

UTT/18/2820/FUL SAFFRON WALDEN

(THIS APPLICATION IS REPORTED TO COMMITTEE AS THE APPLICANT IS
UTTLESFORD DISTRICT COUNCIL)

PROPOSAL: Proposed erection of 14 dwellings comprising of 7 no. one bed flats, 3 no. 2 bed flats, 2 no. three bed houses and 2 no. 4 bed houses including associated external works with all dwellings provided as affordable housing.

LOCATION: Land at Thaxted Road, Saffron Walden

APPLICANT: Uttlesford District Council

AGENT: Mr P Dunthorne – The Design Partnership

EXPIRY DATE: 18th October 2018

CASE OFFICER: Robert Davis

1. NOTATION

- 1.1 Outside Development Limits, Within Development Limits (SOUTHGATES), Contaminated Land Historic Land Use Area

2. DESCRIPTION OF SITE

- 2.1 The site is located approximately 1.5km south east of the town centre of Saffron Walden on the north-eastern side of the B184 Thaxted Road, between a recent residential development of 10 dwellings located on Tiptoft Lane and an ALDI supermarket. Vehicle access is achieved to and from the north-eastern corner of the site via a roadway constructed as part of the redevelopment at the adjacent Granite Park commercial development.
- 2.2 The site has a maximum width of 52m attained on the Thaxted Road frontage reducing to 22m at the rear and a depth of approximately 75m along its central axis. The site area contained within the red line is 0.31ha, including the access road, although the main part of the site where the residential development would take place is 0.26ha.
- 2.3 The site is in an elevated position above Thaxted Road and consists of gently sloping land with a flatter area within the middle. Its present appearance is that of scrubland, with some wooded areas and the remains of a small derelict building. Banks exist around the southern and western side edges. There is also a bank to the west up to a close boarded fence with a passageway and the rear elevation of the Aldi supermarket beyond.

3. PROPOSAL

- 3.1 The proposal is for a development of 14 dwellings consisting of a two detached houses, a pair of semi-detached houses and ten apartments contained within two blocks. An external parking area would be provided within the central part of the site.

In addition Plots 3 and 4 would be provided with a four space car port and Plots 11 to 14 would have undercroft parking below the building.

3.2 The flats would also be provided with communal garden areas. The area associated with Plots 5-10 would have an area of 235m². Plots 11-14 would be provided with a terraced area of 30m² to one side of the block and a communal garden of 105m².

3.3 The proposal represents a density of 54 dwellings per hectare.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Design & Access Statement
- Site Investigation report
- Transport Note
- Air Quality Assessment
- Acoustic Report
- Flood Risk assessment
- Ecology Report

6. RELEVANT SITE HISTORY

6.1 There is no relevant planning history.

7. POLICIES

7.1 National Policies

- National Planning Policy Framework
- Planning Practice Guidance

7.2 Uttlesford District Local Plan 2005

- S7- The Countryside
- GEN 1 – Access
- GEN 2 – Design
- GEN 3 – Flood Protection
- GEN 7 – Nature Conservation
- GEN 8 – Vehicle Parking Standards
- ENV 4 – Ancient Monuments and Sites of Archaeological Importance
- ENV 10 – Noise Sensitive Development and Disturbance from Aircraft
- ENV 12 – Protection of Water Resources
- ENV 13 – Exposure to Poor Air Quality
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

Supplementary Planning Documents/Guidance

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

- 7.3 - West Essex and East Hertfordshire Strategic Housing Market Assessment (2016)
- Uttlesford Strategic Flood Risk Assessment (2016)
 - NPPF 2019 – Five Year Housing Land Supply update (March 2019)
 - Emerging Local Plan

8. SAFFRON WALDEN TOWN COUNCIL COMMENTS

- 8.1 Object to this application as proposed on the following grounds:
- (a) Application does not meet UDCs own requirements for affordable housing
 - (b) The scheme lacks green space
 - (c) The footpath access track (just outside the development but included in site map0 is not suitable for wheelchair users
 - (d) Change of use from retail employment land to residential

And that objection would be withdrawn subject to the following amendments.

- (a) Provision of 40% or more affordable housing as per UDC obligations
- (b) Parking to be located at the front of the building and amenity greenspace (for example a community garden square) to be located at the centre of the development
- (c) The footpath access track be resurfaced/paved as a planning obligation to ensure that it is accessible to all users.

