

**UTT/18/0824/OP (SAFFRON WALDEN)**

**(Major)**

**PROPOSAL:** Outline planning application for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access

**LOCATION:** Land East of Thaxted Road Saffron Walden

**APPLICANT:** Kier Ventures Limited

**AGENT:** Kier Living Eastern

**EXPIRY DATE:** 4 July 2018

**CASE OFFICER:** Maria Shoesmith

**1. NOTATION**

- 1.1 Outside Development Limits (small section within Developments Limits Policy SW5), Airport Safeguard Zone, Public Rights of Way

**2. DESCRIPTION OF SITE**

- 2.1 The application site is located east of Thaxted Road on the south eastern edge of the market town.
- 2.2 The site is of arable fields and lies within the rolling landscape of the River Cam/Granta. The M11 is to the west of the town and 5km from Audley End Station. It is adjacent to residential dwellings to the north and northwest, Lord Butler Leisure Centre and the skate park is located to the west, Shire Hill Farm northeast and the Kilns and Granite site, also Brick Kiln Lee Farm is located to the southeast of the site.
- 2.3 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.
- 2.4 The application site comprises an area of 7.9ha (19.6acres).
- 2.5 The northern parcel of land's highest ground level runs along the northern and eastern boundary (93.7m AOD) with the land sloping towards Thaxted Road to the south (reducing to 74.2m AOD). There is a water course that runs east to west across the site.
- 2.6 There are footpaths, bridleway and byway that either run along the perimeter of the site or through the site.

**3. PROPOSAL**

- 3.1 The submission is for Outline planning permission with all matters reserved except access.
- Provision of up to 150 dwellings including affordable housing;
  - Mixed housing types and tenure

- Substantial new areas of public recreation and open space providing for all ages, range of formal and informal spaces
- A network of public footpaths, cycle routes linking to the existing network and surrounding countryside;
- New signalised junction along Thaxted Road serving the new residential development;
- Effective access to existing public transport along Thaxted Road;
- Creation of greenway corridors

3.2 The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures.

3.3 The application would involve the necessary highway improvements and contribution towards highway improvements in order to accommodate the proposed development. The access is the only detailed part of the application by which this would be traffic controlled.

3.4 Within the master plan some of the key design principle would be to maintain public rights of way, green corridors both in terms of level of open space, preserving and enhancing wildlife, residential landscape buffer zone between the proposed and the existing commercial sites. The average density across the site would be 19.7 dwellings per hectare gross and 35dph net.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.

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

#### **5. APPLICANT'S CASE**

5.1 The following documents have been submitted in support of the application;

- Design and Access Statement (Savills, March 2018);
- Landscape and Visual Impact Assessment (The Landscape Partnership, March 2018);
- Revised Transport Assessment (PBS, September 2018);
- Suds Checklist
- Foul Sewerage And Utilities Assessment (Woods Hardwick, March 2018);
- Statement Of Agricultural Land Classification (Kier, March 2018);
- Residential Travel Plan (PBA, March 2018);
- Air Quality Assessment (PBA, March 2018);
- Sustainability Statement
- Biodiversity Checklist
- Statement Of Community Involvement (Savills, March 2018);

- Planning Statement (Savills, March 2018);
- Ecological Appraisal
- FRA And Drainage Strategy (Woods Hardwick, March 2018);
- Archaeological Desk-Based Assessment And Survey Work (Oxford Archaeology East, December 2017);
- Phase 2 Geo-Environmental (BRD, December 2017)

Plans:

- Location Plan
- Development Framework Plan
- Application Boundary Plan
- Site Access And Intervisibility Splay

Within the D & A statement it is stated that the development has been designed to meet the following objectives;

- Positive identity to ensure that the new development responds to the site and contextual opportunities, so fully integrating with its surroundings and defining new spaces.
- Viable and sustainable place, which is deliverable and contributes in a positive way to the long term economic viability of the area.
- A connected place which links and integrates with the existing community of Saffron Walden.
- Welcoming place which helps to foster a strong scene of place and community.
- Delivering best practice in development which is responsive to the environmental constraints, including the existing mature landscaped boundaries.
- Quality homes for a wide range of local needs, space to live and play, good access to facilities, public transport and a place people can be proud of.

5.2 **Statement of Community Engagement:**

5.3 In terms of early engagement pre-application discussions were held in February 2018.

5.4 A public exhibition was held on Monday 26 February 2018 (between 3pm-8pm) at the Lord Butler Leisure Centre. This was advertised in the Saffron Walden Reporter Thursday 15 February 2018 and an identical notice was published in the Walden Local 14<sup>th</sup> February 2018

5.5 The applicant invited a number of Officers and Councillors to the exhibition.

5.6 The date and time chosen for the exhibition was so that it allowed good opportunity for the community to attend.

5.7 The exhibition boards were provided which explained the following:

- The purpose of the event, how to provide feedback and information about how the feedback will be considered;
- Who Kier Living are and what they do;

- The planning history of the site;
- The relevant planning policy context;
- Site analysis;
- The proposed development;
- Information about access, accessibility and air quality; and
- The key benefits of the scheme.

5.8 50 people attended the exhibition. Of which 19 feedback forms were completed raising the following;

“Of the feedback received, the majority of residents did not support the proposals in their current form; however, a number of the comments did contain positive references, particularly regarding the green space and play area on the Illustrative Layout. Other positive comments included the provision of bungalows, with some residents requesting a higher provision.

The other key themes from the responses regarded flood, air quality, road width, traffic, and infrastructure capacity.”

The comments received would be addressed through the above documents (Section 5.1) that have been submitted in support of the application.

## 6. RELEVANT SITE HISTORY

6.1 The application site has a long planning history; the most relevant planning applications are listed below;

### **Kier Site:**

UTT/13/2060/OP - Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site – Refused 02 May 2014, dismissed at appeal

❖ The planning application was refused on the following grounds;

1. The proposal is considered to be an unsustainable form of development in this location as it lies outside the development limits of Saffron Walden within the Countryside, contrary to policies S1 and S7 of the Uttlesford Local Plan 2005.
2. The proposal would result in the loss of Grade 2 agricultural land which forms a traditional open space on the approach to Saffron Walden, contrary to policies S7, ENV3 and ENV5 of the Uttlesford Local Plan 2005.
3. The proposal by reason of its size and scale would give rise to unacceptable levels of air quality within Saffron Walden which can have a harmful impact on human health, contrary to policy ENV13 of the Uttlesford Local Plan 2005.
4. The development hereby permitted would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the Addendum report presented to the 30th April Planning Committee (page 7 & 8). In the absence of any legal agreement to address this, the application fails to fully mitigate the impacts of the development contrary to Policy GEN6 of the Uttlesford Local Plan 2005.

❖ In terms of the appeal decision it concluded the following;

- Would not have a significant adverse effect on the character and appearance of the area. It would not conflict with those aims of local plan policy S7 that seek to protect the intrinsic character and beauty of the countryside.
- The DLP Inspector was concerned that the function and specification of the link road and its benefits had not been explained. However, the traffic modelling evidence for the appeal shows that it would assist in providing relief to the Thaxted Road/Radwinter Road junction and the local highway authority indicates that the intention is to channel traffic away from the town centre, forming a new cross town route. This would be in conjunction with a range of junction improvements around the town but I have indicated above my misgivings about these. With the withdrawal of the plan and no planning application for the central section of the Policy 1 allocation, there is no clear timescale for the delivery of the full link road.
- Overall, I can attach only very limited weight to the provision made for the link road in the appeal scheme or to any benefits that might result from the full route in the light of the uncertainties about delivery.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of that development are severe. Given the number of junctions in the town that would be affected and the existing peak hour congestion, it has not been satisfactorily demonstrated that this would not be the case here. My conclusion is therefore that the proposed development would have a materially adverse effect on the efficient operation of the local highway network. In that regard it would conflict with the aims of LP Policy GEN1 which, amongst other things, seeks to ensure that traffic generated by development is capable of being accommodated by the surrounding highway network.
- No material adverse effect on air quality in Saffron Walden in accordance with Local Plan Policy ENV13 and the NPPF
- No unacceptable noise and disturbance would result to nearby residents due to the skate park as the design is a reserved matter and any disruption from construction could be mitigated through condition.
- The Saffron Walden site allocations (2013) were found to be sound by the DLP Inspector. Whilst the loss of best and most versatile land would be modest in the context of general quality of agricultural land in the District, it is considered to be a dis-benefit, however in the circumstances would only carry limited weight but is in conflict with ENV5.
- “The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) identify a District-wide need for some, but not all, types of sports pitches. However, while local sports clubs identified specific issues and aspirations for their organisations, there is no overall quantitative needs assessment for further provision in Saffron Walden itself.....Overall, in

the light of these considerations, I conclude that the proposed development would not have a significant adverse effect on local infrastructure and services. It would therefore accord with the aims of LP Policy GEN6 which seeks to ensure that provision is made for infrastructure made necessary by development.”

- The DLP Inspector for the Draft 2013 Withdrawn Plan when finding the site allocation sound found no location concerns relating to sustainable transport and access to services.
- “The distances to several facilities are further than desirable but there is a reasonable range within a preferred maximum according to Institution of Highways and Transportation guidelines. The existing leisure centre and an Aldi supermarket, under construction, are adjacent to the site and there are employment opportunities at Shire Hill industrial estate.” There are no dedicated cycling facilities in Saffron Walden. Contribution towards Wenden Road cycle way facility whilst outside of the town would assist in access to the railway station, everything else is at a reasonable cycling distance.
- On balance the application was refused on the basis of highway impact upon the network as quotes in paragraphs 36-39.

**Little Walden Road:**

UTT/16/2210/OP - Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access. Refused 23 December 2016, allowed on appeal 21 August 2017

**Limes Avenue:**

UTT/17/0255/FUL - Erection of 31 no. Dwellings with associated roads, car parking and landscaping - Approved 04 December 2017

**Linden Homes:**

UTT/13/3467/OP - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access – Approved 26 May 2015

UTT/16/1856/DFO - Application for the approval of matters reserved by outline planning permission UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school - Approved 13 January 2017

UTT/17/3426/OP – Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access – resolved to be approved, awaiting S106

UTT/17/3429/OP - Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill. - resolved to be approved, awaiting S106

**Kilns:**

UTT/13/1937/OP – Outline application for up to 52 dwellings with all matters reserved except access – approved October 2013

UTT/16/1444/OP – Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP – Approved 16 November 2016

UTT/17/3038/DFO - Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale. - Approved 15 February 2018

**Tiptoffs:**

UTT/13/2615/FUL - Highbank And Hillview Thaxted Road - Erection of 2 No. detached replacement dwellings – approved 25.11.2013

UTT/15/1955/FUL - Tiptofts Lane (formerly Land Adj To Hill View Thaxted Road) - Erection of 5 no. dwellings and 3 no. garages (amended scheme to that approved under planning permission UTT/15/0026/FUL)- approved August 2015

**Ridgeons:**

UTT/13/2423/OP – Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access. - Approved 26 November 2014

UTT/15/0455/DFO - Reserved matters following outline application UTT/13/2423/OP, for replacement Ridgeons building, commercial access road, and bus turning area together with fencing, retaining walls, fuel tank, cycle parking, substations external racking and associated works. - Approved 2 July 2015

UTT/16/2701/DFO - Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/13/2423/OP for Phases 1b, 2 and 4 to provide 160 dwelling houses with associated car and cycle parking, hard and soft landscaping, 5-a-side football pitch and utilities & infrastructure including details pursuant to conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging points) and 27 (rainwater harvesting) of outline permission UTT/13/2423/OP - Approved 13 February 2017

### **Granite Site:**

UTT/18/1299/FUL - Amendments to planning application UTT/13/0268/FUL, incorporating amendments approved under UTT/17/1782/FUL to allow the change of use of Unit 3 from Class A1 retail to Class D2 Gym - Approved subject to conditions and S106 Agreement

UTT/18/1303/FUL - Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency, lighting, drainage and remediation included) to allow for the unrestricted sale of Class A1 goods (non-food only) and the insertion of a mezzanine floor. Approved subject to conditions and S106 Agreement

Planning permission was recently granted for “Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend control over retail space details relating to materials, landscaping, cycle parking” This was granted planning permission 19 December 2017, subject to conditions and S106 Agreement. (UTT/17/1782/FUL).

Planning permission was granted for “Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land.” (UTT/13/0268/FUL, 10 May 2013).

UTT/18/2366/FUL – Construction of Use Class C1 hotel with ancillary restaurant; provision of car parking; landscaping; relocation of substation; and associated development - pending consideration

### *Material outstanding applications for consideration:*

UTT/17/2832/OP - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking. - Land North Of Shire Hill Farm Shire Hill Saffron Walden Essex

- 6.2 It should be noted that the application site, the subject of this application once formed part of a larger draft allocation site which included the Linden Homes site to the north and a much larger Kier site as part of the withdrawn 2014 draft local plan.

