeting the affordable housing needs of present and future generations, the December 2017 Affordable Housing Survey by RCCE demonstrates the current need for affordable housing in the village of Clavering is amply served by the approved, but not yet built, planning application UTT/15/2606/DFO which provides for 6 such homes.
- The application makes no provision, financial or otherwise, for the increase in school places (childcare, through early years and primary to secondary school) which will be generated by the development. It provides a mitigating offer for the primary school only which falls far short of known contributions currently being requested by Essex County Council for education needs of all children in relation to sites being proposed for development in Uttlesford.
- As the only bus services in the village are school buses, which run in term time only, it should be noted that the nearest health care services to be used by occupants of this site are 3 miles distant and can only be accessed at reasonable hours by car as there is no accessible public transport in the village.

9. CONSULTATIONS

HOUSING

- 9.1 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units and 20% on schemes 11-14 units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 30 (net) units. This amounts to 12 affordable housing units and it is

expected that these properties will be delivered by one of the Council's preferred Registered Providers. The mix and tenure split of these properties 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. The following mix has been suggested and I confirm it is compliant with Council policy.

The applicant has stated two of these properties will be wheelchair accessible. This should include the 2 bed bungalow and a house.

UK Power

- 9.2 Thank you for contacting us regarding UK Power Networks equipment at the above site I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful

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

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

Sport England

- 9.3 Thank you for consulting Sport England on the above application. I can confirm that the consultation has been received and was accepted on 21/05/2018.

In accordance with Paragraph 011 of NPPG (Article 22 of the Development Management Procedure (England) Order 2015), Sport England will respond to this consultation within 21 days of the date of acceptance.

Aerodrome Safeguarding Response

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

Ecology

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

I have reviewed the ecology Report (Arbon, Dec 2016) supplied by the applicant, relating to likely impacts of development on Protected & Priority habitats and species, particularly nesting birds. I note that no data search has been undertaken, this ecological information should ideally be presented as a Preliminary Ecological Assessment and follow standard format (CIEEM guidelines). There is no identification of proportionate mitigation for habitats and species impacted by the development.

There are 14 trees that will need to be removed to facilitate development, a (cypress) hedge and 7 fruit trees. Traditional orchards are priority habitat and the loss of this habitat will need to be compensated for. The trees should be replaced on

a one for one basis and the hedgerow also created within the development design (all nesting bird habitat).

This scheme is substantial and should offer ecological enhancements to create net gain for biodiversity in line with the NPPF. I recommend a biodiversity enhancement plan be drawn up showing the location and numbers of suitable mitigation and enhancement measures appropriate to the site's location and species

Suggested condition

A Biodiversity Enhancement Plan containing the details and locations of the compensation and enhancement measures shall be submitted to and approved in writing by the local planning authority.

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

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) Archaeology

Archaeology

- 9.6 The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.

Environmental Health

- 9.7 This is an outline application for the construction of up to 31 no. Dwellings on a greenfield site, with all matters except access reserved. The proposal includes the demolition of one dwelling, 'Poppies' and alterations to the access onto Stortford Road to create a new access road. The proposal also includes the provision of 38 no. parking spaces for visitors to adjacent school, an extension of the school playing field and creation of sports pitch. There is also provision of open space and play areas, a balancing pond and associated infrastructure.

The site is a greenfield parcel of arable land bounded by housing and Clavering Primary School to the east, further residential housing to the north and further arable fields to the west and south. The site boundary is defined to the immediate west by a public footpath, and by existing residential gardens & school playing fields to the north and east. Curles Manor, which includes an existing operating farm, lies further west of the proposed development site. Some 200m further to the west of the site is a small sewage treatment works that is presumed to serve the local community.

This is a potential source of odour, but it is noted that there are a number of existing and established houses and allotments already situated between the sewage treatment works and the proposed development site. It is therefore presumed that any nuisance odour issues will already have been addressed in relation to these sewage treatment works, and no special conditions in relation to odour have been included in this consultation response as a result.

The key environmental issues in relation to the proposed development are the potential noise impacts (on existing and proposed future occupiers), and land contamination risks. I can respond to these matters as set out below.

