

UTT/19/2288/FUL (Great Chesterford)

(UDC Application)

PROPOSAL: Proposed residential development for 13 affordable dwellings including associated external works and parking.

LOCATION: Land North Of Bartholomew Close, Great Chesterford

APPLICANT: Uttlesford District Council

AGENT: The Design Partnership (Ely) Ltd

EXPIRY DATE: 20th March 2020

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

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

3. PROPOSAL

3.1 This application seeks planning permission for the erection of 13 dwellings, including access, parking and associated works

3.2 The proposal will include the following housing details:

3.3

Plot	House Type	Bedrooms	Garden	Parking
1	Semi-detached, Two storey	2	50+sqm	2
2	Semi-detached, Two storey	2	50+sqm	2
3	Semi-detached, Two storey	2	50+sqm	2
4	Semi-detached, Two storey	2	50+sqm +	2
5	Semi-detached, Two storey	2	50+sqm	2
6	Semi-detached, Two storey	2	50+sqm	2
7	Detached Bungalow	2	50sqm+	2
8	Two storey detached	3	100sqm+	2
9	Two storey detached	3	100sqm+	2
10	Detached bungalow	2	50sqm+	2
11	Semi-detached, Two storey	2	50+sqm	2
12	Semi-detached, Two storey	2	50+sqm	2
13	Detached- two storey	4	100sqm+	2

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold

criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

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

5.2 Additional supporting documents include:

- Completed Biodiversity checklist
- Ecology Survey
- Ecology Design Strategy
- Ground Drainage report
- Design and Access Statement
- Foul sewage and utilities statement
- Public Consultation Statement
- Surface Water Strategy
- Transport Statement
- Tree Survey

6. RELEVANT SITE HISTORY

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

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

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

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design

- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV1 – Design of Development within Conservation Areas
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient Monuments and Sites of Archaeological Importance
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
 Essex County Council parking Standards (2006)
 Supplementary Planning Document- Accessible homes and play space homes
 Essex Design Guide

7.4 Emerging Plans

Uttlesford Emerging Local Plan
 Great and Little Chesterford Neighbourhood Plan

8. PARISH COUNCIL COMMENTS

8.1 The following table outlines the Parish Councils comments and case officer comments.

Parish Council Comments	Case Officer Comments
Great Chesterford Parish Council objects to this application on the basis that their previous objections have not been overcome regarding traffic and access to the site.	Due consideration has been made to traffic and access, taking into consideration advice sought from the Highways Authority.
However, the Parish Council notes the improved mix, size, reduction in overlooking and compliance with parking standards, would support the application if vehicular access through Stanley Close can be delivered.	Agreed the layout and design of the scheme is a material improvement following previously approved schemes on this site.
It is strongly felt that now the site is within the ownership of the District Council, the District Council must use its CPO powers to compulsorily acquire the ransom strip to the north of the site which prevents access to the Stanley Close site to the north.	The planning application as submitted does not consider this matter.
This could and should be delivered to ensure both walk/cycle access but also vehicular access. It is noted the District Council's view is that the roads to the north are not constructed to a standard sufficient to carry vehicles but the Parish Council simply do not accept this. The Stanley Close development	A walk/ cycle way is proposed to link the site with the residential development to the north. The evaluation of the highway within Stanley Close is not a part of the submitted application and therefore the case officer cannot offer any comments.