## **7. POLICIES**

### **7.1 National Policies**

- National Planning Policy Framework

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

- S1 Development Limits for the Main Urban Areas
- S7 Countryside
- GEN1 Access
- GEN2 Design



- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix
- LC2 Access to Leisure and Cultural Facilities
- LC3 Community Facility
- LC4 Provision of Outdoor Sports and Recreation Facilities Beyond Development Limits

### 7.3 **Emerging Draft Local Plan – Regulation 19 (Pre-Submission Stage)**

- Policy SP 1 - Presumption in Favour of Sustainable Development
- Policy SP 2 - The Spatial Strategy 2011-2033
- Policy H 1 - Housing Density
- Policy H 2 - Housing Mix
- Policy H 6 - Affordable Housing
- Policy H 10 - Accessible and Adaptable Homes
- Policy D 1 - High Quality Design
- Policy D 8 - Sustainable Design and Construction
- Policy D 9 - Minimising Carbon Dioxide Emissions
- Policy INF 1 - Infrastructure Delivery
- Policy TA 1 - Accessible Development
- Policy TA2 - Sustainable Transport
- Policy TA 3 - Vehicle Parking Standards
- Policy TA 4 - New Transport Infrastructure or Measures
- Policy EN5 - Scheduled Monuments and Sites of Archaeological Importance
- Policy EN 7 - Protecting and Enhancing the Natural Environment
- Policy EN 10 - Minimising Flood Risk
- Policy EN 11 - Surface Water Flooding
- Policy EN 12 - Protection of Water Resources
- Policy EN 14 - Pollutants
- Policy EN 15 - Air Quality
- Policy EN 16 - Contaminated Land
- Policy EN 18 - Light Pollution
- Policy C 1 - Protection of Landscape Character
- Policy SAF 1 - Land north of Thaxted Road

## **8. Saffron Walden Town Council**

### 8.1 Object to application;

- Loss of agricultural land;

- Loss of countryside;
- Increased pollution in the AQMA;
- Over crowded education;
- Pressure on health provision;
- Pressure on water cycle;
- Development on wrong side of town - highway impact;
- Development would deliver fewer affordable housing and community contributions;
- Concerns that the proposed mitigation in the Highway Impact Assessment 2013 which forms part of the local plan work would not address traffic implications nor encourage no car travel;
- S106 contributions would need to be substantial and take a sustainable approach considering no car modes of travel;
- Development is contrary to local plan policies S1, S7, ENV5, GEN1, GEN6, ENV3

## 9. CONSULTATIONS

### **Anglia Water**

#### 9.1 No assets owned by Anglia Water

There is capacity in the wastewater treatment plant and the sewerage system network for the proposed water flows.

Should the surface water management change or wish to connect the sewerage network then Anglia would need to be re-consulted.

### **Natural England**

#### 9.2 No comment.

### **NHS**

#### 9.3 The proposed development will have an impact upon 2 GP practices in the area and they do not have the capacity for the growth resulting from the development and the cumulative impact.

The development will also have an impact upon the NHS funding program for delivery of healthcare provision and the specifically the health catchment of the development.

The application recognises that a capital contribution will be required to mitigate primary healthcare impacts arising from the proposed development.

Therefore a sum of £59,133 is required to mitigate the development and in order to make the scheme sustainable and requests that this sum is secured by of Section 106 Agreement. Subject to this no objection is raised.

### **ECC Ecology**

#### 9.4 *Letter dated 18/4/18*

Holding objection on insufficient information

The ecology report recommends further surveys such as spring bat activity and remote survey for bats. I recommend this is provided prior to determination. The report states that these surveys are underway. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including biodiversity under s40 NERC Act 2006.

#### 9.4.1 *Letter dated 23/10/2018*

No objection subject to securing biodiversity mitigation and enhancement measures.

I have reviewed the Update Ecological Appraisal (Bioscan, May 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation. The bat activity surveys indicated that the hedgerows on the site are important for barbastelle bats. The mitigation for the site focuses on the protection of these networks and should inform the site design.

- 9.4.2 The Badger Report (Bioscan Dec 2017) states that there are two setts; it states that only one was in use at the time of survey. Both of these need to be protected from development by 20m within the design or an application to close the sett needs to be applied for from Natural England.  
I am satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.
- 9.4.3 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 9.4.4 The mitigation measures identified in the Update Ecological Appraisal (Bioscan, May 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly local bat populations and activity. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

**Cadent**

- 9.5 Gas apparatus has been identified within the site boundary and therefore may include private interest in the land. Applicant must ensure that Cadent's legal interest is not infringed.

Any buildings or structures above the gas apparatus then they will need to be diverted.

Informative: Due to the presence of Cadent and /National I Grid apparatus in the proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

**ECC Archaeology**

- 9.6 No objection subject to conditions on programme of trial trenching followed by open excavation.

**Affinity Water**

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

C532 "Control of water pollution from construction - guidance for consultants and contractors".

**NATS**

- 9.8 No safeguarding objection.

**MAG**

- 9.9 The safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aero drone Safeguarding criteria. Stansted Airport has no objections to the proposal.

**Open Spaces LC for Essex**

- 9.10 3m wide fenced off buffer to be provided for FP37 bordering nw of the site hedged off from the development to keep the rural nature of the FP and allow wildlife in the bordering hedges.

Existing hedge should be retained and enhanced.

Gaps in the hedge for residents to access the footpath may help.

Shire hill junction has been neglected, please can this be tree lined.

Where possible where the site and the NE of the field speed restriction measures to be installed where Bridleway 19 crosses with staggered pedestrian barriers.

**UDC Housing Officer**

- 9.11 40 % affordable housing to be provided (60 units based on 150) with 5% wheelchair accessible and bungalows ( 8 units - 4 affordable and 4 open market units).

**ECC Education**

- 9.12 The proposed development would generate the need for jump to 13.5 early years and child care places, 45 primary school and 30 secondary school places. As a result a contribution of £17,422 per place is required. Based demand generated from the proposal contribution of £235,197 (indexed linked April 2018) I'd sought to mitigate the coal impact upon EY &C provision.

In terms of primary school provision £15,282 per place = £687,645 (indexed)

In terms of secondary £23,214 per place =£696,420

**Crime Prevention Officer**

- 9.13 Welcome opportunity to consult with developer at pre-application stage to discuss obligations under policy GEN2 and to achieve Secured of Design award.

**ECC SUDs**

- 9.14 *Letter dated 13 June 2018*

Objection due to insufficient information relating to sufficient storage, urban creep, indicative drainage plan.

- 9.14.1 *Letter dated 9 July 2018*

No objection subject to conditions.

**UK Power Networks**

- 9.15 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.

### **ECC Highways**

- 9.16 With the National Planning Policy Framework in mind, the Highway Authority has reviewed the planning application and supporting transport assessment against its own Development Management Policies to ensure the proposal site can be accessed safely and any additional trips would not be detrimental to highway safety and capacity as well as to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The Highway Authority has visited the proposal site and assessed its suitability against its own knowledge of the highway network and information it holds in this regard. The Highway Authority is content the proposal would not be detrimental to highway safety and capacity and would be accessible by public transport, cycling and walking. With the above in mind, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- 9.16.1 Were the Local Planning Authority minded to grant planning permission, the Highway Authority would advise to also do so for adjoining planning application UTT/17/2832/OP, thereby enabling the creation of a link road between Radwinter Road and Thaxted Road. This would enable traffic to route away from the existing highway network, in particular the Radwinter Road/Thaxted Road/East Street/Chaters Hill traffic signal controlled junction. The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate. In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

### **Environmental Health**

#### **9.17 *Scheme in isolation***

This proposal for 150 dwellings by Kier Living Ltd lies within 300m of the south eastern extent of Saffron Walden Air Quality Management Area, declared due to NO<sub>2</sub> exceedances of national air quality objectives at some junctions in the town centre. Additional traffic as a result of the proposal will impact on these junctions, and very careful analysis is required, taking account of available national guidance, of the potential for an adverse effect on air quality and human health, and the extent to which it can be mitigated.

- 9.17.1 To inform the analysis, UDC has commissioned a peer review of the technical aspects of the Air Quality Assessment supporting the application, prepared by Peter Brett Associates (PBA) ref: 41317/3002. The review was carried out by Air Quality Experts Global Ltd (AQEG) and included examination of the suitability of input data, processing, and set up of the dispersion model used by PBA to predict levels of emissions in the opening year of the proposed development. AQEG went on to undertake their own modelling using the data to test the performance of the PBA model and consider the level of uncertainty associated with the conclusions. The report of the review will be submitted. It has highlighted a number of areas of uncertainty in the modelling.
- 9.17.2 Traffic data used by PBA has assumed a 90/10 north/south split at the access to the site off the eastern side of Thaxted Road. This is considered a worst case scenario, as agreed by Essex Highways for the previous application by Kier under

UTT/13/2060/OP. Equal speed data was assigned to both the 2023 opening year of the study and the 2016 baseline scenario, an approach which may be unrealistic due to additional congestion on the local road network, and in turn may underestimate future emissions. To add to the uncertainty, queuing at traffic signals, notably at the Thaxted Rd/ Radwinter Road junction, has not been explicitly modelled.

- 9.17.3 Part of the assessment process requires addition of the new source of NO<sub>2</sub> emissions as a result of the proposal, to background levels of NO<sub>2</sub> which are expected to be present in the opening year. It is considered best practice now to keep background values equal to baseline conditions, especially when the opening year is no more than 5 years distant from baseline. This is to reflect background concentrations levels not falling as initially predicted by Defra within their data for UK background levels provided for future years. The AQA has modelled outcomes at receptors which are likely to be worst affected by additional traffic. Background concentrations and emissions factors for an opening year of 2020 have been used, and assumes all traffic from the development will be on the local road network that year. In reality it will be later, therefore a sensitivity test has been carried out using 2021 data to demonstrate the effect of emissions falling as expected. No exceedances of air quality are predicted at the receptors with the sensitivity test. However, if emissions do not fall as expected by the future years' data, it follows that background levels will be a higher component of the total than modelled. UDC has not observed a clear decline at its background monitoring sites over recent years, and although the model will be conservative in relation to the 2023 traffic levels used, it has not adopted the most conservative approach by keeping future background levels to those for 2016 baseline. For consistency, the peer review has used background levels and emission factors for 2023, the same year as the traffic data.
- 9.17.4 The performance of a model must be verified, and adjusted if necessary, against monitored data. The model was verified against data from three monitoring locations in Saffron Walden including within street canyons, where dispersion is impeded by the geography of the road in relation to buildings alongside, and provided an acceptable margin of error. However, monitoring locations at congested traffic conditions were not used. Part of the peer review exercise derived separate adjustment factors for different scenarios of receptor locations including at congested junctions with the town where highest emissions have been recorded, and found that that by not using a wider range of verification sites, the PBA model is likely to underestimate the impacts in the opening year at some locations where elevated levels of NO<sub>2</sub> have been observed.
- 9.17.5 Combined with the non-conservative use of background concentrations at the processing stage, the contributions to local emissions and likely exceedances for both 2016 baseline and opening year scenarios are significantly underestimated at queuing/congested locations.
- 9.17.6 As no exceedances at sensitive receptors are predicted under the sensitivity test analysis by PBA, no mitigation is proposed. The areas of uncertainty identified suggest the conclusions of the assessment in placing reliance on expected vehicular emissions reductions are unacceptable. The impact on air quality at sensitive receptors must therefore be minimised to avoid an adverse impact on the AQMA.
- 9.17.7 The principles of the NPPF require development to contribute towards national objectives for pollutants, taking account of the presence of an AQMA and the cumulative impacts on air quality from individual sites, and measures should be sought designed to offset the impact arising from the development by minimising additional vehicles on the road network and supporting use of low emission vehicles.

9.17.8 In support of local policies, the peer review has suggested the following are considered:

a) Suitable mitigation is sought from the applicant to remove the additional NO<sub>x</sub> emissions per year resulting from the operation of the proposed development

b) There is a need to deliver mitigation measures to reduce the impacts within the AQMA. In addition to the design and implementation of the link road proposed, it is advised a low emission strategy (LES) is developed to further reduce the impacts of the proposal on local air quality, particularly at hot spot locations. The LES must address ways to reduce traffic emissions through a pack of selected measures with clear quantification of the annual NO<sub>x</sub> emission reductions achieved.

c) A S106 contribution to Highways schemes / Traffic Management strategies and Systems is sought to alleviate congestion at sensitive locations of the amount of the equivalent damage cost for NO<sub>x</sub> emissions generated by the proposed development

d) The need to fully analyse and quantify the cumulative impacts of the current application with other significant developments within the area of influence of the proposed development (e.g. UTT/17/2832/OP), especially at sensitive areas within the AQMA.

9.17.9 The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification. An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level.