Land contamination

- 9.8 This is predominantly a greenfield site which has historically been used for agricultural purposes, with the access road being formed from an existing residential property with garden. The Sitecheck report submitted with the application identified a potential tank close to the proposed access road (which may be associated with the car breakdown breakdown and recovery business also identified in that location). However, it is noted that these are close to the proposed access road and not the main area of housing proposed. As a result, it is recommended that the following condition is attached to any consent granted.

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

Reason: To protect human health and the environment

Light

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

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

Noise

Transport sources

- 9.10 The key operational noise impact associated with the proposed development is the potential impact from vehicles using the new access road as proposed on existing neighbouring residential occupiers who currently border the existing residential property that it is proposed to demolish to create the new access road. This has been acknowledged by the applicant who has proposed to install an acoustic fence along the boundary of the access road to the site. The following condition is recommended to ensure that any scheme provides a suitable level of acoustic attenuation to existing neighbours.

No development shall take place until a scheme for protecting existing dwellings from noise arising from road traffic on the new access road has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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

Construction management Plan

- 9.11 This is a substantial development that could have significant impacts on the amenity of existing neighbouring residential occupiers during the site preparation and construction phases of the development. To mitigate any adverse impacts, it is essential to ensure that all construction operations are carried out in accordance with an approved Construction Management Plan. The following condition is recommended to address this.

Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

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

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

Education

- 9.12 Having viewed the proximity to the site to the nearest primary and secondary schools, Essex County Council will be seeking a secondary school transport contribution.
In view of the above, I request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, secondary school transport.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter and a site notice was displayed near the site. The following concerns have been raised among the submitted representations, including from the 'Hands Off Clavering' group:

- 1) No need for additional housing in Clavering
- 2) The site is located beyond Development Limits
- 3) Harm to the character of the village and its setting
- 4) Increased traffic and risk to road safety
- 5) Inadequate sustainable transport opportunities
- 6) Overbearing impact on neighbouring properties
- 7) Overlooking of neighbouring properties
- 8) Increased risk of flooding

- 9) Increased pollution e.g. air, noise and light
- 10) Inadequate infrastructure e.g. education, healthcare
- 11) Loss of high quality agricultural land
- 12) Local services and facilities do not require the support of further housing
- 13) Approval would set a precedent for further development

10.2 The comments made in the representations have been covered in the assessment

11 APPRAISAL

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

- A) Principle of development (ULP Policies S7, LC4, ENV5; NPPF) Housing
- B.) Design and residential amenity (ULP Policy GEN2; NPPF)
- C.) Mix and affordable housing (ULP Policies H9, H10; NPPF)
- D.) Vehicular access and parking (ULP Policies GEN1, GEN8; NPPF)
- E.) Flood risk and drainage (ULP Policy GEN3; NPPF)
- F.) Biodiversity (ULP Policies GEN7, ENV3, ENV8;NPPF)
- G.) Education
- H.) Agricultural land (ENV5 & 170)
- I.) Housing land supply
- J.) Other material considerations

A Principle of development (ULP Policies S7, LC4, ENV5; NPPF)

11.2 The Draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development

11.3 The application site is predominately located outside the development limits of Saffron Walden and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.

11.4 A review of the Council's adopted policies and their compatibility with the NPPF has found that Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles

Furthermore at the moment in time the Council is unable to demonstrate a 5 year land supply and in accordance with Para 14 of the NPPF there is a presumption in favour of sustainable development and policies which restrict housing are considered out of date. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF when taken