has been designed and implemented to create a safe mixed-zone for vehicles and pedestrians alike, and the exact same approach could and should be taken with this current Bartholomew Close proposal.	
Should permission be granted the Parish Council requests that not only the District Council uses its CPO powers as stated above, but that S106 should still be applied to the site	A S106 agreement is not required for this proposed development due to the scale of the development.
The outline application had a s106 agreement which was to ensure the delivery of affordable housing. We would want that reassurance with this site (in case it is sold for example) but also to ensure that the affordable rented properties remain as affordable rent in perpetuity and that there is a "local cascade" to ensure that a percentage of the properties are first offered to those in the parish and then surrounding villages with housing need. If no persons come forward than the District Council would then be able to offer those properties to the wider district.	<p>The application is for 100% affordable housing as stated in the description of the development. As the applicant is UDC a Section106 legal agreement is not required as it is the Council's Housing Department that would be delivering the scheme.</p> <p>If the site was to be sold of the development approved would still be for 100% affordable housing.</p> <p>The allocation of housing would be per UDC housing policies and is not a material consideration in this planning application.</p>
In addition, the pre-existing s106 agreement for the Outline Application had provisions to ensure a cycle connection to the site to the north. This would be expected as a minimum, even if CPO powers cannot be used to deliver a vehicular access (which we would dispute).	<p>It is noted that the S106 agreement attached to the outline planning permission included the construction of a walk/ cycle way to the neighbouring site.</p> <p>The provision of this is access does not require to be secure through a S106 Agreement</p>
A s106 should also be used to provide a contribution towards open space in the village. There is no open space on this site (and no room to provide any).	Due to the size of the development it would be considered disproportionate to request open space contributions.
The 13 families moving into the dwellings will still inevitably and quite rightly place additional burden on village facilities and the ownership of the site should not obviate the need to mitigate this.	Due to the scale of the proposed development it does not require the provision of health and education contributions.
Finally, we would insist that the conditions imposed on the outline permission are carefully transposed to this application in relation to the Construction Management Plan, parking and other mitigating measures. This is vital protection for those residents in the immediate vicinity of the site.	Agreed and should be secured by condition.

9.0 CONSULTATIONS

UDC Housing Enabling Officer

9.1 The delivery of affordable housing is one of the Councils' corporate priorities. This

scheme is for 100% affordable housing that will be allocated to residents of Uttlesford based on their housing need. I confirm the scheme is compliant with the Council's policy.

The Highways Authority

9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Prior to occupation of the development, the access arrangement, as shown in principle on DWG no. UDC-842-01, shall be fully implemented. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

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

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.

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

3. The proposed development shall not be occupied until such time as the vehicle parking areas as indicated on DWG no. UDC-842-01 has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

4. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate bicycle parking is provided.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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

7. No development shall take place until a comprehensive condition survey of the estate roads from Jackson's Lane to the application site has been completed. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period. Reason: In the interests of highway

safety.

8. Following completion of the construction of the dwellings, a further comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details approved in 7 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety.

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

Anglian Water

9.3 No comments/ objections

Ecology

9.4 No objection subject to securing biodiversity mitigation and enhancement measures Summary as conditioned.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting."

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

2. PRIOR TO SLAB LEVEL: A FINAL BIODIVERSITY ENHANCEMENT STRATEGY

"A Final Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made in the Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) and the Ecological Design Strategy (Applied Ecology Ltd, January 2020).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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

SUDs

9.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object and have the following conditions:

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development.

This should be based on detailed, design specific infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. The tests should be undertaken in all locations that infiltration is to occur. This verification should also be based on detailed ground water monitoring testing to confirm the distance between the highest average water table and the base of all infiltration features.

- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

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

Reason

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

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

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

Essex County Council- Education

9.6 As the development consists of less than 20 dwellings, an education contribution is not required

10 REPRESENTATIONS

10.1 11 letters of objection and further letters of comments has been received, all material planning merits will be considered in the following report, however the following table summarises these and includes comments from the case officer.

Comments:

The proposal includes an improved layout,
The plans are unclear whether there will be an access between the application site and neighbouring site.

10.2	Objections Received	Case Officers Comments
	The parking is close to existing properties leading to a disturbance	The layout of the proposed parking is considered appropriate
	Insufficient parking	Sufficient parking has been provided in accordance with the UDC residential parking standards and Essex County Council standards. Plot 13 will require an additional parking space and an additional visitor space for the development will be required, this will be conditioned if

	approved.
Increase in traffic	The development will result in a material increase in traffic, however due consideration will be made in the following report.
Impact to highway safety	Due consideration will be made by the Highway Authority in regards to highway safety.
Increase in pedestrian movement from neighbouring sites.	The development will result in an increase in pedestrian movements, this will be considered in the following report.
The access is not appropriate	Access to the site will be from Rookery Close, this is as per the previously approved schemes on this site. The proposed access will be assessed by the Highways Authority.
The neighbouring residential development (Rookery Close) has a large number of car parked on the highway therefore the access to the site would be compromised.	As residential development the neighbouring site is likely to have a number of parked cars on the highway. This was considered in the previously approved schemes and due consideration will be made in regards to highway safety.
The access from Rookery Close is in a poor condition.	Access safety will be assessed by the Highways Authority. The existing access is maintained by Essex Highways.
The application does not include any new ecology report.	The ecology information submitted has been assessed by the ecology officer. Due consideration will be made in the following report.
The development will result in a loss of light to neighbouring properties	An assessment will be made using the plans submitted, this will be considered in the following report.
The development will result in a loss of trees.	A number of trees will be removed as stated in the submitted tree report. A landscaping condition should be included for the replacement of the trees and further landscaping enhancement.
The development has not changed following the previous refused planning applications.	This application is being considered a standalone applications, however the previously approved and extant planning permission for this site are material considerations.