9.17.10 **Construction phase:**

Additional vehicles on local road network during the construction phase will impact on road users and residents, and the phase itself has the potential to raise fine particulate levels and give rise to loss of amenity due to dust. Careful management is needed to reduce the risk, and the AQA sets out details of how this will be mitigated. A condition to ensure this takes place is recommended:

9.17.11 Before the commencement of development on a plot or phase, a detailed scheme Construction Environmental Management Plan including measures to protect air quality during the construction of that plot or phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the scheme. The plan must include:

1. The access and route arrangements to the plot or phase in connection with the construction of the development
2. Wheel cleaning facilities for the duration of the development on that plot or phase to prevent the deposition of mud and other debris onto the local road network and public areas
3. Storage and loading/unloading of plant and materials used

4. Arrangements for monitoring levels of dust emitted during the construction phase

9.17.12 **Lighting**

The development has the potential to cause loss of amenity due to a new source of artificial lighting in the neighbourhood. The applicant should demonstrate that lighting will be at the minimum level necessary to achieve its purpose, with minimal glare and light spill. The following condition is requested to protect against loss of amenity:

9.17.13 “No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details”

9.17.14 **Contamination**

A Phase II Geo-environmental site investigation prepared by BRD Environmental Ltd has been submitted based on field works undertaken in 2013 to support the application made under UTT/13/2060/OP. The proposal is zone 2 of the previous application excluding the southern portion. The risks of migration of gas and other ground contaminants from land to the south historically used for contaminative uses, including landfill, has been adequately assessed, and no remediation or further investigation is necessary.

9.17.15 It is recommended that a condition as follows is applied to safeguard against the discovery of unforeseen contamination:

“In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be 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). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.”

9.17.16 No comments are visible from the Environment Agency, and as the site has been identified as being within a source protection zone overlying a principal aquifer, a condition to require measures for pollution prevention and control is recommended, to avoid harm to the water environment:

“Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.”



### ***Cumulative Impact***

- 9.17.17 As referred to in my comments dated 28th November, analysis and quantification of the cumulative air quality impacts of the proposal with other significant developments, including the proposal under UTT/17/2832/OP Land north of Shire Hill Farm, has been carried out. Included in the analysis are the potential benefits of a proposed spine road linking Thaxted Road and Radwinter Road, through the proposal site and the site defined in UTT/17/2832/OP.
- 9.17.18 UDC has commissioned Air Quality Experts Global Ltd (AQEG) to carry out the analysis, the summary of findings from which is appended to these comments. The full report of the analysis will be submitted once it is received by this section.
- 9.17.19 To inform the analysis, detailed emissions dispersion modelling was carried out to compare scenarios without development, development without mitigation, and development with mitigation in the form of a spine road. Traffic data for model input has been provided on behalf of both proposals for queuing conditions at traffic signals and congested junctions, which are a feature of the Air Quality Management Area (AQMA). The model has adopted a conservative approach for an opening year of 2023, and has a maximum uncertainty of plus or minus 2.4 ugm3.
- 9.17.20 The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ugm3 here, against a nitrogen dioxide air quality objective of 40 ugm3, the impact is negligible. The largest reduction in concentrations (-0.49 ugm3) within the AQMA, is predicted at Thaxted Road close to Shire Hill.
- 9.17.21 A sensitivity test has been carried out where no HGV traffic is allowed through the spine road, and has been found to deliver imperceptible improvements. As a result, no HGV restriction is necessary.
- 9.17.22 A slight adverse impact is predicted at the receptor 1 (R1) at the narrow part of Bridge Street just north of the junction with Castle Street, however the predicted resultant level of 31.2 ugm3 is well below the objective and falls further in 2024 onwards due to improved vehicle emissions and declining background levels of nitrogen dioxide. A minimal increase has been predicted at R2, located on the corner of Bridge Street and Castle Street background levels of nitrogen dioxide. However, the receptor location is at the corner kerb of the junction and there will be a further reduction of concentrations at the façade of the nearest residence at first floor level in Castle Street.
- 9.17.23 In addition to the spine road, mitigation can be achieved through delivery of local traffic management measures, including parking restrictions at sensitive locations to improve traffic flow. Such measures are beyond the control of the developers, and a S106 contribution should be sought to fund such schemes and other traffic management measures identified by Essex Highways as appropriate to reduce levels of traffic and traffic emissions within the AQMA.
- 9.17.24 Should consent be considered for both proposals, the following conditions are recommended for the proposal under UTT/18/0824/OP, in addition to delivery of the spine road:

1. All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EVcharging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.
2. A robust travel information pack shall be provided to each householder to encourage the use of low emission/ zero emission vehicles and promote non car /single occupancy car travel.
3. Cycle / powered two wheeler parking shall be provided at each dwelling. The parking shall be secure, convenient, covered and provided prior to occupation.
4. Before the commencement of development, details of the provision of pedestrian and cycle use of the bridleway to Shire Hill and access on to Thaxted Road, to consist of a shared use footway/cycleway 3.5m wide, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter implemented in accordance with the approved details.
5. Details of the provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and rail railway station from the site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to the commencement of the development and thereafter implemented in accordance with the approved details.
6. All domestic boilers provided at dwellings shall incorporate best available technology to reduce nitrogen dioxide emissions. Details of the boilers shall be submitted to the Local Planning Authority prior to installation.

## **10. REPRESENTATIONS**

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result the following points have been raised:

- Agricultural tenant - loss of income due to loss of land, no right of access, without permission from third party, unable to construct access from Thaxted rd. due to highway objection and land locked;
- Inadequate infrastructure roads/education/dr surgeries;
- increased road traffic through town/parking;
- congested streets;
- Increased air pollution/noise pollution /Impact on AQMA;
- Increased risk of flooding;
- Application was refused previously due to loss of agricultural land - loss effects economy;
- 3 story high properties on the hill would be out of keeping;
- Consideration of other sites futures and their cumulative impact
- Current level of house building in town cannot continue, it can't cope
- Overdevelopment;
- Unsuitable development;
- Loss of suitable habitat for local wildlife/ecology;

- Affordable housing included but the majority of dwellings aimed at people who want to move into this area, rather than people who currently live here, especially those on a low income.
- loss of countryside;
- Impact upon commuting;
- Impact on network of public footpaths;
- Impact on quality of life, increasing size of town
- Lack of reuse of empty properties and brownfield in cities
- Wrong side of town
- Number of houses constructed since last application;
- Need ring road built BEFORE any more houses
- Added further 200/250 cars onto Thaxted Road
- New village at great Chesterford is a better solution for housing need and new infrastructure;
- Flawed development
- Previous application refused on impact on traffic and roads;
- Scheme would also have an impact on businesses;
- Other new developments under construction impacting on traffic;
- New houses and villages proposed are not needed
- Friends school site should be considered in conjunction with current applications;
- Trying to get half the site approved to then follow with the rest;
- Contrary to policy one seeking alternative modes of transport
- Facilities more than 800m away, Town centre more than 1.8km away;
- No linking of existing footpath network;
- No safe pedestrian or cycle provision routes
- Congestion will be 4 times greater than Essex Highways report 2014
- Does not mitigate cumulative impact from other schemes;
- 150 cap on traffic
- Cumulative impact from development such as Linden homes and Ridgeons
- NHS requirement is shocking, should be asking for new clinic and shop
- Can't be viewed as a stand-alone project
- Severe cumulative impact contrary to para 39 of the NPPF
- Should not consider greenfield develop but brownfield as friends school
- Too dangerous to cycle
- Not needed to meet housing numbers of the local plan
- Unhealthy pattern of showing bias to developing site;

#### We Are Residents:

- Unsustainable;
- Reasons for appeal decision are still valid;
- Worst location in saffron walden for development;
- Increase car based travel;
- Not in accordance with NPPF;
- No education provision forms part of the application provides contribution but not school provision; (that is all that is required and is assessed in conjunction with the adjacent site)
- Representation refers to 300 new dwellings (this refers to the previous application);
- Reference to para 39 of appeal decision impact on highway network and para 67 highway capacity;
- TA refers to major junctions operating at capacity;
- UDC clear that a relief road between radwinter rd and thaxted rd is required but one is not proposed (this can be secured via s106);
- ECC 2003 air quality assessment of SW predicts AQ will worsen;

- Pollution levels materially exceed limit values every year other than 2014;
- Development will breach EU levels; (no current figures provided)
- Disagree in inspectors findings on air quality;
- Employment not considered- unsustainable;
- Loss of BMV agricultural land contrary to policy ENV5;
- No regards to overall impact upon SW given;
- The development fails to meet the social role of sustainable development- no infrastructure and in the wrong place;
- The site has a lack of local services;
- The site is a distance from the rail station and includes an inadequate bus service;
- Increased use of motor cars;
- The development does not support sustainable transport and is in a unsustainable location;
- The site is not brownfield site, it is a greenfield site;
- No new infrastructure is included in the proposal;
- There is no provision for health or education;
- The site does not accord with UDC Employment land review, and will be remote from job creation;
- The submitted travel assessment fails to ensure the development will minimise the need to travel and use sustainable transport modes;
- The development does not promote a mix of uses to provide opportunities for day to day activities;
- Although the council does not have a 5 year housing supply this does not support unsustainable development;
- The development will increase air pollution, this is unacceptable;
- The development fails to meet the economic role of sustainable development;
- Saffron Walden is unattractive to employers due to high costs and poor access;
- Other area within the district would have preferred transport links;
- Saffron Walden is unattractive for businesses therefore unsustainable;
- The proposal will result in congestion; this is consistent with the planning inspector previous appeal decision;
- The development fails to meet the environmental role of sustainable development;
- Saffron Walden Ecological Footprint is above the Essex and England averages
- The development should provide a network of cycle and pedestrian networks;
- The submitted travel plans hold not positive weight;
- Existing road junctions will operate well above the designed capacity;
- The transport assessment does not give a realistic assessment of travel distances;
- People do not walk or cycle the distances required to get to facilities;
- The site does not promote access by public transport;
- The proposal does not include a relief road of which was a mitigation measure;
- The previous planning application was refused on air pollution;
- The Air Quality Assessment (AQA) is not fit for purpose;
- The impact of development on air quality is a valid reason for refusal;
- No mitigation for impact to air quality is included in the application;
- No education provisions are provided, even though ECC calculation states the need for additional education places;

- It would be appropriate for the local planning authority to consider cumulative effects;
- The air quality assessments available shows there is risk of air quality objectives;
- The local planning authority should restrict further development in this area until improvement had been made;
- The local planning authority has the right to refuse the application on these matters;
- There is no further capacity for even small increase to air pollution within Saffron Walden;
- A refusal due to the risk of exceedance of air quality objective would be consistent with the within the requirement of the NPPF.
- **Proof of evidence includes:**
  - Air quality Issues- Dr Michael Ball (2015)
  - Air quality Issues- Dr Michael Ball (2014)
  - Local Air Quality Management February 2009 (Policy Guidance PG09)
  - NPPF(2018)

## 11. APPRAISAL

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

<b>A</b>	<b>Principle of development</b>
<b>B</b>	<b>Design</b>
<b>C</b>	<b>Mix of Housing and Affordable Housing</b>
<b>D</b>	<b>Amenity &amp; Air Pollution</b>
<b>E</b>	<b>Highways</b>
<b>F</b>	<b>Landscaping and Ecology</b>
<b>G</b>	<b>Flood Risk and Drainage</b>
<b>H</b>	<b>Archaeology</b>
<b>I</b>	<b>Infrastructure provision to support the development</b>
<b>J</b>	<b>Other material considerations</b>

### **A Principle of development**

- 11.1 The Draft Local Plan is still at an early stage and has some but 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.
- 11.2 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.
- 11.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Whilst this compatibility report relates to the 2012 NPPF the thrust of the conclusions is still

considered relevant. 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.

- 11.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. This position has not significantly altered since the original application in 2013 and the demand to meet the shortfall of housing has increasingly become critical.
- 11.5 The Housing Trajectory And 5-Year Land Supply Statement was released October 2018. The estimated number of completions each year is shown in the tables below.

<b>Table 1: Delivery over last 3 years</b>			
Year	Delivery	Target based SHMA / standard methodology	Target based on standard methodology
2015/2016	554	568 <sup>1</sup>	632.8
2016/2017	722	641 <sup>2</sup>	632.8
2017/2018	966	723 <sup>3</sup>	632.8
TOTAL	2242	1932	1898.4
Over Supply		+310	+343.6

**Housing Supply**

<b>Table 2 Actual completion rate since 2011</b>								
Year	11/12	12/13	13/14	14/15	15/16	16/17	17/18	total
completions	521	540	390	463	554	722	966	<b>4156</b>

- 11.6 Housing Trajectory And 5-Year Land Supply Statement states that “The Council’s overall target over the next 5 year period is 4747 dwellings. The Council estimates that from sites with planning permission and windfall sites 2496 dwellings will be delivered over the next 5 years which provides the District with 3.46 years of supply.
- 11.7 If the draft allocations are included in the supply the Council estimates that 3210 dwellings will be delivered over the next 5 years which provides the District with 4.45 years of supply.” In order to meet the 5 year housing supply between periods 2018/19 – 2022/23 sites with Planning permission, windfall allowance and sites with draft allocation are taken into consideration.
- 11.8 The application site is located within the emerging draft local plan, which is at Regulation 19 stage, as an allocated site which is a material consideration and carries some weight in consideration. The site is also taken into consideration to meet the 5 year land supply which would equate to 5.1 years by 2022/2023.