9. CONSULTATIONS

Affinity Water

- 9.1 Be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 9.2 The construction works and operation of the proposed development site should be done in accordance with relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Anglian Water

- 9.3 No objection subject to recommended condition.
- 9.4 No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Saffron Walden Water Recycling Centre that will have available capacity for these flows. The developer will need to confirm a connecting manhole and discharge regime including pump rate if applicable. The preferred method of surface water disposal would be to a sustainable drainage system with connection to sewer seen as the last option.

Cadent Gas

- 9.5 Proposal as currently specified is in proximity to Cadent and/or National grid apparatus.

Environment Agency

- 9.6 No objection subject to recommended conditions.
- 9.7 No objections to the proposal provided that recommended conditions on groundwater and contaminated land are included should permission be granted. The site is located above a principal chalk aquifer, situated within the WFD Cam and Ely Ouse Chalk groundwater body. The site is also located within an SPZ2, however groundwater is considered to be at a significant depth. The site is considered to be contaminative. The site is also considered to be of a high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.

Environmental Health

- 9.8 No objection subject to recommended conditions. Note– following an initial holding objection the applicant submitted additional information in the form of an Acoustic Report and the holding objection was removed.

Land Quality

- 9.9 Historically the site was a chalk quarry with rail/tramway to the nearby cement works, later used for landfill and more recently as a waste transfer station. A land quality investigation and risk assessment has been prepared Harrison Geotechnical Engineering. The findings confirm the site lies above a principle chalk aquifer, with groundwater at least 35m bgl, and made ground to a depth of 6.2m.
- 9.10 Within the made ground and natural surrounding material, a number of substances exceeding available assessment criteria were found. In addition, asbestos and asbestos containing material was identified in 50% of soil samples, indicating that their presence within the fill is widespread in multiple forms.
- 9.11 Due to the proposed limited available garden space for the dwellings, a future land use scenario of residential without home grown produce has been adopted.
- 9.12 The risk of inhalation of asbestos fibres is greatly increased once airborne during ground disturbance, and an acceptable method of remediation is provision of a suitable cover system, provided measures are taken to protect the health and safety of site workers during development. A cover system would also provide acceptable remediation of other substances, taking account of the magnitude of exceedances. Leachable levels of one PAH substance, anthracene, was identified, however the Environment Agency have not raised concern due to the depth of ground water and the proposal to provide capping as a means of reducing the potential for mobilisation.
- 9.13 Monitoring for ground gas generated by the fill and underlying chalk was carried out, and identified moderate flow of carbon dioxide. It is recommended that migration of ground gas is investigated further once development is underway, to determine whether gas protection measures to the dwellings is necessary and the nature of those measures.
- 9.14 An unidentified brick structure amongst dense vegetation and was noted and it is possible that below ground features will be identified during site clearance and preparation.

- 9.15 Undiscovered contamination should be reported and a scheme for remediation submitted if necessary.
- 9.16 Conditions to address contamination are therefore recommended in the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Noise

- 9.17 The site is subject to noise from traffic on Thaxted Road and the adjacent Aldi supermarket. An assessment of noise sources and mitigation has been prepared by Acoustic Associates and concludes that suitable living conditions can be provided for future residents.
- 9.18 Noise levels at the outdoor balconies serving plots 5-11 were assessed to be 53 dB LAeq 16hr, slightly exceeding the guidance of 50 dB LAeq 16hr in outdoor living areas set by WHO above which moderate annoyance is likely to occur. Residents would however have access to the communal garden area to seek outdoor space below this level.
- 9.19 Acceptable internal noise levels can be achieved by provision of double glazing and mechanical ventilation to a suitable standard, and by locating living rooms and bedrooms, or at least one window within the rooms, in the acoustic shadow. It is proposed that a boundary fence is provided which will assist in reducing noise levels. Conditions to address noise are therefore recommended in the interests of residential amenity of the future occupiers of the properties, in accordance with Uttlesford Local Plan Policies GEN2 and ENV11 (adopted 2005) and the NPPF.

Air Quality

- 9.20 Traffic generated by the proposal will impact on Saffron Walden Air Quality Management Area. An Air Quality Assessment has been prepared by Aether, and has used a conservative estimate of 54 additional vehicles per day accessing the local road network. It has assumed an opening year of 2021, and predicts an increase in nitrogen dioxide of max 0.1 µg m⁻³ with negligible impact on air quality. Nevertheless, in accordance with national planning guidance, measures should be provided to reduce emissions to a minimum. Measures proposed include the provision of cycle storage, and it is noted that only 2 spaces are provided for the 10 flats proposed and this should be increased where possible. The site is within acceptable cycling/walking distance to amenities.