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

- A The principle of the development of this site for residential (ULP Policy H1, S7, ENV3 NPPF, Uttlesford Emerging Local Plan, Emerging Great and Little Chesterford neighbourhood plan)**
- B Design and impact to amenity (Layout and Parking) (ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF).**
- C Access (ULP Policy GEN1)**
- D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9,**

- H10, GEN6)**
 - E Protected species and biodiversity (ULP Policy GEN7 and ENV8)**
 - F Flood Risk and drainage (ULP Policy GEN3; NPPF)**
 - G Planning Balance**
 - H Any other material considerations**
- A The principle of the development of this site for residential (ULP Policy H1, S7, ENV3, NPPF, Uttlesford Emerging Local Plan, Emerging Great and Little Chesterford neighbourhood plan**
- 11.1 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As such the following are considered material considerations:
- The NPPF.
The lack of a 5 year housing supply.
- 11.2 The approved planning permission for the development of this site are extant and therefore the building of 14 dwellings can be implemented, as such this a material consideration in the assessment of the current proposal.
- 11.3 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document (Oct 2019) demonstrate 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years. The Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and due weight must be given to the proposal. This means that due consideration and weight should be applied in regards to the positive role of sustainable development.
- 11.4 ULP Policy GEN2 requires development proposals, inter alia, to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. It also requires development to safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. Paragraph 127 of the NPPF states planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 11.5 The scheme will provide a 100% affordable home development, in policy terms the dwellings are outside of the development limits of Great Chesterford as defined by Uttlesford. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 11.6 The site is therefore subject to the provisions of Policy S7. ULP Policy S7 is a policy

of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there.

- 11.7 The application site forms part of the emerging UDC Local Plan- (Policy GtCHE 1) the site put forward is for residential development up to 11 dwellings and detailed proposals should 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; and
 2. 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. It is noted that although the development of this site is included in the emerging local plan this only hold some limited weight.
- 11.8 Due to paragraph 11 of the NPPF and the lack of housing supply this means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental and a balanced assessment should be made.
- 11.9 The site although outside of the development limits is tacked on to the settlement of Great Chesterford, the site although of an open appearance and character it is mainly surrounded by residential development. As such it is considered the development of the site for residential use will not encroach further out into the open countryside surrounding of the site and will not have a harmful or adverse impact to the character of the site.
- 11.10 The site plan submitted with the application demonstrates a layout which will be landscape led, however it is considered further landscaping mitigation will be required to create a significant enhancement to the immediate and surrounding area. In particular, the scheme proposes the enhancement of the existing landscape, however a condition should be included for the landscaping details to be agreed prior to the commencement of the development should planning permission be granted.
- 11.11 The Council's Landscape Officer has been consulted; although no objection has been received it is considered the development will result in some degree of visual intrusion. However, the site has been included in the emerging draft local plan for residential development, also the positioning of the development will be in close proximity to other residential developments to the north and south of the site. As such it is considered the proposed landscape and character of the site would be compatible with its surroundings, in accordance with ULP Policy ENV3.
- 11.12 The development will include a layout that will provide an appropriate siting of the dwellings, garages within the site. The layout of the development provides sufficient distance and space between the properties and ensure the site is not

overdeveloped or have a cramped appearance. The layout of the scheme ensures the properties will have sufficient private amenity space in accordance with the Essex Design Guide; this is contributed by the distance between properties and landscaping features.