- 11.9 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable. This is especially true for proposals on draft allocation sites, as is the subject of this application, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.
- 11.10 The NPPF sets out a presumption in favour of sustainable development. This is reflected in emerging draft Policy SP1.
- 11.11 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.
- 11.12 **Economic strand:**  
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating 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 of residential dwelling 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 proposed development would assist in the economic vitality and viability of the town and surrounding local area. The site is near Shire Hill Industrial Estate and Granite Retail Warehousing Estate, which would provide employment opportunities plus be economically supported by the proposed new dwellings.
- 11.13 It is stated within the Sustainability Statement that the proposed development would inject significant levels of private sector investment into Saffron Walden during the construction phase which is estimated to create 300 jobs supporting across a range of roles and skill levels. The statement goes on to state that for every 1 job which is created within the construction sector and additional 2.4 indirect jobs are created in a wider economy per house completion.
- 11.14 The developer employs locals and supports local businesses and suppliers.
- 11.15 The improved infrastructure as a result of the proposed development would facilitate ease of movement and links to other employment areas within Saffron Walden. The improved infrastructure could include more bus stop links and new footpath and cycle routes. This would increase the potential for the use of alternative means of travel to areas of employment. This proposal would help deliver an economic role.
- 11.16 **Social role:**  
The NPPF identifies this as to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the

needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' 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 Part M Building Regulations. 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, new footpaths and cycle routes. The application site is located in the most sustainable locality within the District which is adjacent to employment, retail, leisure and bus services. With the Town Centre a walkable distance away, this offers a further abundance of facilities and services. Financial contributions are proposed towards education, and health provision to mitigate the impact of the proposed development.

- 11.17 The Sustainability Statement outlines that the scheme would facilitate social cohesion as it would enable the provision of a mix of housing for local people near the town centre. This proposal would help to deliver a social role.
- 11.18 **Environmental role:**  
The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. 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.
- 11.19 The scheme would integrate the proposed development with the existing built form and public footpaths. There is easy access to bus services from the site encouraging non car based journeys. Habitats on site would be enhanced through improved meaningful landscaping schemes. This proposal would help to deliver an environmental role.
- 11.20 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. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 11.21 Emerging Draft Local Plan Policy SP2 states that development will be distributed primarily to the major towns such as Saffron Walden, then towards the key villages. This is also reflected in adopted Local Plan Policy S1.
- 11.22 The development is considered to be sustainable development and therefore the principle of the proposal is acceptable. This is considered even more so the case as the application site identified within the Regulation 19 submission and has some weight in this respect as an acceptable site in principle.
- 11.23 The emerging draft Policy SAF 1 refers to the application as a Regulation 19 allocated site. The policy states the following;



*“Quantum of Development: 150 No. dwellings*

*Site Area: 7.92 hectares*

*Land north Thaxted Road, Saffron Walden, as shown on the Policies Map, is allocated for the development of approximately 150 dwellings. Detailed proposals that comply with other relevant policies and meet the following site specific development requirement will be permitted:*

- 1. The development provides for a mixed and balanced community to include at least 5% older persons 1 and 2 bed dwellings across tenure;*
- 2. Development respects the amenity of the existing dwellings adjoining the site;*
- 3. A Transport Assessment will be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;*
- 4. An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;*
- 5. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;*
- 6. Appropriate ecological survey will be required;*
- 7. Development will need to be implemented in accordance with design guidance approved by the Council and other Development Management policies.*
- 8. Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;*
- 9. The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact;*
- 10. Development will need to be implemented in accordance with the Master Plan and design guidance approved by the Council and other Development Management policies. Implementation of the Master Plan proposals will be regulated by legal obligation in association with the grant of planning permissions; and*
- 11. The Master Plan needs to make provision for the delivery of a link road between Thaxted Road and Radwinter Road.*

*Site Description: This is a greenfield site on the south eastern edge of Saffron Walden. The site is bounded by residential development to the north and south.*

*Constraints: Impact on the Saffron Walden AQMA – An Air Quality Assessment will be required to accompany any application to demonstrate the development of this site will have no adverse impact on the Saffron Walden AQMA.*

*Highways Impact - The application will need to be accompanied by Transport Assessment to demonstrate that there will be no adverse impact upon the highway network.*

**Contamination** - *A Contamination Report will be required to demonstrate there is no contamination on site due to adjacent landfill site.”*

- 11.24 The relevant assessments have been submitted in support of the proposed development. These will be individually assessed through this report as will the mitigation measures with any Section 106 Obligations that maybe required. The detailed aspects relating to amenity and house types whilst touched upon below would be assessed at reserved matters stage should planning permission be granted.
- 11.25 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF. A Statement of Agricultural Land

Classification has been submitted as part of the application. The Statement provides a comparative assessment of development locations in Uttlesford. This outlined that a previous planning application for a much larger scheme had a submitted survey which showed that 74% of the site was Grade 3a and 26% was Grade 2. The Agricultural Land Classification for Uttlesford District demonstrates that 80.4% (51,568 hectares) of land is classified as Grade 2 and 17.1% (10,953 hectares) as Grade 3. The application site area, which forms the subject of this application, is nearly all land which falls within Grade 3a. It highlights the Regulation 18/ now Regulation 19 Plan identifies new development located on best and most versatile land of which the majority will be Grade 2. The Statement goes on to highlight that *“Saffron Walden is itself significantly constrained by the existence of best and most versatile land. There are no suitable large sites in the town and none on its edge that are not high quality agricultural land. It is therefore concluded that the development of the application site should not be prevented on the basis of its agricultural land classification.”* Again, it should be noted that this site has been allocated within the emerging draft local plan.

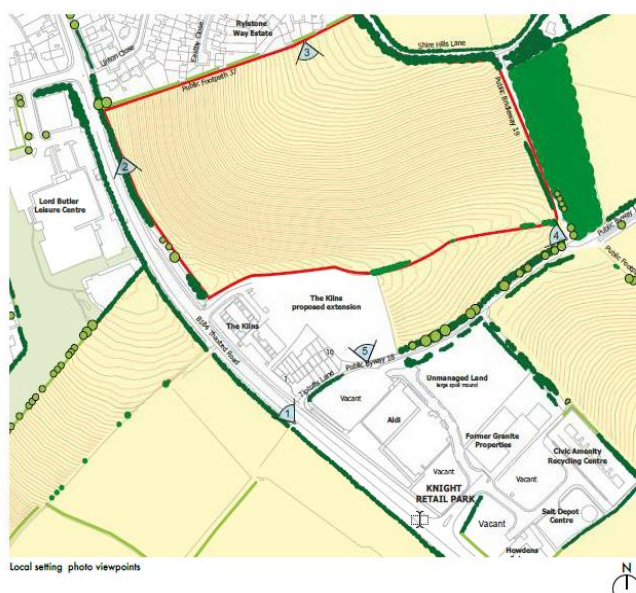
- 11.26 The application will result in the permanent loss of some site area of 7.9hectares. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply and the fact that the Council is looking at releasing greenfield sites in the countryside to meet it housing needs shows that there is insufficient land available within settlement boundaries or brownfield sites. Some 80% of the agricultural land within the district is Grade 2 (very good) and the rest is Grade 3 (good to moderate).
- 11.27 The Planning Inspector discussed the loss of agricultural land within his appeal decision relating to UTT/13/2060/OP. The Inspector stated *“LP Policy ENV5 only permits development of the best and most versatile land where opportunities have been assessed for accommodating development on previously developed land or within existing development limits. Where agricultural land is required, areas of poorer quality should be sought except where sustainability considerations indicate otherwise. This accords generally with the thrust of the Framework.”* The Inspector goes onto state *“In concluding that the Saffron Walden Policy 1 allocation (the then 2013 draft local plan since withdrawn) was strategically sound, the DLP Inspector did not identify the agricultural land quality as an overriding factor. However, I have seen no comparative assessment of development locations in Uttlesford. As such, while the loss of the best and most versatile land would be modest in the context of the general quality of agricultural land in the District, this would be a disbenefit of the proposal to be weighed in the overall balance in my decision. In the circumstances it would carry only limited weight but would nonetheless conflict with the aims of LP Policy ENV5.”*
- 11.28 It should be noted that the application site area is smaller than that which had formed part of the previous applications and the number of dwellings has been reduced by half. The previous application resulted in the permanent loss of some 20.20 hectares. In consideration of the above and the fact that there is insufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs, it is therefore not considered that there is conflict with Policy ENV5. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable. The benefit is considered to outweigh the harm in respect of housing need and principle of the development in this location.

## **B Design**

- 11.29 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale,

form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

- 11.30 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see development on the urban fringe of the Saffron Walden, predominately outside Development Limits. However the site sits between the Rylstone Way estate with Shire Hill Industrial Estate to the north and the Kilns, Tiptoffs and Granite Estate to the south, as indicated by the plan below. There is the Lord Butler Leisure centre to the west, with the countryside either side beyond. It should be noted that the field to the north has the current application UTT/17/2832/OP for 100 dwellings which is being assessed alongside this application.



- 11.31 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as party of the application to demonstrate how the scheme can be implemented.
- 11.32 Due to the sites location between other developments it is considered that it would not be out of keeping with the surrounding environment and built form. It is stated within the Design and Access Statement that the scheme has been designed to provide adequate green infrastructure and public open space to assimilate into the local and wider area. *“New and retained planting will ensure the site can provide an appropriate setting to integrate with the surrounding landscape. The tree planting would soften the appearance of the development and reduce the visual impact from the wider area.”* It is stated within the Design and Access Statement that there are key aims and objectives for the design of the overall scheme to meet, which are the following;
- Greater diversity of activity and use of the street by residents;
  - Reduce the dominance of the car and significantly reduce traffic speeds, creating a pedestrian friendly environment;
  - Provide new areas of open space accessible to all;
  - Increase opportunity for active and creative children’s play;
  - Encourage people to walk and cycle to nearby destinations;
  - Improved quality of the built environment;
  - Increased use of informal surveillance;
  - Safe and secure environment;

- Incorporating new landscape features – creating attractive views out to the areas of open space and green corridors.

- 11.33 The structure of the development is stated to take the form of setting a clear approach of having a hierarchy of streets and spaces based on a strong, irregular block structure. It is stated that the scheme would be designed so as to not be car dominated and encourage movement by foot and cycle. There would also be a range of public open spaces through the scheme that would include children's play spaces, trim trail, and informal amenity spaces for walking and general recreational activities. This would also be provided through the use of Local Areas of Play (LAP) and a Locally Equipped Area of Play (LEAP) which has been highlighted within the illustrative plans submitted.
- 11.34 Within the application submission it is stated that the proposed dwellings would be predominately 2 storeys and up to a maximum of 2.5 storeys. The buildings maybe slightly higher to define focal points and key spaces. The average density across the site would be 19.7 dwellings per hectare gross and 35dph net. This is based on an approximate site area of 7.9ha and an approximate developable area of 4.3 ha. Whilst the site is on the edge of Saffron Walden in countryside location the density reflects the emerging draft Policy H1 which states that within the town development limits densities should be between 35-60 dph.
- 11.35 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. It is stated that the proposed dwellings would meet energy efficiency standards through the use of insulation and minimising energy use. The proposed dwellings would also meet Part M of the Building Regulations in terms of accessibility. This is in accordance with Local Plan Policy GEN2 and the NPPF, also emerging draft Policies H10 (Accessible and Adaptable Homes), D1 (High Quality Design), D8 (Sustainable Design and Construction), D9 (Minimising Carbon Dioxide Emissions) and EN12 regarding reducing water consumption.

## **C Mix of Housing and Affordable Housing**

- 11.36 Adopted Local Plan Policy H9 and emerging draft Policy H6 requires that 40% affordable housing is provided on sites having regard to market and site conditions. Emerging Draft Local Plan Policy H2 states *"New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole including a significant proportion of 3 and 4+ bedroom market housing and 2 and 3 bedroom affordable housing to meet the needs of families as evidenced by the most recent Strategic Housing Market Assessment having regard to local character, significance of heritage assets and the viability of the development which will be assessed on a site by site basis"*
- 11.37 There would be a range of house types, sizes (ranging 1 to 5 bedrooms) and tenures. This will include housing for sale across a range of prices, with affordable housing to rent and shared equity/ownership.
- 11.38 The applicants have confirmed that the development would provide 40% affordable housing, which would equate to a maximum of 60 dwellings out of the full 150 dwellings provision.
- 11.39 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage. The applicants have also confirmed that the development would provide 5% bungalows (equating to 8 units) to meet wheelchair

accessible housing need. It is highlighted that there would be 70% (affordable rent) and 30% (shared ownership) division on the proposed properties to be created. No objection has been raised by the UDC Housing Enabling Officer subject to meeting the above.