Essex County Council - Archaeological

- 9.21 The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits. The development lies within a historic lime and cement production site known to contain post-medieval lime kilns marked as 'Cement Works' on the Second Edition Ordnance Survey Map of 1897. Within the proposed site, on the Third Edition OS Map there is identified a circular feature which may represent a further lime kiln.
- 9.22 Recommendation for a condition for an archaeological programme of trial trenching followed by open area excavation.

Essex County Council – Ecology

- 9.23 We have reviewed the Ecological Report (Wild Frontier Ecology, June 2019) relating to the likely impacts of development on designated sites, protected species and Priority Species. We also support the proposed reasonable biodiversity enhancements, which has been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

Essex County Council – Highways

- 9.24 No objection subject to recommended conditions. Note – following an initial holding objection the applicant submitted additional information and the holding objection was removed.

Essex County Council – Lead Local Flood Authority

- 9.25 No objection subject to recommended conditions. Note – following an initial holding objection the applicant submitted additional information and the holding objection was removed.
- 9.26 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 recommended conditions.

Essex County Council - Minerals and Waste

- 9.27 No objection. Note - following an initial holding objection the applicant submitted additional information and the holding objection was removed.

Waste

- 9.28 The application site is within a Waste Consultation Area associated with the Saffron Walden Civic Amenity site and subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017. Policy 2 seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments. Policy 2 defines Waste Consultation Areas as extending up to 250m from most types of waste facility.
- 9.29 Planning applications made within a WCA are advised to include evidence addressing the following issues:
- a. The overall compatibility of the development with the existing or proposed waste management development;
 - b. The distance to the development from the site subject to the WCA at its closest point, to include the facility and any access routes;
 - c. The presence of any existing buildings or other features which naturally screen the proposed development from the site subject to the WCA;

- d. Evidence addressing the ability of waste vehicle traffic to access, operate within and vacate the waste development in line with extant planning permission. If the waste facility is not yet operating, it will need to be shown how the proposed non-waste development would not impact on future waste development;
- e. Demonstrate that the non-waste development would not adversely impact upon the operation of the existing/permitted waste development eg. As a result of noise, dust, odour, traffic, light etc. Where there is potential for adverse impact upon the waste development the new non-waste development should propose mitigation to address these adverse impacts.

Reference is also made to paragraph 182 of the NPPF.

- 9.30 Provided that your authority accepts the applicant's conclusion that there would be no adverse impacts on the waste recycling centre the Minerals and Waste Planning Authority removes its holding objection

Minerals

- 9.31 It is noted that whilst the application site falls within an MSA associated with Chalk it is below the 3ha threshold that requires a MRA to support the application and there are not considered to be any mineral policy implications.

Essex Police

- 9.32 Whilst there are no major concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. Being tucked away behind Aldi careful consideration will need to be given to security aspects of the design.

London Stansted Airport

- 9.33 No safeguarding objections.

UK Power Networks

- 9.34 Enclosed copy of records which show the electrical lines/ and/or electrical plant. Should the excavation affect our Extra High Voltage equipment please contact us to obtain a copy of the primary route drawings and associated cross sections.

10. REPRESENTATIONS

- 10.1 The application was

11. APPRAISAL

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

- A Principle of and quantum of development (Policies S7, H11, NPPF)
- B Design and Layout (Policy GEN2)
- C Access and Parking (Policy GEN1, GEN8)
- D Accessibility (GEN2)
- E Affordable Housing and Housing Mix (Policy H9, H10))
- F SuDs and Flood Risk (Policy GEN3)
- G Environmental Health (Policies GEN2, ENV10, NPPF)
- H Biodiversity (Policy GEN7)
- I Archaeology (Policy ENV4)

A Principle of and quantum of development (Policies S7, H11, NPPF)