- as a whole.
- 11.5 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 11.6 Economic role:
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. Whilst the proposed development does not directly provide employment it has been stated within the Design and Access Statement that the proposed development would provide short term employment for locals during the construction of the site, however it would also support existing local services and provide the possibility of small start-up businesses. The improved infrastructure as a result of the proposed development would facilitate ease of movement within the area and the School and provide links to other employment areas. The improved infrastructure would increase the potential for the use of alternative means of travel to areas of employment. This proposal would help deliver an economic role.
- 11.7 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, and housing designed to Lifetime Homes Standards. Whilst design is a reserved matter, the illustrative Master Plan indicates a development that reflects the rural character of the location. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include proposed open spaces; children play spaces, recreation/sports pitches. This proposal would help to deliver a social role.
- 11.8 Environmental role:
The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved. This proposal would help to deliver an environmental role.
- 11.9 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Significant weight is attached to this and it is considered that national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable.
- 11.10 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF so as to include land in Agricultural Land Classification (ALC) Grade 3. The application will result in the permanent loss of a relatively modest piece of land. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply needs shows that there is insufficient land available within settlement

boundaries or brownfield sites. A high percentage of the agricultural land within the district is Grade 2 and the rest is Grade 3. Within that context it is not considered that there is sufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs and therefore it is not considered that there is conflict with Policy ENV5.

B Design and Residential amenity

- 11.11 Policy GEN2 requires, inter alia, development to be compatible with the scale, form, layout and appearance of surrounding buildings and to provide an environment which meets the reasonable needs of all potential users. The proposed dwellings are considered to be of an acceptable design and the proposed mix of materials would be appropriate
- 11.12 Essex Design Guide which is non-adopted supplementary guidance sets out the requirement for minimum garden sizes. It is considered that the proposed scheme would comply with the guidance as it is considered the site can accommodate a development of this scale comfortably without creating a visually dominant form of development or lead to a loss of privacy to occupiers of neighbouring occupiers.
- 11.13 Residential amenity is assessed in terms of a proposal's impact upon privacy levels for neighbouring occupiers, whether the development would cause excessive shadowing or create a visually dominant feature.
- 11.14 Residential amenity must be considered in terms of the impact on future occupiers of the development and on existing homeowners.
- 11.15 As this is an outline application, the details of the pattern and layout of development would be assessed within a reserved matters application. The proposed drawings associated with the application demonstrates the site can accommodate development of proposed scale and form without adverse impact upon nearby neighbouring dwellings.
- 11.16 Furthermore, the most affected neighbours would be situated on Pelham Road and it is the intention the layout of these properties fronting these neighbours would be of single storey in nature.
- 11.17 Nearby dwellings on Skeins Way face the playing fields and would to a certain degree experience increased noise at peak school hours. It is not envisaged the proposed extension to the School grounds would exasperate the situation. A condition to restrict lighting on this boundary would be imposed as part of the Planning consent.

C Housing mix and Affordable housing (ULP Policies H9, H10; NPPF)

- 11.18 The proposal relates to the erection of 31no dwellings with a mix of one,two and three bedroom units. This would include 40% affordable dwelling units. Four bungalows are also included in the development and are to be sited on the northern boundary. The affordable is as follows;

The proposed mix would be;

Affordable rented

2no 1 bed flats

1no 2 bed bungalow

3no 3 bed houses

2no 3 bed houses

4no shared ownership housing

2no 2 bed houses

2no 3 bed houses

Market housing

To be determined at reserved matters application

Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the affordable housing ration would be 40% in line with Policy H9.

D Access and parking (ULP Policies GEN1 & GEN8)

- 11.19 Policy GEN1 requires development to have access to the main road network which must not compromise road safety. The proposal looks to use the existing access that serves The existing property known as Poppies onto Stortford Road.

The proposed access is from a single point onto Stortford Road as shown on the indicative Drawing, the existing access is to be redeveloped and will require engineering works to level the gradient of the land to accommodate the development.

To soften the appearance of the development, a green buffer and fencing has been incorporated into the proposed scheme to minimise impact upon residential amenities as Tamar and The Old Garage House to protect these properties.

The proposed access road would give sufficient visibility on both sides and of sufficient size to serve the proposed development and the dedicated parking areas to serve the School.

Policy GEN8 requires development to provide the number, design and layout of parking spaces in accordance with the current adopted standards.

- 11.20 Taking into account the comment of the Highways Officer it is considered there would be no adverse effects on road safety or capacity, in principle and appropriate conditions to be imposed on the layout of the parking scheme and the principle of residential parking as pre-commencement conditions.
- 11.21 A subsequent application for technical details would need to be approved at reserved matters stage to provide for car parking layout and design therefore the layout at this stage is indicative.