- 11.40 The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan.

#### **D      Amenity & Air Pollution**

- 11.41 The design layout shows an indicative illustration of how the scheme could be laid out. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide. Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, Sustainable Drainage (SUDs) features and play space areas. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted.
- 11.42 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing.
- 11.43 Details of lighting both in terms of ecological, countryside, design and amenity impact would be assessed at reserved matters stage should planning permission be approved, in accordance with Local Plan Policy GEN4 and draft Policy EN18.
- 11.44 With regards to air quality Draft Policy EN15 states;

*“Development will be permitted where:*

- 1. It can be demonstrated that it does not lead to significant adverse effects on health, the environment or amenity from emissions to air; or*
- 2. Where a development is a sensitive end-use, that there will not be any significant adverse effects on health, the environment or amenity arising from existing poor air quality,*

*Applicants must demonstrate that:*

- 3. There is no adverse effect on air quality in an Air Quality Management Area (AQMA) from the development;*
- 4. Pollution levels within the AQMA will not have a significant adverse effect on the proposed use/users;*
- 5. Development has regard to relevant UDC Air Quality Technical Guidance;*
- 6. Development within or affecting an Air Quality Management Area (AQMA) will also be expected to contribute to a reduction in levels of air pollutants within the AQMA;*

7. *Development will not lead to an increase in emissions, degradation of air quality or increase in exposure to pollutants at or above the health based air quality objective;*
8. *Any impacts on the proposed use from existing poor air quality are appropriately mitigated; and*
9. *The development promotes sustainable transport measures and use of low emission vehicles in order to reduce air quality impacts of vehicles.*

*Applicants shall, where appropriate prepare and submit with their application, a relevant assessment, taking into account guidance current at the time of application.*

*Where development proposals would be subject to unacceptable air quality standards or would have an unacceptable impact on air quality standards they will be refused.*

*Where emissions from the proposed development approach EU Limit values or national objectives the applicant will need to assess the impact on local air quality by undertaking an appropriate air quality assessment. The assessment shall have regard to guidance current at the time of the application to show that the national objectives will still be achieved.*

*Larger development proposals that require a Travel Plan and Transport Assessments/Statements as set out in Policy TA1 will be required to produce a site based Low Emission Strategy. This will be a condition on any planning permission given for any proposed development which may result in the deterioration of local air quality and will be required to ensure the implementation of suitable mitigation measures.”*

- 11.45 *Paragraph 181 of the NPPF states “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*
- 11.46 *The application site is located within close proximity (approximately 400m) to a declared Air Quality Management Area in Saffron Walden which is likely to be impacted upon as a result of the proposed development.*
- 11.47 *An Air Quality Assessment has been submitted as part of the application. This is in accordance with draft Policy SAF1.*
- 11.48 *The air quality report outlined that it considered the suitability of the site for residential development and assessed the impact of the increase in traffic associated with the development and is assessed together with the increased traffic associated with other committed development. Both Nitrogen Dioxide (NO<sub>2</sub>) and fine particular matter (PM<sub>10</sub> and PM<sub>2.5</sub>) were considered.*



- 11.49 Various scenarios have been looked at as part of the assessment. Annual average daily traffic (AADT) method has been used and the assessment has been based on the full 150 dwellings using the worst case scenario of 90/10 north-south split at the site access. This worst case scenario was also used during the appeal Inquiry.
- 11.50 Mitigation measures during construction were also considered due to the creation of dust and for the prevention of elevated PM<sub>10</sub> concentrations and dust nuisance. It was concluded that with mitigation this aspect would not have a significant affect based on the nature of the proposed activity and the location of the site.
- 11.51 The report concluded that no predicted exceedances of the air quality strategy objectives within the site and concluded that the site is suitable for development without the need for air quality mitigation. It is stated that *“the effects of the development traffic is judged as not significant as improvements in vehicle emissions will outweigh the increase in traffic as a result of the development, and mitigation against direct air quality impacts of the development traffic is not necessary.”*
- 11.52 The sensitive receptors were looked at as part of the AQA together with sensitive junctions and monitoring locations.
- 11.53 Air quality regulations stipulate the following;

Table 4.5: NO<sub>2</sub> and PM<sub>10</sub> Objectives

Pollutant	Time Period	Objective
Nitrogen dioxide (NO <sub>2</sub> )	1-hour mean	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year
	Annual mean	40 µg/m <sup>3</sup>
Particulate matter (PM <sub>10</sub> )	24-hour mean	50 µg/m <sup>3</sup> not to be exceeded more than 35 times a year
	Annual mean	40 µg/m <sup>3</sup>

- 11.54 As part of the assessment it has been confirmed for its purposes that the opening year of the development would be 2020 and the traffic flows are predicted for 2023. Conservative figures have been used together with sensitivity test being undertaken.
- 11.55 The report concluded that *“the annual mean objective was regularly exceeded at the UT028, London Road, and UT005, Thaxted Road, diffusion tubes during the 2012-2016 monitoring period. However, annual mean concentrations at the closest monitoring site to the proposed development site, UT031, were continuously below the objective. All monitoring sites showed an increase in concentrations in 2016, which is slightly unusual in a UK context and can be the result of a wide range of contributing factors. There is no clear trend in NO<sub>2</sub> concentrations between 2012 and 2015.”*
- 11.56 The monitoring for Fine Particular Matter PM<sub>2.5</sub> and PM<sub>10</sub> has demonstrated to be below annual mean objectives.
- 11.57 Measured background concentration levels obtained from national maps have shown that this is below objective and is predicted to decline by 2020 and further the following year. This would help to reduce the annual mean NO<sub>2</sub> levels and reduce them below objective on 4 out of 5 receptor locations by 2020. Receptor 6 is exceeded both with and without the proposed development. The impact magnitude of the proposed development has been concluded to be negligible to small upon NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> levels. Any mitigation to reduce NO<sub>2</sub> concentrations would benefit the AQMA and Receptor 6. The change in emission regulations over the course of the years have been considered and demonstrated to further decrease concentration levels by 2021, including R6 below objective from 41.3µm<sub>3</sub> to 38.7µm<sub>3</sub>.

- 11.58 Various mitigation measures have been suggested within the AQMA relating to the construction works and Fine Particular Matter. In terms of the NO<sub>2</sub> levels it has been concluded that "The overall effect of development traffic is therefore judged to be not significant as the moderate impact at R6 is unlikely to occur in practice. Reductions in vehicle emission are likely to outweigh the impact of development traffic. No mitigation measures are therefore required for the direct effects of the development.....There are no predicted exceedances of the air quality objectives within the development. Therefore, the site is considered suitable for the proposed residential use without the need for further specific mitigation measures." These findings are in line with the Appeal Inspector's findings.
- 11.59 The inspector in his appeal decision highlighted that the concentration of NO<sub>2</sub> have exceeded the annual mean objective of 40mg/m<sup>3</sup> at several locations in the AQMA. Various forecasts for NO<sub>2</sub> have been provided as part of the draft local plan work, the applicant and other developments showing a range of values, with further modelling work had been undertaken as part of the inquiry regarding cumulative air quality work including the redistribution of traffic which was considered at the time (from 70/30 split to 90/10 split). The inspector concluded that the forecast of NO<sub>2</sub> concentrations was due to existing traffic levels and background emissions. However in combination with other developments and taking a worst case scenario of not considering emission reductions it was concluded that the development would contribute in a small way to the increase in NO<sub>2</sub> at several of the receptor locations. In conclusion it was seen that the impact would be somewhere between the forecasts and no reductions position. Therefore, it was concluded that there would be unlikely to be any new exceedances of the NO<sub>2</sub> objective.
- 11.60 The Inspector went on to state that whilst he only placed limited weight to the possibility of the link road, its provision would offer air quality benefits to the AQMA. Also small benefits would amount from travel plans and the Wenden Road Cycle. It was concluded that the appeal development was in accordance with Local Plan Policy ENV13 and the NPPF.
- 11.61 The proposed development being of a smaller scale at 150 dwellings even in consideration of the site to the north with up to 100 dwellings, it is considered that this situation has not altered significantly from the time of the appeal in consideration of the committed developments as highlighted in Section 6.1. An additional 116 dwellings have come forward through 2 large windfall sites on Little Walden Road and Limes Avenue located in the northern part of Saffron Walden. This information has been considered as part of the Air Quality Assessment.
- 11.62 Environmental Health has looked and fully assessed the information submitted which has also been considered by an appointed external Air Quality consultant. Following the analysis of the Air Quality Assessment in line with the Highway impact assessments their comments are fully detailed in Section 9.17.
- 11.63 It has been concluded however that "**The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification.** An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routeing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management



*measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level."*

- 11.64 As a result of the above a cumulative impact assessment has been undertaken in considering this site and the application for the land to the north. Again, the findings for these have been outlined in Section 9.17 above. This has concluded that *"The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ugm3 here, against a nitrogen dioxide air quality objective of 40 ugm3, the impact is negligible. The largest reduction in concentrations (-0.49 ugm3) within the AQMA, is predicted at Thaxted Road close to Shire Hill."* Fundamentally no objection has been raised subject to both schemes being approved in order to secure the provision of the spine road through both sites and linking up with the Linden Homes site located to the north, also subject to conditions. The scheme therefore in this respect is considered to accord with Policies ENV13 of the adopted Local Plan and Policy EN15 of the emerging Draft Local Plan, and the NPPF.

## **E Highways**

- 11.65 Local plan policy GEN1 states "development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
  - e) The development encourages movement by means other than driving a car."

- 11.66 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

- 11.67 Emerging Draft Policy TA1 states the following;

*"Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District. The overall need to travel (especially by car) to meet the day to day service needs will be minimised. Development proposals will be located in close proximity to services and make use of sustainable forms of travel (walking, cycling and public transport) to fulfil day to day travel needs as a first requirement. To achieve this:*

*1. The capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing severe congestion;*

*2. Development will maintain or improve road safety and take account of the needs of all users, including mobility impaired users;*

3. New development should be located where it can be linked to services and facilities by a range of transport options including safe and well-designed footpaths and cycle networks, public transport and the private car;

4. Development should be located where it can provide safe, attractive, direct walking and cycling routes between new developments and schools/ other community infrastructure, together with appropriate design for these new facilities that encourages and delivers sustainable travel;

5. Existing rights of way, cycling and equestrian routes (designated and non-designated routes and, where there is evidence of regular public usage, informal provision) will be protected and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards ensuring provision for the long-term maintenance of any of the above;

6. A Transport Assessment will be required on all developments creating significant impact on the highway to assess the impact and potential mitigation required; and

7. Appropriate and safe networks, as defined by the Essex Local Transport Plan, will be provided to allow for increasingly independent travel by vulnerable road users to allow such individuals to provide for their own travel needs."

- 11.68 Draft Policy TA2 amongst other things seeks "*Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport.....*"
- 11.69 Emerging Draft Policy TA4 amongst other things seeks "...The District Council will continue to work with Essex County Council to deliver transport measures in Saffron Walden to support movement across town and more sustainable travel behaviour especially to provide opportunities for traffic to avoid the centre." The securing of infrastructure delivery to address cumulative impacts and the needs from the development is highlighted in Draft Policy INF1.
- 11.70 Paragraph 109 of the NPPF states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 11.71 The site is in a sustainable location close to existing residential areas, employment and local facilities. Saffron Walden is the largest town in the District and it is considered to be sustainable as there are bus routes which are located and going through Saffron Walden. Further bus shelters are proposed to be constructed following the granting of previous planning applications such as the warehouse retailing units at the Granite site to the south.
- 11.72 There are opportunities for sustainable travel to retail, leisure, education and employment locations. The site lies between Public Byway 18 and Bridleway 19. There are a number of bus routes which serve Saffron Walden and some which operate on Thaxted Road in the vicinity of the site. The closest bus stop is located on Thaxted Rd 50m north of the junction with Peaslands Road, approx. 250m from the proposed access to the application site. The service 313 provides a link between Saffron Walden to Great Dunmow. Approximately 430m from the access to the application site the Winstanley Road bus stop provides an hourly service to Bishop's Stortford and Stansted Airport.