- 11.1 The 2005 Proposals Map shows the site as being outside of the development limits but bordering a parcel of land within limits, but detached from the Saffron Walden town boundary, containing the site of The Old Cement Kilns and a Depot. The emerging Local Plan includes the site as part of the boundary extension of the town reflecting recent development and extant planning permissions. Within this plan Policy SAF6 allocates this land for the development of approximately 13 dwellings.
- 11.2 At present the site where the residential development would take place remains outside development limits and thus within the area defined to be within the countryside and subject to Policy S7. Planning permission within the countryside will only be granted for development that needs to be take there, or is appropriate to a rural area and the policy specifically states that this includes infilling. As the site is bordered by housing and commercial development it could reasonably be considered to represent a form of infill development enabled by Policy S7. Regardless of this Policy H11 is also applicable and this allows for affordable housing development on a site where housing would not normally be permitted, if it would meet all the following criteria:
 - a, 100% of the dwellings are to be affordable and provided through a Registered Social Landlord;
 - b, The development will meet a particular local need that cannot be met in any other way;
 - c, The development is of a scale appropriate to the size, facilities and character of the settlement; and
 - d, The site adjoins the settlement.
- 11.3 It is considered that the proposed development would satisfy the generic requirements of this policy. Paragraph 145 of the NPPF would also provide policy support for the development as it allows, as an exception, limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
- 11.4 The NPPF indicates that applications for housing development should be considered in the context of sustainable development. The Council are currently unable to demonstrate a five-year housing land supply, with shortfall being around 3.29 years. In such circumstances Paragraph 11d, within the

Achieving Sustainable Development section, states that permission should be granted unless the application of policies in the Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed. The site is not considered to be affected by any such assets and thus the presumption in favour of sustainable development would support the grant of planning permission given that the site is considered to meet the social, economic and environmental role of sustainable development.

B Design and Layout (Policy GEN2)

11.5 Both national and local policy expect developments to be constructed to a high standard of design. Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. The guidance set out in Paragraph 127 of the NPPF stipulates that proposed development should function well and add to the overall quality of the area, optimise the potential of the site to accommodate development and be visually attractive as a result of good architecture.

11.6 A summary of the proposed development is provided below:

Plot(s)	Dwelling Type	Bedrooms	Internal Area	Garden Size
1	Detached	3	95.9 m ²	192 m ²
2	Detached	3	95.2 m ²	147 m ²
3	Semi-detached	3	120.8 m ²	87 m ²
4	Semi-detached	3	120.8 m ²	84 m ²
5-10	Ground Floor Flat	2	78.9 m ²	7 m ² Terraces
5-10	Ground Floor Flat	1	50.65 m ²	7 m ² Terraces
5-10	First Floor Flat	2	78.9 m ²	5 m ² Balcony
5-10	First Floor Flat	1	50.65 m ²	5 m ² Balcony
5-10	Second Floor Flat	2	78.9 m ²	5 m ² Balcony
5-10	Second Floor Flat	1	50.65 m ²	5 m ² Balcony
11-14	First Floor Flat	1	66.4 m ²	5 m ² Balcony
11-14	First Floor Flat	1	66.4 m ²	5 m ² Balcony
11-14	Second Floor Flat	1	58.9 m ²	5 m ² Balcony
11-14	Second Floor Flat	1	58.9 m ²	5 m ² Balcony

11.7 Plots 1 and 2 are both 3 bedroom dwellings located close to the site entrance. Plot 1 provides a wide frontage to follow the access road line and Plot 2 is rotated to from a corner turn and provide interest both from within the site and to provide interest when viewed from the entrance. These plots hold an elevated position with gardens towards the byway.

11.8 Plots 3 and 4 re both semi-detached dwellings in the western corner of the site. Parking would be provided across the drive in an open fronted garage adjacent the rear garden of Plot 2. This garage would also perform a retaining structural use as the ground levels change with this extending into a retaining

wall and steps leading to the byway. Gardens would be provided to the rear in a southerly position and raised above the highway with an intervening landscaped bank providing usable private space.

- 11.9 Plots 5 to 10 are a mix of one and two bedroom flats in a 2½ storey building broadly parallel with Thaxted Road. The building features a variety of architectural features to provide a contrast to the block building of the adjacent supermarket. The building has glazed balconies offering far reaching southerly views across open farmland, a combination of brickwork and weatherboarded finish to the walls and projecting gables with pitched roof dormers to the uppermost floor. Each flat would be provide with a private balcony or terrace in addition to the use of a communal garden area.
- 11.10 Plots 11 to 14 are one bedroom flats also in a 2½ storey block with the lower floor providing an undercroft parking area. This building runs parallel to the back of the supermarket masking its blank elevation and providing a buttress to the bank between the two buildings. Each flat would be provided with a private balcony within the side gable ends as well as access to communal space. The roofscape also benefits from the introduction of inserted gables to the long elevation to add both visual interest and break up the building mass.
- 11.11 Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. The front elevations of the townhouses on Tiptoft Mews face towards the application site. The only two dwellings on the application site that have their rear elevations facing towards the existing dwellings are the two storey dwellings on Plots 1 and 2 and there would be a minimum separation of 38m between the existing and proposed dwellings. The separation distance to the flats on Plots 11-14 would be 60m. Plot 3 would be the closest dwelling to Tiptoft Mews towards which it would present its side elevation. This elevation features a small first floor bathroom window and one side door at ground level with a separation distance of 26m to the existing dwellings. Given the degree of separation between dwellings on the site it is not considered that there would be any impact on amenity in terms of shadowing, visual dominance or loss of privacy.