- 11.13 In conclusion and with the imposition of conditions, it is considered that the residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on the landscape character or visual amenity.
- 11.14 This site very much nestles into the small settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. It is considered that proposed development would comply with the environmental objective of sustainable development.
- 11.15 The application includes a tree survey which the findings have been duly considered. The recommendation of conditions for the protection of the trees on the site during the construction of the development, an arboriculture method statement and tree protection plans should be submitted, the tree surgery should be completed as per the submitted details.
- 11.16 Three trees and some landscape features have been identified to be removed for the proposed development. The Council's Landscape Officer has assessed these and no objections have been made. That being said a landscape condition should be imposed to ensure the removal of trees are compensated in any future landscape scheme.
- 11.17 The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.18 The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 11.19 The proposal would provide significant housing benefits with 100% affordable homes. The application site is located close by to services and community facilities and such benefits would be consistent with the social dimension of sustainable development. The proposed development also provides a mix of type of dwellings that is in accordance with the recognised needs of the District. The properties proposed by the development would be attractive to first time buyers and young families, providing housing to support family connections and support a balanced community. It will also result in the delivery of high quality development and landscape preservation.
- 11.20 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable in terms of economic, social and environmental

features and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable and in accordance with policies.

B Design and impact to amenity (Layout and Parking) (ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.

- 11.21 All of the units would have private amenity spaces, the proposed dwelling include appropriate sized amenity space that are in accordance with the Essex Design Guide, that being:
Two bedroom dwellings- 50sqm+
Three/ Four bedroom dwellings- 100sqm+
- 11.22 In regards to the design and appearance of the development, the dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings.
- 11.23 In terms of layout and number of the parking spaces, the adopted Uttlesford Local Residential Parking Standards require two or three bedroom dwellings should include two off street parking spaces and four bedrooms and above should include three off street parking spaces.
- 11.24 It is considered sufficient parking spaces have been proposed and in accordance with these adopted standards. Plot 13 will require an additional parking space and an additional visitor space for the development will be required, this will be conditioned if approved. Taking into consideration the details set out on the submitted plan and use of conditions it is the development will include sufficient off street parking provisions.
- 11.24 Policy TA2 of the emerging Uttlesford Local Plan considers the requirement of electric charging points. It is stated within this policy that houses require one charging point per house with a drive or garage, this will help mitigate the impact of increasing car fumes and pollution. As such the provision of the one charging point per dwelling is not unreasonable and therefore a condition for this provision should be imposed. This is also compliant with the aims of ULP Policy ENV13 and paragraph 105 (e) of the NPPF.
- 11.25 The proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations 2010. Approved Document M, Volume 1 2015 edition and 2016 amendments. Also, in respect to Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, as such this should be conditioned if approved.
- 11.26 Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.

- 11.27 The separation distances between the proposed dwellings and the existing neighbouring dwellings ensure the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers.
- 11.28 ULP Policy GEN2 also considers the impact to neighbouring properties in regards to loss of light, over shadowing, overlooking and loss of privacy. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings. Sufficient distance between the dwellings and the existing dwelling outside the application site to not result in any harmful impact to neighbours private amenity.
- 11.29 The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other nearby residential developments. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.
- 11.30 The comments submitted in regards to construction noise and disturbance is noted. The use of a planning conditions in regards to a construction management scheme should be imposed should planning permission be granted. Any noise from construction will not result in permanent issue and will be resolve on completion of the development. As such the proposal is in accordance with ULP Policy GEN4.
- 11.31 Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.

C Access (ULP Policy GEN1)

- 11.32 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The proposal includes access arrangements into the site from the development to the south of the site at Rookery Close and Bartholomew Close. An additional pedestrian access is proposed to the north of the site leading to Stanley Road.
- 11.33 A number of objections have been received by local residents in regards to highway safety and the intensification of the site. The Highways Authority have been consulted and have made no objections subject to the imposition of conditions to mitigate the development. There will be a minimal change in traffic flows on the local highway network in the peak hours as a result of the proposed development, with up to 3 two-way movements during the AM and PM peak periods, therefore, the development would not result in any material highway or safety implications.
- 11.34 The Highways Authority have carefully considered the information received from the applicant and are satisfied that the existing access arrangement is suitable for the proposed development without causing a highway danger, as such the proposal is considered acceptable under ULP Policy GEN1.

D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6)

- 11.35 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. However this

application is for 100% affordable homes and make a positive contribution to housing. The housing will consist of 100% affordable rent.