- 11.73 Audley End Station is located 5km to cross country services including to London. Bus services between the station and town centre run every hour.
- 11.74 Pedestrian movements along Thaxted Road are via a shared cycle/footway approx. 3m wide adjacent to the site. The cycle/footpath narrows to 2m at Thaxted/Peaslands Rd mini roundabout.
- 11.75 The B184 Thaxted Road provides links to Saffron Walden to Thaxted and then Great Dunmow. To the north of the site the B184 links to B1053 Radwinter Road which links to Great Chesterford and Junction 9a of the M11.
- 11.76 The site is located within 5 minute walk to the local leisure centre, 5/10 minute walk to key employment sites, a large food store and a 10/15 minute walk the community hospital, schools and the edge of the historic town centre.
- 11.77 Access is proposed to the site through a new signalised controlled junction from Thaxted Road which would allow for the ease of movement. The Design and Access Statement confirmed that "*The proposed junction will incorporate pedestrian/cycling crossing facilities across Thaxted Road to facilitate pedestrian movements between the proposed residential development and existing local facilities such as the nearby Aldi foodstore, the Skate Park and the Lord Butler Leisure Centre.*" This would require works to be undertaken off site to facilitate this. Should planning permission be granted this would need to be secured by way of condition.
- 11.78 The Public Rights of Way including bridle and by-way which run through and around the site are proposed to be retained and unaffected by the proposed development. Incorporated within the scheme would be prioritised safe walking and cycling environment, with the provision of 3m wide pedestrian and cycle paths, Greenway Walk, green spaces and public footpaths.
- 11.79 It is stated within the submission that there are opportunities for future bus services to extend through the site. A submitted plan illustrates an opportunity for a pedestrian and bus link route link between the application site and the adjacent application site to the north.
- 11.80 The proposed primary road that would run through the site would abut to the north-eastern boundary to allow for any future development of land to the north. This is considered to facilitate in dispersing vehicle movement from the proposed scheme and mitigate the impact upon more sensitive junctions within Saffron Walden such as Radwinter Road/Thaxted Road junction. This has been considered in conjunction with the adjacent planning application to the north which is for 100 dwellings (Engelmann site UTT/17/2832/OP) adjacent to an additional consent 200 dwellings which have been consented to the north of the application site (Linden Homes site UTT/13/3467/OP).
- 11.81 The neighbouring application which is under consideration for up to 100 dwellings together with the implementation of the Manor Oak site is considered to alleviate the Inspectors misgivings in terms of delivery should planning permission be granted and a link road was considered to be acceptable. This was the fundamental and sole reason for dismissing the appeal relating to the application for 300 dwellings.
- 11.82 In the appeal Inspector's report the split in the highway movement were discussed together with committed developments. It stated that the all the affected junctions are to the north of SW. The extent of the congestion in the original assessments was

underestimated. Cumulative effects of the proposed development and other commitments would be significant at some key junctions in terms of additional delays and queuing at important times of the day.

- 11.83 A Transport Assessment, a Safety Audit and a Residential Travel Plan has been submitted as part of the application.
- 11.84 The TA was assessed by ECC Highways and their appointed consultants Ringway Jacobs. The development both in isolation and cumulatively in terms of committed development and the impacts cumulatively should planning permission be granted for both the subject of this application and the application for 100 dwellings to the north.
- 11.85 The TA, which has been undertaken by PBA, looked into vehicle movements and sustainable modes of transport.
- 11.86 For sensitivity testing a worst case scenario was used within the TA by assuming a 90/10 % (north/south) split of vehicle movements as per additional appeal work which has been previously been undertaken. The reduced level of development proposed would also reduce level of impact that would result from the proposed development.
- 11.87 The TA estimated the number of trips generated by non-vehicular modes of travel using the available information which has been used as part of the modelling.
- 11.88 This information has been applied to the overall trip generation of the proposed development.
- 11.89 The TA demonstrates that operation of key junctions within Saffron Walden in the based year used 2017. It shows many of the junctions operating within capacity however, the following junctions are shown to operate marginally above capacity;
- Newport Road/Audley End Road/London Road junction;
  - Debden Road/London Road junction; and
  - Hill Street/Common Hill/Cates Corner junction
- 11.90 The TA looked at the Baseline, the future baseline plus development and the 2023 sensitivity plus development to enable to assess the impact upon the key junctions of the town. The sensitivity testing applied the impact from the neighbouring current application for the additional 100 dwellings.
- 11.91 The impact from the additional 100 dwellings to the north indicated that it would worsen the queuing conditions at the junctions across the network. However it has been emphasised that the vehicle movements would be dispersed across the network and the work undertaken has all been based on a worst-case scenario and on the assumption that all other developments that have been taken into account have not provided any mitigation. The TA has also applied growth on every arm of every junction.
- 11.92 The TA outlined the proposed development would naturally increase the number of pedestrian movements on public footpaths and as a result would increase footfall into the Town Centre, access to bus stops and access to local schools on Peaslands Road. Due to this a contribution is proposed towards improving crossing facilities at the Thaxted Road/Peaslands Road junction.

- 11.93 It has been concluded that there is unlikely to a significant detrimental impacts upon sustainable modes or facilities as a result of the proposed development.
- 11.94 *"The results of the assessment of junction capacities demonstrate that the impact of the development is limited across the network, with maximum increases in queuing delay of three vehicles on any arm of the junctions assessed (with the exception of the Thaxted Road/Radwinter Road Junction)."*
- 11.95 Based on the outcomes of the assessment the following is proposed to mitigate the scheme;
- "To provide a proportionate financial contribution towards improvements at Thaxted Road/Radwinter Road Junction; and to provide a financial contribution towards an improved pedestrian crossing on the southern arm of the Thaxted Road/Peaslands Road Junction for those accessing the school and bus stops."*
- 11.96 A Residential Travel Plan has been submitted to facilitate in the mitigation of the proposed development by encouraging the use of sustainable modes of transport. A list of mitigation schemes have been highlighted such as establishing a bicycle user group, provision of walking and cycling maps etc. The impacts of the development have not taken into account the any reductions that would result from the travel plan.
- 11.97 A Construction Management Plan and HGV Route Management Strategy are proposed to be developed for the site to mitigate the effects of the development during the course of construction.
- 11.98 The Transport Assessment concludes that the proposed development is well located with respect to existing facilities and sustainable transport opportunities. The residual cumulative traffic impacts of the development are not severe (given the mitigation proposed) and therefore in accordance with NPPF that there are no reasons on transport grounds to refuse the planning application.
- 11.99 Following thorough assessment from ECC Highways and their appointed Highway consultants they have not objected to the proposed development subject to conditions. ECC Highways has stated the following *"We are content both planning applications, if treated as standalone, would not have a severe impact in highway capacity terms, subject to the mitigation as set out in my recommendations. However ... we would urge you to recommend that both planning applications are approved thereby providing a link road between Radwinter Road and Thaxted Road. More technical work could be carried out regarding the likely impact of a link road however our professional advice, based on many years of experience and having seen similar situations elsewhere, is that the link road would enable development related traffic to avoid parts of the existing highway network, in particular the Radwinter Road/Thaxted Road junction and would likely also bring benefit to other highway users as well."*
- 11.100 It has been concluded that based on the cumulative impact from the two schemes and in order to facilitate the ease of movement between the two sites the provision of a link road to join the two would also mitigate impact from the surrounding highway network, particularly to the improvement of the Thaxted Road/Radwinter Road junctions and the surrounding AQMA. The scheme is therefore considered to be in accordance with policy subject to conditions and both the applications being approved.

#### **Parking**

- 11.101 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. A mixture of parking methods would be proposed

through the scheme, however it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of according with Local Plan Policy GEN8 and The Essex Parking Standards (2009), and Local Residential Parking Standards adopted (February 2013), also in accordance with Draft Policy TA3.

## **F Landscaping and Ecology**

- 11.102 Local Plan Policy ENV8 highlights that development that would adversely affect landscape elements will only be permitted if the need outweighs the harm and mitigation measures are provided.
- 11.103 Draft Policy C1 seeks the protection of landscape character in terms of preserves and enhances the landscape pattern and important views.
- 11.104 Similarly, Paragraph 170 of the NPPF states "*Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
  - f) remediating and mitigating"*
- 11.105 The site has hedges along the north-eastern and eastern boundaries. There is scrub along western boundary, boundary formed by top of the cutting. Thaxted Road is set at a lower ground level.
- 11.106 Beyond the site and to the west, existing hedgerow boundaries should be retained and strengthened with new planting with the opportunity taken to significantly enhance the buffer planting and improve biodiversity and provide an enhanced wildlife corridor.
- 11.107 A greenway walk is proposed as part of the application around the perimeter of the site which is stated would maintain the existing network of trees and hedgerows. The walkway will enhance existing wildlife corridors, habitats and biodiversity. The footpath which is located along the northern boundary would be retained and linked to new footpaths which are proposed to be created within the site.

- 11.108 The application site forms part of a larger undulating landscape which extends into the existing built form, and the proposed development would be an extension of this. The ground levels are likely to change as a result of the proposed development, of which this is a reserved matter.
- 11.109 A Landscape and Visual Assessment has been undertaken and submitted in support of the application.
- 11.110 The Landscape and Visual Impact Assessment highlighted the Inspectors findings in that the appeal Inspector stated that there would be a significant change in the local area as a result of the proposed development resulting substantial built form however the master plan proposal showed appropriate layout and landscaping within and around the development which would facilitate in mitigating the scheme.
- 11.111 Again, for the purposes of assessing this application the proposed development is a reduced form of development from 300 dwellings, which was considered as part of the appeal, down to 150 dwellings which now forms the subject of this application.
- 11.112 The LVIA highlights that The Essex Landscape Character Assessment 2003 recognises that there would be expansion of smaller settlements and that this should be done in any that respects the landscape setting and character of the settlement.
- 11.113 An assessment of the sensitive receptors of the locality has been undertaken. The most sensitive areas fundamentally being public footpaths.
- 11.114 Within the report it was found that whilst the change would be significant through the loss of the field the effect would be consistent with the existing residential character of the valley and the surrounding built form. The proposed development would follow the grain of the landform minimising the change to the topography and integrating the proposed development. The proposed landscaping and retained landscaping would facilitate in minimising the proposed impact of the development, however the landscaping is a reserved matter. One the less of the report emphasises that a large portion of the site would be used for green infrastructure, wetlands, play areas and public access.
- 11.115 Beyond the context of the local the valley there would be limited effect on the adjoining plateau landscape.
- 11.116 The Inspector within his decision stated that *"The site is not covered by any special landscape designation but is situated within the 'Cam River Valley' landscape character area, as defined in The Landscape Character of Uttlesford District (2006) (LCA). However, it is located in a tributary valley of the River Cam. Thaxted Road is in the valley bottom with the land sloping upwards on the appeal site to the north and, more gently, to the south. There is a limited relationship with the main part of the river valley due to the separation resulting from the presence of Saffron Walden to the west and higher ground to the south-west and north-east. The regional scale assessment in the East of England Typology confirms this by showing the site as being in a Settled Chalk Valleys character type reasonably enclosed by Saffron Walden and the more elevated Wooded Plateau Farmlands character type. While the LCA identifies this as a character area with relatively high sensitivity to change, these factors mean that the site is not highly visible in panoramic inter and cross-valley views. The LCA suggests planning guidelines that include ensuring that any development on valley sides is small-scale and responds to historic settlement patterns, form and building materials. In terms of the setting of Saffron Walden, the Council's Historic Settlement Character*

*Assessment (2007) concludes that, in respect of the land between The Kilns development on Thaxted Road and existing housing at Rylstone Way, the effect of development would be neutral. In summary, the contribution of the appeal site to the landscape character is limited.”* The Inspector highlighted the position of the application site between existing and committed developments and concluded that *“the context is one of limited wider landscape and visual impacts and an acceptable relationship with existing and committed developments. As such, I conclude that the proposed development would not have a significant adverse effect on the character and appearance of the area. It would not conflict with those aims of LP Policy S7 that seek to protect the intrinsic character and beauty of the countryside.”* It is still considered that this is the case with the proposed reduced level of development proposed.

- 11.117 The UDC Landscape Officer has previously stated that *“the development would result in a significant local change in the landscape and form a prominent feature on the higher valley slopes particularly where it breaks the skyline. However, on balance and subject to a comprehensive scheme of landscaping the development would not result in an unacceptable adverse visual impact in the medium to long term.”* The Landscape Officer’s opinion still has not changed with regards to this application. There would be limited impact upon the existing trees, and the loss of part of the hedge to the south of Thaxted Road proposed access could be addressed through additional planting. Therefore no objection has been raised subject to conditions. The scheme is therefore considered to accord with Local Plan Policies S7, GEN2, GEN7, ENV3 and ENV8, also the NPPF.
- 11.118 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. This is in line with draft Policy EN7.
- 11.119 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities.
- 11.120 The site does not have any protected designation. Nearest being approx. 3.2km away northeast of site Hales and Shadwell Woods SSSI and National Nature Reserve
- 11.121 There is no statutory nature conservation designation. Nearest such site being Roos Hill Protected Bergen’s LWS approx.1km southwest of the site
- 11.122 A number of ecological surveys have been undertaken of the site 2012/2013 and 2017/2018. The details are outlined in the updated ecological appraisal submitted as part of the application, together with further information which has been submitted at the request of ECC Ecology.
- 11.123 The various surveys covered Bats, roosting birds, reptiles, Badgers, Great Crested Newts.
- 11.124 There has been Bat activity registered through the site from adjacent woodland. None of the trees within the site have been assessed to have significant bat roosting potential, however the site has been found to be visited regularly
- 11.125 The site is not suitable for reptiles and Great Crested Newts. A number of wintering birds were recorded either on the site or near the site during the time of the survey. Other species were recorded such as Muntjac Deer and rabbits.