C Access and Parking (Policy GEN1, GEN8)

- 11.12 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the existing highway network (Policy GEN1). Using standard 'TRICS' trip rate information for 14 dwellings this would equate to approximately 4 departures and 1-2 arrivals in the generic AM peak hour, reversed in the PM peak. This quantum o trip generation is relatively small and would not have an impact on highway capacity. A shared pedestrian/cycle path leads from outside the site along Thaxted Road to the junction with Peaslands Road.
- 11.13 The access to the site would be via a roadway running alongside the Aldi store to the site edge. This is 6.2m wide with a 2m wide footpath. At the entrance to

the site there would be a ramped access rising upwards at a 1:15 gradient to the shared driveway and parking court. This would be constructed of permeable block paving as part of the developments surface water drainage strategy.

- 11.14 Parking provision across the site would be accommodated by means of car ports, undercroft parking and uncovered spaces. The ECC Parking Standards treat flats and houses the same and requires a minimum of 1 space per dwelling for one bedroom properties and 2 spaces for properties with 2 or more bedrooms. In addition visitor parking is required at the ratio of 0.25 spaces per dwelling. The detached houses on plots 1 and 2 (3 bedrooms) would be provided with 2 spaces in tandem which, as they would be located within the curtilage of the dwelling, are accepted by the Standards. The semi-detached houses on Plots 3 and 4 (3 bedroom) would be provided with 2 spaces each and side by side within a car port positioned 9m forward of their front elevation. The two bedroom flats (Plots 5-7) would be provided with 2 uncovered spaces each. The remaining flats (Plots 8-14) would each be provided with a single space either in the open area or within an undercroft. 4 visitor spaces would be provided. All spaces would be of the preferred 5.5m x 2.9m bay size. Accordingly the development would be in accordance with the vehicle parking space requirements.
- 11.15 The houses would be provided with sheds to accommodate bicycle storage. Occupiers of the flats would have access to an enclosed cycle storage facility adjacent the undercroft vehicle parking area.
- 11.16 A pedestrian access to Tiptoft Lane would also be provided reducing the walking distance into Saffron Walden.
- 11.17 Taking into account the comments of the Local Highways Authority, it is considered that there would be no adverse effects on road safety, capacity or efficiency. The site is also in a location that meets the sustainable transport objectives of Policy GEN 1 and paragraph 103 of the NPPF.

D Accessibility (Policy GEN2)

- 11.18 Policy GEN 2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the lifetime Homes standards. However these standards have effectively been superseded by the requirements of Part M of the Building regulations. Compliance with these requirements could be secured by condition.

E Affordable Housing and Housing Mix (Policy H9, H10)

- 11.19 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. This has been effectively superseded by paragraph 63 of the NPPF which states that the provision of affordable housing should not be sought for residential developments which are not major developments. A development of 14 dwellings constitutes major residential development.

- 11.20 The 2017 SHMA identified that the affordable housing need of the district as being 2,600 homes for the period from 2011-2033 of which 477 had been completed by the end of 2016. All the dwellings would be provided as affordable housing making a positive contribution to this housing need. The SHMA identified the tenure split requirement of 71% affordable rent and 29% intermediate affordable housing. Details of the tenure types, however, have not been specified for the development.
- 11.21 The development would provide 4 three bedroom houses, 3 two bedroom flats and 7 one bedroom flats. This would satisfy the housing mix requirement of Policy H10 although this policy is directed at providing a significant proportion of market housing comprising smaller properties.