- 11.36 The proposal includes a mix of smaller properties, no objections have been made by the Council's Housing Officer and as such it is considered the proposal accords with ULP Policy H10.
- 11.37 No requests have been made from the Essex County Council's Infrastructure Planning Officer in regards to the requirement of infrastructure contributions and therefore complies with ULP Policy GEN6.

E Protected species and biodiversity (ULP Policy GEN7 and ENV8)

- 11.38 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 11.39 A preliminary ecology survey has been submitted with the application (Applied Ecology Ltd 2020). The results of ecology surveys have been used to guide the layout to ensure minimal impact on ecological receptors. To adhere to planning policy and relevant wildlife legislation further works have been recommended, these include:
- Biodiversity enhancement strategy,
The use of wildlife sensitive lighting,
- The development shall be in accordance with the recommendation set out in the ecological appraisal.
- 11.40 It is predicted that any potential adverse impacts from the proposed development upon specific protected species/habitats can be mitigated in line with relevant wildlife legislation and planning policy.
- 11.41 Essex County Council Ecologists have been consulted and have no objection subject to a conditions regarding ecological measures. As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

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

- 11.42 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.
- 11.43 The main residential development is located in Flood Zone 1 where development is considered appropriate. The application is supported by the submission of a ground investigation report in regards to infiltration and drainage. Taking into consideration the details submitted with the application and comments received from the Lead Local Flood Authority it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk.

G Planning Balance

- 11.44 In regards to the assessment of this application, the NPPF is a materials planning consideration, paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document (Oct 2019) demonstrates 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years. The Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and therefore a tilted balance approach should be applied in the assessment of the application and whether the positives outcomes of the development will outweigh the harms
- 11.45 The development will contribute to a small amount economic benefits, this includes:
- The creation of a small amount of employment during the construction phase,
 - Contributions to Council tax
 - New home bonus
- These economic benefits are provide some limited weight.
- 11.46 The development will contribute to a small level of support towards health, social and cultural wellbeing. The application site is tacked on to the settlement of Great Chesterford and therefore has access to its local provisions.
- 11.47 The development will include 100% affordable homes, this will positively contribute to the vitality of the rural village. This will actively contribute to the social role of sustainable development as set out in the NPPF, this is considered to provide significant weight when making a balance assessment in this application.
- 11.48 Although the proposal will result in the loss of this open plot of land it is not considered this will have a harmful impact to the character of the site and it surroundings (as assessed in the above paragraphs). Also the 13 dwellings will also have positive contribution to housing supply of which the Council cannot demonstrate a 5 year housing supply. Overall it is considered the benefits of the scheme outweigh the any limit harm that may occur from the scheme.

H Any other material considerations

- 11.49 The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of countryside
D1- High quality design
EN8- Protecting the natural environment
EN17- Air Quality
EN19- Noise sensitive development
H2- Housing Mix
EN10- Open spaces
TA1- Accessible development
TA2- Sustainable
INF1 -Infrastructure Delivery Transport

- 11.50 The extant planning permissions for the development of this site are a material

consideration and such due consideration should be made to this.

12 CONCLUSION

- A It is considered the positives outcomes of the development significantly outweigh the limited harm of the proposed scheme and therefore the principle of the development is considered appropriate.
- B It is considered the location, layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate. Further landscaping and parking details will be required and has been conditioned. The development accords with Policies S7, ENV3, GEN2 GEN8 and the NPPF.
- C The access is considered appropriate, no objections have been made by the Highways Authority.
- D The housing mix for the development is considered acceptable as assessed by the Councils Housing Enabling Officer and therefore in accordance with ULP Policy H10.
- F The development will include 100% affordable housing in accordance with ULP Policy H9.
- G The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- H Taking a balanced approach to the development it is considered that the limited harm caused by the development will be outweighed by its positive contributions to sustainable development (NPPF).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 Prior to occupation of the development, the access arrangement, as shown in principle on DWG no. UDC-842-01, shall be fully implemented.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1.
- 3 Prior to the development above slab level a proposed parking plan shall be submitted to and approved in writing by the Local Planning Authority. The parking plans shall include an additional parking space for plot 13 and an additional visitor space. Thereafter the development shall be implemented in accordance with the approved details and shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does

not occur in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 4 The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

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

- 5 No development shall take place until a comprehensive condition survey of the estate roads from Jackson's Lane to the application site has been completed. Details of such survey having first been submitted to and approved in writing by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority with any repair work being carried out prior to the construction period.