- 11.126 The hedgerow has potential for Dormice however there are no records within 2km of the search site. However, the locality provides low probability for dormice to be present.
- 11.127 The breeding birds within the site have been assessed to be unremarkable based on the level of arable land available and of limited values to wintering birds. 4 species with an elevated conservation status recorded in 2013 is also considered to be unremarkable.
- 11.128 Natural England has made no comment on the application. ECC Ecology has originally raised an objection due to insufficient information. An updated Ecological report has since been submitted addressing concerns. ECC have removed their objection subject to securing biodiversity mitigation and enhancement measures. This is therefore in accordance with Policy GEN7.

## **G Flood Risk and Drainage**

- 11.129 Local Plan Policy GEN3 seeks the protection of functional floodplains and buildings would not be permitted unless there is an exceptional need. It goes onto state “*Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.....Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.*”
- 11.130 Draft Policy EN10 for minimising Flood Risk takes a stronger approach in terms of minimising flood risk in line with more up to date national policy, such as the NPPF. It states that “*All new development will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.*”
- 11.131 Draft Policy EN11 seeks for SuDS to be submitted that would provide optimum water run-off rates and volumes taking into account relevant policies and legislation, without creating a risk of bird strike compromising the safety of operations of London Stansted Airport or risking archaeological assets.
- 11.132 Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the application, in accordance with Policy requirements. The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The assessment has been undertaken to demonstrate that the proposed development would not increase the risk of flooding outside of the application site.
- 11.133 There is an unnamed minor watercourse that crosses the ‘valley’ element of the site where it fundamentally falls within lower ground levels. It is stated that there is a low risk of flooding from this watercourse.
- 11.134 Design & Access Statement outlines “*The open space also offers opportunities for sustainable urban drainage opportunities in the form of swales and infiltration basins.*” The surface water drainage and strategy is stated to have been developed in accordance with hierarchy of sustainable surface water disposal. Within the submission it is outlined that the ground conditions allows for infiltration systems and

provides maintenance requirements. This allows for a combination of soakaways and permeable paving to be used on driveways. This has been concluded through the undertaking of soil samples which has informed an indicative drainage strategy. The drainage strategy allows for adequately sized network which allows for a 1 in 100 year storm and an additional 40% for climate change.

- 11.135 The FRA has demonstrated that the site will not be at risk of flooding and access and egress to the site will be maintained during extreme storms. It has been demonstrated that the proposed development would not exacerbate the risk of flooding to third parties either upstream or downstream from the site.
- 11.136 No objection has been raised by ECC SUDs subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan also in accordance with Draft emerging Policy EN10 and EN11 which seeks sustainably designed schemes by reducing the risk of flooding on and off site.

## **H Archaeology:**

- 11.137 Local Plan Policy ENV4 seeks the protection of archaeological remains. This is also reflected in emerging draft Policy EN5.
- 11.138 An Archaeological Desk based assessment and survey work has been submitted as part of the application. A series of work which has been undertaken has concluded the following;
- 11.139 *“Saffron Walden occupies a chalk upland landscape within the Cam valley. The Site is situated on the south-eastern edge of the town and is centred on TL 5500 3758. It comprises an arable field on the eastern side of Thaxted Road. Within the site, a programme of geophysical survey and field walking has produced a small assemblage of prehistoric finds and identified two geophysical anomalies interpreted as ring-ditches of probable Early Bronze Age date. A study of other sources of evidence, particularly the cartographic sources, has shown that there is a likelihood for pre-medieval field boundaries to be present across the site and that there is a possibility of clay pits, chalk pits and lime kilns to be present along the Thaxted Road frontage. Development of the southern part of the town has brought to light evidence of Neolithic, Bronze Age and Iron Age activity. These remains, combined with cropmarks of former field boundaries to the south-west of the Site, hint at the type of remains that might be anticipated on the Site itself.”*
- 11.140 The County Archaeologist has raised no objection to the works and the finds subject to a condition. This is in accordance with Local Plan Policy ENV4 and the NPPF.

## **I Infrastructure provision to support the development**

- 11.141 Local Plan Policy GEN6 states that *“Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.”*
- 11.142 The Draft Local Plan Policy SAF1 amongst other things identifies the application site as an allocation site for the provision of 150 dwellings on a site area of 7.92ha.

11.143 It should be noted that the previous draft local plan had allocated a much larger site and wider site to the north, and therefore had a different mitigation package. Current this application site is allocated within the emerging draft local plan with a reduced amount of dwellings, whilst the current adjacent site and application is not.

11.144 The appeal's Inspector outlined the following in his decision regarding the previous proposed infrastructure provision;

*"55. The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) identifies a District-wide need for some, but not all, types of sports pitches. However, while local sports clubs identified specific issues and aspirations for their organisations, there is no overall quantitative needs assessment for further provision in Saffron Walden itself.*

*56. The financial contribution is based on the cost of levelling the land rather than any detailed calculation as to the amount of playing field provision or facilities required by the proposed residential development. Indeed, the appellants' Regulation 122 Assessment concludes that the land provision is larger than that required to mitigate the proposed development but that the "additional provision facilitates achieving the long term aspirations for Saffron Walden and addresses the current highlighted deficit". I am in no doubt that the playing fields and other facilities would be a valued benefit for local people. However, I must apply the statutory tests in the CIL Regulations. These include that planning obligations are necessary to make the development acceptable in planning terms and are fairly and reasonably related in scale and kind. I cannot be sure that the recreational land and contribution meet these requirements. As such, they cannot be taken into account in my decision."*

*"63. The section 106 agreement provides for a bus service from the town centre to be supported for the first 5 years of the development at a frequency that is not out of place in the context of a rural market town. The agreement requires that bus stops should be within 400m of any dwelling. While the service would only be assured for 5 years and does not have to be in place until prior to the occupation of the 50th house, this would provide an opportunity for it to establish.*

*64. I consider that the various sustainable transport measures in the section 106 agreement are justified and proportionate, meeting the tests in the Framework and CIL Regulation 122."*

11.145 As the subject application site would be effectively a section of what would be a much larger development should the application to the north be conjointly approved, the following would be requested commensurate to the scale of the scheme in order to support the development in terms of infrastructure and mitigation.

***Open space***

11.146 The details relating to public open space land situated within the residential part of the development is a reserved matter however it is clear that such would be provided as part of the proposed development. This would need to be transferred to the Town Council or management company, together with any associated maintenance fees.

***Community and Sports Facilities***

11.147 During the course of the application discussions have been undertaken with the Town Council in terms of pressures upon community facilities including sports and recreation. In terms of identifying need, unfortunately, the Sports Strategy, as part of the draft local plan, is still ongoing and would not be finalised until approximately March/April 2019. It is unclear from discussions with the Town Council what the need

is however it is agreed that the cumulative impact from the development would place pressure in such facilities which would need to be mitigated. In terms of policy compliance there appears to be a case for a contribution towards the community centre as there is an identified need, following submission of an application by the Town Council and the site that is being looked is supported by Local Plan Policy SW7 and LC6, as identified below,

**11.148 Policy LC6 - Land West of Little Walden Road Saffron Walden**

A site west of Little Walden Road, Saffron Walden has been identified to provide a community centre and playing fields as part of a mixed development scheme as proposed by Policy SW7.

**11.149 Policy SW7 - Land West of Little Walden Road**

Land at Little Walden Road identified on the proposals map (5.2ha) is allocated for a community centre, playing fields and up to 15 units of affordable housing. Development of the site will be subject to the approval of a Master Plan setting out location of the various uses and Flood Risk and Traffic Impact Assessments.

11.150 Also, policies LC2-LC4 are considered to be relevant in terms of community facilities and recreation facilities.

**11.151 Policy LC2 - Access to Leisure and Cultural Facilities**

Development proposals for sports facilities, arts and leisure buildings, hotel and tourist facilities, will be required to provide inclusive access to all sections of the community, regardless of disability, age or gender.

**11.152 Policy LC3 - Community Facilities**

Community facilities will be permitted on a site outside settlements if all the following criteria are met:

- a) The need for the facility can be demonstrated;
- b) The need cannot be met on a site within the boundaries;
- c) The site is well related to a settlement.

**11.153 Policy LC4 - Provision of Outdoor Sport and Recreational Facilities Beyond Development limits**

The following developments will be permitted:

- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
- b) Suitable recreational after use of mineral workings.

11.154 In terms of the draft local plan this states “8.12 *New residential development will need to provide formal and informal play space and sports facilities which meet open space standards and sports facilities (Indoor and outdoor) as set out in the Sports Strategy. All provision needs to be in an accessible location to the users.*”

11.155 Policy INF2 states amongst other things “...*Uttlesford District Council has, working with Sport England, commissioned a Sports Strategy. Development proposals will take into account the findings of this study and provide new sports facilities in line with the recommendations from this study. Where the Sports Strategy identifies a community need which can be met through existing school and college sports facilities, this will be encouraged. In accordance with the most up to date Sport Strategy new development will be required to make appropriate on-site provision or financial contributions to off-site provision of indoor and outdoor sports facilities. Unless specified in the relevant site allocation policy, publicly accessible open space or improvement to existing accessible open space provision will be in accordance with the following standards.*

*Financial support for the continued maintenance of the facility will be secured by planning obligation.”*

11.156 In terms of open space provision the draft plans outlines the following;

Open Space Requirements			
Type of Provision	Level of Provision (Square metres per person)	Threshold for On-Site Provision	Threshold for Off-Site Provision
Amenity Greenspace	10	All development of 10 dwellings or over	All developments under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Provision for children and young people (LAPS, LEAPS and NEAPS)	2	All development of 10 dwellings or over	All development under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Allotments	2	All development of 10 dwellings or over	All development under 10 dwellings and where on-site provision is not possible.

11.157 No doubt should planning permission be granted the reserved matters would identify land for open spaces, LEAPs and LAPs which would address the above draft policy.

11.158 The draft local plan states “*The provision of open space, sports facilities and playing pitches should be considered in consultation with the local community.*” This is also reflected in the adopted local plan.

11.159 Whilst there is no current policy for sports provision, however, the above is the direction of travel for the draft local plan and has little but some weight. Based on the above it would be sensible for some form of contribution to be provided towards recreation subject to the identified need being demonstrated by the Town Council and the amount to be agreed.

### **Highways**

11.160 Whilst the highway implication have been discussed above in Section E in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

- A traffic signal controlled junction in Thaxted Road to provide access to the proposal site;
- A minimum 3 metre wide footway/cycleway along the proposal site’s Thaxted Road frontage;
- Improvements to aid pedestrians to cross at the Thaxted Road/Peaslands Road mini roundabout (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- Improvements to the Bridleway between Shire Hill and the proposal site and Footpath which runs along the proposal site’s northern boundary (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- Pedestrian and cycle signs at key points along the appropriate routes between the town centre, railway station and proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development);

- f) Residential Travel Packs in accordance with Essex County Council guidance;
- g) Prior to occupation of the 50th dwelling a bus service shall be provided into and/or through the proposal site to provide an hourly service off peak and an enhanced service to the town centre at peak periods (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- h) There shall be a spine road, between Thaxted Road and the proposal site's boundary which abuts planning application UTT/17/2832/OP. Spine road shall have a minimum 6.75 metre wide carriageway, a minimum 2 metre wide footway on one side, a minimum 3 metre wide footway/cycleway on the other and a minimum two bus stops, each to current Essex County Council specification
- i) Provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and rail railway station from the site

### ***Affordable Housing***

- 11.161 40% affordable housing would be provided in accordance with Local Plan Policy H9. 5% wheelchair accessible housing would be sought in the form of bungalows. This would accordance with the emerging Draft Policy H6.

### ***Education***

- 11.162 A payment of an education contribution relating to the number of school places generated by the application will be paid.

- A contribution of £17,422 per place is required and based demand generated from the proposal contribution of £235,197 (indexed linked April 2018) to mitigate the impact upon EY &C provision.
- In terms of primary school provision £15,282 per place = £687,645 (indexed)
- In terms of secondary £23,214 per place =£696,420

This will address the education capacity issues that have been raised.