F SuDs and Flood Risk (Policy GEN3)

- 11.22 The site is contained within Flood Zone 1 as defined by the Environment Agency, land zoned as having the lowest level of flood risk from rivers or the sea. The Uttlesford District SFRA confirms the site is at 'very low' risk of surface water flooding. An open culvert is situated at the Thaxted Road frontage that conveys surface water run off to the Thaxted Road Slade. The site has underlying chalk designated as a principal aquifer providing a source of groundwater supplying the district however this is at a significant depth below the site.
- 11.23 The NPPF requires that sustainable drainage systems for the management of run off are put in place on major residential developments.
- 11.24 The access road and parking spaces would be constructed of permeable block paving. This would be a Type C system with no infiltration into the subsoil, given the risk of ground instability and the potential for ground contamination, and a series perforated pipes conveying rainfall to the receiving drainage system,. Roof water run off will be directed to the receiving drainage system. Rainwater butts would be provided to the rear of the houses. The receiving drainage system will discharge to the off-site watercourse via an attenuation tank of dimensions 2m x 16 m x 1.2m depth and flow control device.
- 11.25 The Environment Agency and Essex County Council, as the Lead Local Flood Authority, have been consulted and have no objection to the application subject to recommended conditions.

G Environmental Health (Policies GEN2,ENV10, NPPF)

- 11.26 Policy GEN2 requires development to provide an environment, which meets the reasonable needs of all potential users.

Noise

- 11.27 Policy ENV10 states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. The site is adjacent the Thaxted Road and susceptible to traffic

noise. Commercial operations at the Aldi supermarket are also a source for potential noise.

- 11.28 Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions etc.
- 11.29 Paragraph 182 requires new development to be integrated effectively with existing businesses and that such businesses should not have unreasonable restrictions placed on them after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.
- 11.30 The applicant has submitted an Environmental Noise Assessment which included attended and unattended noise monitoring, predictive noise modelling, and assessment of the results and consideration of noise mitigation measures specifically glazing and ventilation to all plots.
- 11.31 The proposed outdoor garden areas of all plots are shown to be exposed to acceptable noise levels below the threshold for “moderate annoyance, daytime and evening” given in the WHO guidelines
- 11.32 The assessment carried out shows the noise impact on the proposed development is likely to be at a level where an “Observed Adverse Effect” could occur. It is recommended that mitigation measures proposed within the report are implemented as part of the development, as this would result in an unacceptable noise situation. It is not considered that the development itself would have an impact on other noise receptors other than during the short term construction period.

Contamination

- 11.33 Where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters Policy ENV4 requires a site investigation, risk assessment, proposals and timetable for remediation. Paragraph 178 of the Framework states that planning decisions should ensure the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 11.34 The historic land use of the site is associated with chalk extraction from the late 1800s, evidence by a chalk pit shown on OS mapping, and as a refuse tip from the 1960s with the site not used for any known purpose since the 1980s. The applicant has submitted a site investigation report focusing on geotechnical and contamination issues which involved drilling boreholes, excavating trial pits and ground gas monitoring. The investigation found the

site to be made ground across the vast majority of the site underlain by chalk bedrock. The made ground was found to be of a general depth of 1.0m and 1.2m, and 6.2m within a former chalk pit, and comprised variable waste including brick, concrete, glass, clinker, metal, wood, bone, and miscellaneous waste.

- 11.34 The monitoring of ground gases found these to represent low hazard potential. Contaminants were found on the site including materials containing asbestos and heavy metals. Elevated levels of lead were identified in three samples over five times higher than the screening values and two samples of elemental mercury marginally higher than screening values. Recorded levels of leachable Anthracene were six times higher than screening levels. The Environment Agency has not raised concern the risk to the aquifer may be mitigated by its significant depth in excess of 35m below ground level and the development providing a built cap to the majority of the site.
- 11.35 A piled foundation has been recommended and suitable reinforced concrete floor slabs are considered necessary for land stability. Continuous Flight Auger piles are considered suitable in order not to aid leaching of substances into the underlying aquifer.
- 11.36 The report identified that the risk posed to future residents on the site to be considered unacceptably high if remediation is not completed. Remediation in the form of a soil cover system underlain by a geotechnical membrane is recommended with a depth of 60mm required for garden areas and 450mm for public open spaces. Upgraded water supply pipes are also recommended due to the presence of contaminants in the made ground.
- 11.37 The risk posed to site workers from asbestos during construction works was found to be medium, and contractors should undertake their own risk assessment given the circumstances.