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

- 6 Following completion of the construction of the dwellings, a further comprehensive survey of the estate roads from Jackson's Lane to the application site shall be completed in accordance with the details approved in condition 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

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

- 7 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting."

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

- 8 Prior to slab level of the development hereby approved a final Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made in the Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) and the Ecological Design Strategy (Applied Ecology Ltd, January 2020).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;

- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

Thereafter the works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

- 9 Prior to the occupation of the development hereby approved a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed, design specific infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. The tests should be undertaken in all locations that infiltration is to occur. This verification should also be based on detailed ground water monitoring testing to confirm the distance between the highest average water table and the base of all infiltration features.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

The above reasons are in accordance with ULP Policy GEN3 and the NPPF.

- 11 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:

To ensure the development is in accordance with ULP Policy GEN3 and the NPPF regarding flooding.

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

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

REASON:

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

The above reasoning for the condition is in accordance with ULP Policy GEN3 and the NPPF.

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

REASON:

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

- 14 A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13, TA2 of the emerging local plan and the NPPF

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

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

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

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

- 17 Prior to commencement of the development, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

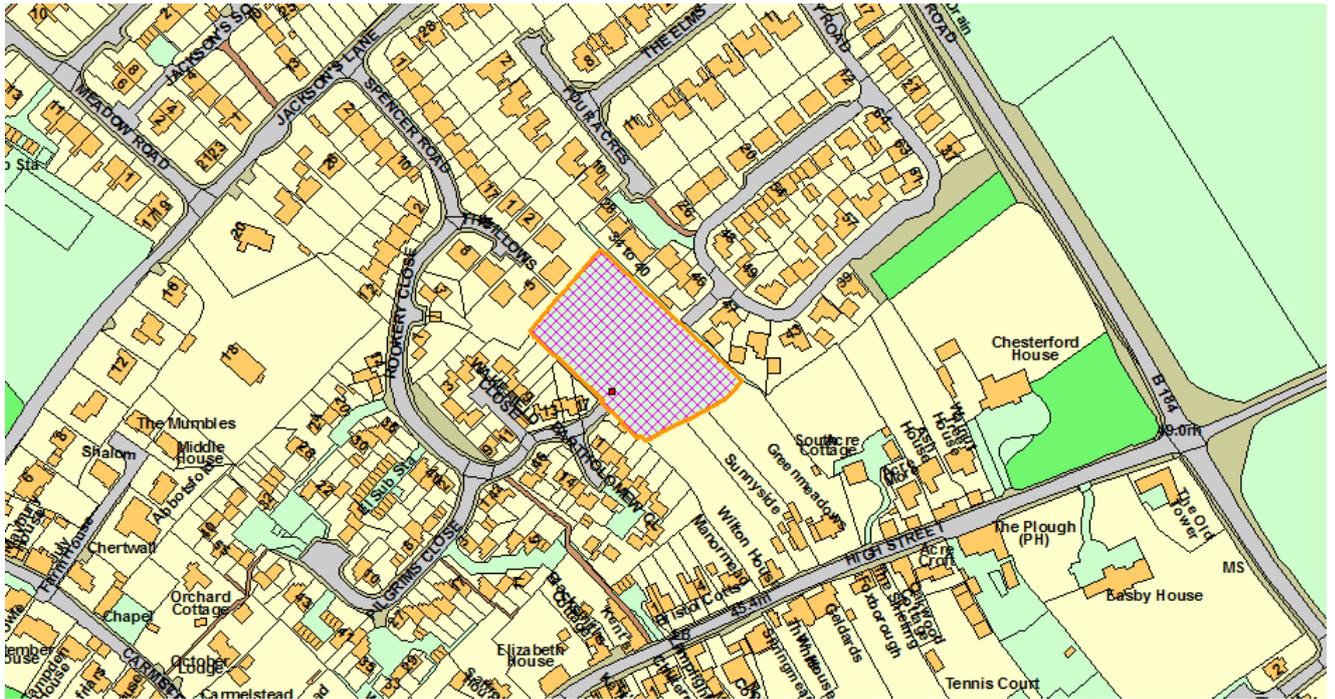
REASON: The use of this pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

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

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

- 19 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) the control of noise from construction including the hours of working
 - (e) wheel washing facilities
 - (f) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).



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Department: Planning

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