E Flood risk

- 11.22 Taking into account the comment of the Highways Officer it is considered there would be no adverse effects on road safety or capacity, in principle and appropriate conditions to be imposed on the layout of the parking scheme and the principle of residential parking as pre-commencement conditions.

A subsequent application for technical details would need to be approved at reserved matters stage to provide for car parking layout and design therefore the layout at this stage is indicative

- 11.23 The proposal relates to a site of 3.60ha, is located within Flood Zone 1, and ECC is the Lead Local Flood Authority for the area and they have produced a checklist for developers to complete to be submitted with planning applications.

- 11.24 Policy GEN3 contains the Local Plan Policy for flooding, the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (NPPF Part 10) Policy GEN3 does not permit development within the functional floodplain unless there is an exceptional need. Outside Flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment is sufficient to demonstrate this point. Sustainable drainage should also be considered as an appropriate flood mitigation measure in the first instance.
- 11.25 The environment agency identifies the site as being in the lowest of the three bands of flood risk i.e. Flood Zone 1. The framework indicates that all types of development are appropriate in this zone and hence no requirement for sequential or exemption testing.
- 11.26 The Planning submission is accompanied by a Flood risk assessment which provided guidance in relation to surface and foul water runoff, flood risk mitigation measures and concludes that the proposed scheme includes suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed scheme can be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 11.27 The proposed scheme would not give rise to increased flood risk on the site or elsewhere subject to appropriate mitigation measures.

F Biodiversity

- 11.28 Policy GEN7 seeks to protect wildlife, geological features and protected species and their habitats. Development that would be harmful to these elements will not be permitted. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "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." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site.

Accordingly specialist ecology advice has been sought from Essex County Council Place Services Ecology. They have no objections subject to conditions being complied with. The development is therefore considered to accord with Policy GEN7.

G Education

- 11.29 Essex County Authority have assessed the application on the basis of 30 new dwellings, It has been advised assuming the units are for homes of two or more bedrooms a development of this size could generate the need for up to 2.79 early years places, 9.30 and 6.20 secondary places to meet the statutory demands.

The costs implication of the development would be at a cost of £48,607 for early years, which equates to £17,422 per place.

In terms of Primary School education, the development sits within the primary

admissions area of Clavering primary school which can accommodate up to 175 pupils and due to pressure in the area is due to be expanded to 210 places. Looking to the wider area, by the year 2021/22 a forecast of 531 places is expected against a current number of 478. The result of the development would add to this pressure and thereby, mitigation is required in the form of a contribution towards primary school places .

The Frankland Academy in Newport is in a similar position with 5,225 places for the area of Uttlesford as a whole and by 2023/23 it is envisaged the requirement will rise to 5,552 therefore contributions will be required to fund extra places.

Based on the demand generated by the proposal as set out above, a developer Contribution of £143,927, index linked to April 2018, is sought to mitigate its impact on local secondary school provision. This equates to a cost per place of £23,214.

Based on the above the education capacity would be secured by the completion of a section 106 agreement, subject to the approval of the application.

H Agricultural Land (ENV5 & 170)

- 11.30 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. The site is classified as Grade 3, which is regarded as low value quality land, the development would not represent a significant breach of these policies because the land is of moderate size in agricultural terms.

I Housing land supply (11 & 73)

- 11.31 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory and 5-Year Land Supply Statement 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 – 4.45 years. Subsequent updates to the NPPF and PPG in February 2019 regarding housing needs calculations indicate that the land supply is likely to be lower. Therefore, contributions towards housing land supply must be regarded as a positive effect.

J Other material considerations

- 11.32 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' indicate that proposed dwellings should meet the Lifetime Homes standards on accessibility. The Planning Practice Guidance explains that enhanced accessibility should be sought only by reference to Requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations (Paragraph: 008 Reference ID: 56-008-20150327). This policy, last updated in March 2015, effectively updates the Council's policies, although the SPD does form the basis for selecting the appropriate accessibility standard.
- As the SPD only requires wheelchair-accessible housing in major residential developments, it would be appropriate to use a condition requiring that the proposed dwellings to be erected in accordance with Requirement M4(2) of the Building Regulations.