Air Quality

- 11.38 It is expected that traffic generated by the proposal will impact on the Saffron Walden Air Quality Management Area. An Air Quality Assessment has been prepared using a conservative estimate of 54 additional vehicles per day accessing the local road network. The assessment has assumed an opening year of 2021, and predicts an increase in nitrogen dioxide of max $0.1\mu\text{g m}^{-3}$ with negligible impact on air quality. Each dwelling will be provided with access to cycle storage and the site is within a reasonable cycling/walking distance to most amenities such that there would not be an over reliance on private motor vehicles. Given the increased use of electric and hybrid vehicles a condition requiring a suitable provision of electric charging points is recommended.

Waste Facility

- 11.39 The application site is within a Waste Consultation Area associated with the Saffron Walden Civic Amenity site and subject to Policy 2 of the Essex and

Southend-on-Sea Waste Local Plan 2017. Policy 2 seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments.

Following an initial holding objection from the Minerals and Waste Planning Authority (MWPA) the applicant has drawn attention to the significant intervening large commercial buildings between the proposed development site and the waste recycling centre. Reference is also made to a transport note and further supporting information which argues that the highways impact of the new development will be negligible in its wider context, such that traffic to and from the existing waste facility would not be impeded. Provided that the LPA accepts this conclusion the MWPA removes its holding objection. There is a separation distance of 175m, between the site and the recycling facility, at its closest point and given the intervening built form and the limited traffic likely arising from the proposed development it is not considered that there would be any conflict of interests between the use of the two sites.

H Biodiversity (Policy GEN7)

- 11.40 The overarching policy guidance for biodiversity is included within the National Planning Policy Framework (NPPF4). Section 15 of this document (Conserving and Enhancing the Natural Environment) outlines the approach that Local Authorities should adopt when considering ecological issues within the planning framework, including the principles of the Mitigation Hierarchy. This espouses that in addressing impacts on valued features, avoidance should be the first option considered, followed by mitigation (minimising negative impacts). Where avoidance and mitigation are not possible, compensation for loss of features can be used as a last resort. Paragraph 170 of the NPPF gives policy support to the provision of measurable net gains in biodiversity.
- 11.41 The applicant has submitted an ecology assessment including a desk study, an Extended Phase 1 Habitat Survey and a reptile survey, which were completed between April and May 2019. There are no statutory designated sites within the vicinity and the closest Local Wildlife Site is Pounce Wood 1,420m to the north east of the site. The closest protected roadside verge is at Roos Hill 970m the south-west. At these distances no impacts would be expected from a development of this proposed scale.
- 11.42 The habitat has a varied structure and forms part of a wider network of habitat to the north, however, it is heavily disturbed by noise and light from nearby roads, residences and commercial buildings so its value for nesting birds, mammals and reptiles is limited and not uncommon on brownfield or disturbed sites. The development would require clearance of ruderal vegetation across the site likely to have some impact on biodiversity at the local scale. The reptile survey recorded no species on the site so no impact to reptiles is predicted. No water bodies and no amphibians were recorded on site during the survey. There are no features within the proposed development site with realistic potential to support roosting bats. Most other protected and valued species are predicted to experience no more than minor negative impacts as a

result of the proposed development. The site provides suitable habitat for nesting birds, so mitigation and enhancement measures are advised to address predicted impacts.

I Archaeology (Policy ENV4)

11.43 The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits. The development lies within a historic lime and cement production site known to contain post-medieval lime kilns marked as 'Cement Works' on the Second Edition Ordnance Survey Map of 1897. Within the proposed site, on the Third Edition OS Map there is identified a circular feature which may represent a further lime kiln. In consideration of this the County Historic Environment Adviser has made a recommendation for a condition for an archaeological programme of trial trenching followed by open area excavation.

11.44 Notwithstanding this recommended condition Officers consider that account must be taken of the 1960s and later use as a site for depositing waste material. The Site Investigation Report (Harrison Geotechnical Engineering March 2017) found the site mostly comprised of made ground with deposits of waste material to a general depth of 1.0m to 1.2m, and 6.2m within a former chalk pit, and furthermore it contained contaminants including asbestos products. As such, and in consideration of the recommendation of the Historic Environment Adviser, on balance it is not considered prudent to require a programme of archaeological investigation.

12 CONCLUSION

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

- A The principle of the development is deemed to be appropriate in that it would be a sustainable development in accordance with local and national planning policies.
- B The proposal would provide fourteen affordable housing units to the benefit of the local community.
- C Subject to appropriate mitigation measures the proposal would make the best use of a tainted site and provide a good quality living environment for future occupiers.