### ***Health***

- 11.163 As part of the contribution package which the scheme offers is a financial contribution of towards healthcare facilities. Based upon 150 dwellings a sum of £59,133 is required to mitigate the development and in order to make the scheme sustainable. Using a formula based approach £394.22 per dwelling will be provided. This accords with the request from NHS.

### ***Travel Plan***

- 11.164 Any contribution that the travel plan will make in this regard is likely to be very modest. Nonetheless, this would need to form part of any S106 Obligation together with a monitoring fee.

- 11.165 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan and Draft Local Plan Policy SAF1.

## **J Other material considerations**

- 11.166 Draft Policy EN12 and EN14 seek the prevention of water contamination. Draft Policy EN16 seeks for Risk Assessments to be undertaken and submitted as part of applications and then should planning permission be granted the sites remediated to reduce the potential of the risk of pollution of controlled waters including ground water.

- 11.167 Section 15 of the NPPF seeks the protection and enhancement of the natural and local environment. It seeks the prevention of pollution of the water environment and the remediation and mitigation of contaminated land.
- 11.168 Phase 1 and Phase 2 Contamination reports have been undertaken as part of the application and have been submitted as part of the application. These highlighted that there are areas to the south and south west which had been historically used as a refuse tip in 1960s, then a scrap yard and household recycling centre.
- 11.169 The integrity of the soil composition and its suitability for natural drainage was discussed and was assessed to be acceptable. No unacceptable contamination in respect of human health or the water environment has been identified and no gas protection is required. Environmental Health has not objected in this respect subject to conditions relating to preventative contamination measures. This is in accordance with policy.
- 11.170 Affinity Water have highlighted within their response that the site lies within a defined groundwater protection zone and that any works would need to be undertaken to British Standards and Best Management Practices. ECC SUDs have not raised any objections in this respect.
- 11.171 The Foul water and Utilities Assessment has highlighted that there is sufficient capacity to provide portable water to the site and within the foul sewerage system.
- 11.172 It has been concluded that there is no utility apparatus on or in the vicinity of the site that would prevent the site's development. A new sub station would need to be provided as part of the scheme in order to facilitate the development. However this would be resolved through the reserved matter stage should planning permission be granted.
- 11.173 No objections have been raised by utility companies.

## **12. CONCLUSION**

- 12.1 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. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. There is a shortfall of dwellings and as a result the Council remains without a deliverable 5 year land supply. It is important that the Council considers appropriate sites.
- 12.2 The application site has been allocated within the Draft Local Plan and the proposed development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.
- 12.3 There is not considered to be sufficient lower grade agricultural land available that sustainably relates to the existing settlement. Therefore the application accords with Local Plan Policy ENV5.

- 12.4 Whilst the design is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Part M of the Building Regulations and is therefore in accordance with Local Plan Policy GEN2.
- 12.5 The submitted Transport Assessment demonstrates that the proposed development together with proposed off site and on-site highway works can be delivered without any adverse impact upon local highway conditions or road safety. No objection has been raised by the Highways Authority subject to conditions and appropriate highway works, also that this is subject to both sites being approved together and securing the delivery of the spine road.
- 12.6 Public Rights of Way will be maintained within and around the application site and further enhanced as part of the reserved matters, should planning permission be granted. This is in accordance with Local Plan Policy GEN1.
- 12.7 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and Draft Local Plan Policy TA3.
- 12.8 In terms of Air Quality, no objection was raised regarding the methodology used within the submitted Air Quality Assessment or the information submitted, the impact of which is stated to be small. A robust assessment of the Air Quality Assessment has highlighted that *"The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification. An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level."*
- 12.9 As a result of the above a cumulative impact assessment concluded that *"The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ug/m<sup>3</sup> here, against a nitrogen dioxide air quality objective of 40 ug/m<sup>3</sup>, the impact is negligible. The largest reduction in concentrations (-0.49 ug/m<sup>3</sup>) within the AQMA, is predicted at Thaxted Road close to Shire Hill."* Fundamentally no objection has been raised subject to both schemes being approved in order to secure the provision of the spine road through both sites and linking up with the Linden Homes site located to the north, also subject to conditions. The scheme therefore in this respect is considered to accord with Policies ENV13 of the adopted Local Plan and Policy EN15 of the emerging Draft Local Plan.
- 12.10 The application site is located within a landscape sensitive area primarily due to changing ground levels of the site and part open/part restricted views to various points of the site. It is acknowledged that there would be noted change in the landscape and



there would be a perceived impact due to development. Fundamentally, it is a case of the degree of visual impact and whether it would result in significant detrimental harm. The scheme has been supported by a Landscape Visual Impact Assessment that demonstrates that the development would not give rise to unacceptable mid to long term visual impact. No objection has been raised by the UDC Landscape Officer subject to conditions. This view was supported by the Inspector in his appeal decision. The scheme is therefore considered to accord with Local Plan Policy GEN2 and ENV3, and Draft Local Plan Policy D1, C1 and EN7.

- 12.11 The proposal would provide 40% affordable housing with 5% provision of wheelchair accessible units in accordance with policy. In terms of local infrastructure the proposed development would contribute towards education and healthcare provision. Open space for recreation purposes is proposed to be offered this would be supported with a financial contribution towards maintenance, community facilities also highway works on and off site. This is in accordance with Local Plan Policy GEN6 of the Local Plan and Draft Local Plan Policy SAF1.
- 12.12 The ecological assessment submitted as part of the application concluded that the site is of low ecological value the proposed development would provide enhancements through SUDs features, strengthened and enhanced landscaping. No objection has been raised by ECC Ecology, and Natural England subject to conditions and carrying the mitigation measures identified within the submitted ecological report. The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan, also Draft Local Plan Policy EN7.
- 12.13 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. The scheme would incorporate sustainable drainage systems through the inclusion of ponds, and underground storage, which will be subject to reserved matters and conditions should planning permission be granted. No objection has been raised by ECC SUDs subject to conditions. The scheme therefore accords with Local Plan Policy GEN3 of the adopted Local Plan and Policy EN10 of the Draft Local Plan.
- 12.14 No adverse impact is concluded upon heritage assets subject to an archaeological condition, in accordance with Local Plan Policy ENV4, and Policy EN5 of the Draft Local plan and the NPPF.
- 12.15 No objection has been raised regarding contamination subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14 and ENV12, also Policies EN12, EN14 and EN16 of the Draft Local Plan.

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION AND THE JOINT APPROVAL OF UTT/17/2832/OP**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 29 March 2019 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 Finance, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) Submission of Residential travel plan**
- (ii) Payment of monies relating to travel plan monitoring**
- (iii) Highway Works (as specified in paragraph 11.160 of the main report)**

- (iv) Education Contribution
- (v) NHS contribution
- (iv) 40% Affordable Housing & 5% to be wheelchair accessible
- (vi) Provision of Open Space
- (vii) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Town Council
- (viii) Contribution towards the provision of community facilities in Saffron Walden
- (ix) Pay Councils reasonable costs
- (x) Pay monitoring costs

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

**(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**

- (i) Submission of travel plan
- (ii) Payment of monies relating to travel plan monitoring
- (iii) Highway works
- (iv) Education Contribution
- (v) NHS contribution
- (iv) Affordable Housing
- (vi) Provision of Open Space
- (vii) Contribution towards the maintenance of open space
- (viii) Contribution towards the provision of community facilities in Saffron Walden

1. Approval of the details of the layout, strategic highway master plan for the spine road, scale, public open space, landscaping and 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 3 years from the date of this permission.

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

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

3. Prior to the erection of any individual building or individual phase hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

5. Prior to the development of any individual building or individual phase hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be completed before the use hereby permitted individual building or individual phase is commenced. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. Prior to the commencement of any individual building or individual phase hereby approved, including any ground works or demolition, a detailed construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- The construction programme and phasing
  - Hours of operation, delivery and storage of plant and materials used in constructing the development

- Parking of site operatives and visitors and loading arrangements of plant and materials
- Details of hoarding
- Management of traffic to reduce congestion
- Control of dust and dirt on the public highway
- Arrangements for monitoring levels of dust emitted during the construction phase
- Details of consultation and complaint management with local businesses and neighbours
- Waste management proposals
- Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
- wheel and underbody washing facilities

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

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with policy GEN2, GEN1, GEN8, ENV13, ENV14 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF. Also, to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

9. The parking provision shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

10. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

11. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Ecological Appraisal (Bioscan, May 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes the mitigation in section 6.1.3 (page 29); a 5-10 metre buffer strips with no development around the hedgerow and woodland boundaries - these should remain unlit, sensitive lighting scheme on site, hedgerow removal/breaks kept to an absolute minimum and sensitively lit, due diligence regarding nesting birds. Enhancements include: planting of a new native hedgerow along the ditch on the southern boundary, installation of bat and bird boxes, wildlife friendly ponds adjacent to hedgerows, and use of native species in planting schemes.

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. This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

12. The following works to develop Land East Of Thaxted Road, Saffron Walden shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England under the Protection of Badgers Act 1992 authorizing the specified activity/development to go ahead; or

b) a statement in writing a qualified person to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

13. All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EV charging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: This will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

14. All domestic boilers provided at dwellings shall incorporate best available technology to reduce nitrogen dioxide emissions. Details of the boilers shall be submitted to the Local Planning Authority prior to installation.

REASON: To facilitate in reducing the impact upon air quality and the Air Quality Management Area and in accordance with the National Planning Policy Framework and Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

15. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be 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). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

18. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

19. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

21. 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 via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm,

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

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

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

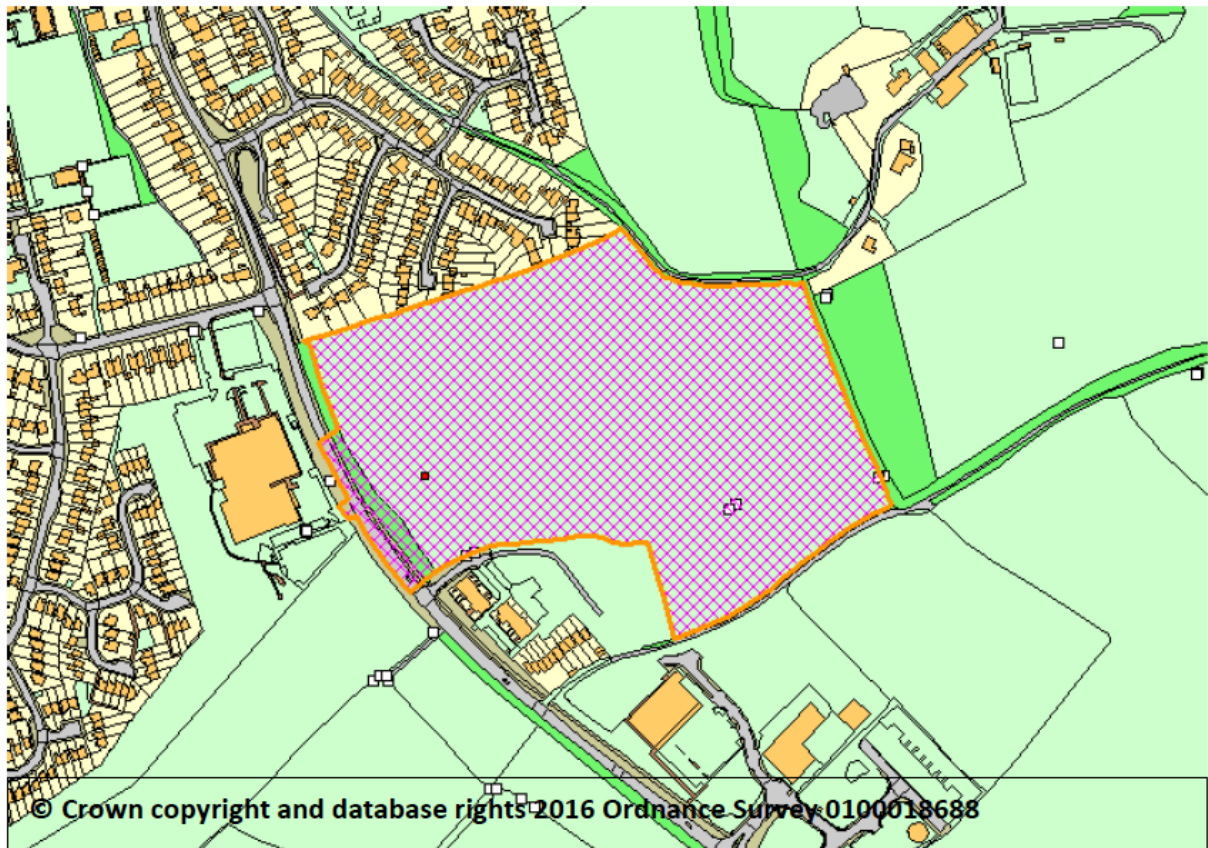
23. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

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

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





© Crown copyright and database rights 2016 Ordnance Survey 0100018688

Organisation: Uttlesford District Council

Department: Planning

Date: 10 December 2018