12. CONCLUSION

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

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

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Director of Legal Services & Governance, in which case he shall be authorised to conclude such an obligation to secure the following:**
- (i) Provision of 40% Affordable Housing**
 - (ii) Provision and Maintenance of Public Open Space**
 - (iii) Provision of Land for Extension of School Playing Field**
 - (iv) Provision of Car Parking Spaces for School**
 - (v) Pay Council's Reasonable Legal Costs**
 - (vi) Monitoring Charge**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation by 14 June 2019 the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
- (i) Lack of Provision of 40% Affordable Housing**
 - (ii) Lack of Securing Provision and Maintenance of Public Open Space**
 - (iii) Lack of Provision of Land for Extension of School Playing Field**
 - (iv) Lack of Provision of Car Parking Spaces for School**

Conditions

1. Approval of the layout, scale, landscaping, appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing

before development commences and the development shall be carried out as approved.

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

- 2 (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission.
- (B) The development hereby permitted shall be begun no later than the expiration of 2 year from the date of approval of the last of the Reserved Matters to be approved.

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

3. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 4 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 5 No development, including groundworks (other than those required to investigate site conditions and carry out agreed remediation), shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005):

(i). A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those on site.

(ii). The results of a site investigation based on (1) and detailed risk assessment, including a revised CSM.

(iii). Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include details of the site profiling to be carried out and a sampling strategy to characterise the nature of soils in gardens and soft landscaped areas following site profiling. It shall also include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

(iv). No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

REASON: (common to all parts): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 6 The Reserved Matters application shall include an accessibility drawing. The details submitted shall set out measures to ensure that buildings are accessible to all sectors of the community. Buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measure that are approved shall be incorporated in the development before occupation.

REASON: To meet the requirements of Supplementary Planning Document - Accessible Homes and Playspace in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

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

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

- 8 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.

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

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

- 10 No development shall take place, including any ground works or demolition, until a Construction method statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout

the construction period. The statement shall provide for ;

- 1) The parking of vehicles of site operatives and visitors
- 2) loading and unloading of plant and materials
- 3) storage of plant and materials
- 4) wheel and underbody cleaning facilities
- 5) it should avoid the delivery of plant and materials during the beginning and end of the school day

Reason; To ensure that on-street parking of these vehicles in the adjoining street does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interest of highway safety and Policy DM1 of the Highway Authority's development management policies February 2011.

- 11 Prior to first occupation of the development, the vehicular access shown in principle in drawing number 473.HW01A 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 and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

The development shall be implemented in strict accordance with these details shall not be changed without prior written permission 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.

- 12 Prior to first occupation a scheme of traffic calming on the access road shall be agreed with the highway authority and implemented.

Reason; 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.

- 13 Prior to the first footway between the new access road and the school shall be widened to a minimum of 2m as shown in principle drawing number 473.HW01A and drop kerb crossing points provided across Clavering road as shown in drawing 473HW04A.

Reason; 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.

- 14 Prior to the development the developer shall consult with the North Essex Parking Partnership on the parking scheme shown in principle in drawing 473.HW03 and as required publicly consult on the agreed scheme. If the scheme is agreed following public consultation the agreed scheme shall be delivered, with the developer covering the costs of all necessary TRO's road marking, and signage before final occupation of the development.

Reason; 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.

- 15 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason; In the interest of reducing the need to travel by car and promoting sustainable transport in accordance with Policy DM9 and DM10 Development management policies as adopted as County council supplementary guidance in February 2011.

- 16 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 17 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 18 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Assessment (Skilled Ecology Ltd, Oct 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, due diligence regarding nesting birds, replanting any trees lost on a one for one basis, precautionary measures for amphibians, protection of the pond from construction impacts, installation of bat and bird boxes and use of native planting.

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