RECOMMENDATION – Approval subject to the conditions and Section 106 Agreement

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal

Services, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) On-site provision of 14 affordable homes**
- (ii) Payment of the Council's reasonable legal costs**
- (iii) Payment of a 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 an obligation by 17th October 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Inadequate affordable housing provision**

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the plans specified 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).

- 3 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- e) wheel and underbody cleaning facilities
- f) protection of the byway 18 (Saffron Walden)

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

Justification: This pre-commencement condition is required to ensure the appropriate environmental mitigation measures are secured prior to works commencing.

- 4 Prior to first occupation of the development the access and vehicle parking provision as shown on submitted drawing number UDC.730.P02B shall be provided and retained for that use thereafter.

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

- 5 Prior to first occupation cycle parking shall be provided in accordance with EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained for that use thereafter.

REASON: To ensure appropriate cycle parking is provided in the interest of encouraging movement by means other than driving a car in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to first occupation the pedestrian access onto public right of way byway 18 (Saffron Walden) as shown in principle on drawing number UDC.730.P02B shall be provided. The access to include a 'wheeling ramp' adjacent to the steps to allow cycles to be wheeled down and access the bridleway.

REASON: In the interest of encouraging movement by means other than driving a car in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7 No development shall take place until a comprehensive condition survey of public right of way byway 18 (Saffron Walden) from its junction with Thaxted Road to at the north eastern boundary of the site has been completed and submitted to and approved by the highway authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Justification: This pre-commencement condition is required to ensure that the condition of the byway is fully understood prior to works commencing.

- 8 Following completion of the construction of the development, a further comprehensive survey of public right of way byway 18 (Saffron Walden) from

its junction with Thaxted Road to at the north eastern boundary of the site shall be complete. 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 retaining the amenity of the byway, should the construction of the development impact on it, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 9 Prior to any works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
- Walls
 - Roof
 - Windows
 - Doors
- The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy ENV1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 10 Prior to first occupation of any dwelling, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:
- Retained features
 - New planting
 - Hard surfaces
 - Boundary treatment
- All hard and soft landscape works must be carried out in accordance with the approved details.

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

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

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy ENV1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

- 13 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 1l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, and to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: 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.

- 15 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: In accordance with the National Planning Policy Framework paragraph 163 and paragraph 170 which state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Justification: 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.

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

- 17 No development, including groundworks other than that required to be carried out as part of an approved scheme of remediation, shall take place until an assessment of the nature and risks of ground gas has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the risks of any ground gasses impacting on the site, whether or not it originates on the site. Depending on the outcome, details of the nature of gas protection measures to be provided to dwellings and justification for their use shall be included.

REASON: To ensure that the development is in the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005)

Justification: Failure to provide the above required information before commencement of works

This pre-commencement condition is required to ensure any risks due to gas emissions are fully understood prior to works commencing.

- 18 Following profiling to final soil levels, clean soil cover to a minimum depth of 450mm in public soft landscaping areas and 600mm in gardens shall be provided, underlain by a geotextile warning membrane.

REASON: To ensure that the development is in the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 19 Following completion of remediation measures, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be submitted to and approved in writing by the Local Planning Authority. The report shall include proof of depth and quality of clean cover.

REASON: To ensure that the development is in the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared detailing how the contamination will be dealt with, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the development is in the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 21 The windows and external doors to dwellings shall be provided with double glazing and trickle ventilation to achieve the ambient noise levels in British Standard 8233:2014.

REASON: To ensure the development is in the interests of residential amenity of the future occupiers of the properties, in accordance with Policies GEN2 and ENV11 of the Uttlesford Local Plan (adopted 2005).

- 22 Outdoor amenity areas shall be surrounded by a 1.8m high close boarded fence with interlocking joints and density of at least 10kg/m² or other barrier of the same or higher acoustic specification.

REASON: To ensure the development is in the interests of residential amenity of the future occupiers of the properties, in accordance with Policies GEN2 and ENV11 of the Uttlesford Local Plan (adopted 2005).

- 23 Prior to first occupation an electric vehicle charge point shall be provided within each garage or at one or more of the allocated parking spaces associated with each dwelling.

REASON: In the interests of sustainable development in accordance with the National Planning Policy Framework.

- 24 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Report (Wild Frontier Ecology, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall include the reasonable biodiversity enhancements outlined in the Ecological Report, including the provision of hedgehog-friendly fencing and the installation of at least 12 bird nest boxes and at least two bat roost boxes, should also be implemented.

REASON: To conserve and enhance Protected and Priority species in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



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