

**UTT/20/0864/FUL – (SAFFRON WALDEN)**

(MAJOR APPLICATION)

**PROPOSAL:**        **Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO)**

**LOCATION:**        **Land Behind The Old Cement Works, Thaxted Road, Saffron Walden**

**APPLICANT:**      **Barkby Real Estate Limited**

**AGENT:**            **Phillips Planning Services Limited**

**EXPIRY DATE:**    **20.11.2020**

**CASE OFFICER:**   **Chris Tyler**

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**1.        NOTATION**

1.1        Within Development Limits; Employment Land to be Safeguarded.

**2.        DESCRIPTION OF SITE**

2.1        The site is located off Thaxted Road, Saffron Walden. It comprises an area of open land, previously used as a cement works, lime kiln and scrapyards, to the rear of existing residential development at The Kilns and Tiptoft Lane.

**3.        PROPOSAL**

3.1        The application is for the erection of 35 dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO)

3.2        The proposal revises the previously approved development of the site which included 21 market houses and 14 affordable homes. A comprehensive viability assessment of the consented scheme has determined that it is not viable to deliver all 14 affordable homes. A reduction in the number of affordable homes to 7 units is therefore proposed to enable the site to come forward in a viable manner.

The only other material change to the development is to include an electric vehicle charging point with every unit.

**4.        ENVIRONMENTAL IMPACT ASSESSMENT**

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

**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. Point included in the planning statement are as follows:

- 5.2 As has been discussed, the principle of residential development on this site was confirmed through various planning permissions, most recently UTT/16/1444/OP and UTT/17/3038/DFO. There have been no material changes to the context of relevant policy or the site to merit a different conclusion on this matter.
- 5.3 As has been set out, a review of the previous consent has identified that it would not represent a viable proposition unless the provision of affordable housing is reduced. The existing consent complied with Local Planning Policy requirement of a 40% provision
- 5.4 The submitted Viability Assessment provides the evidence and justification for the reduced provision from 14 to 7 dwellings.
- 5.5 The proposal nonetheless continues to provide affordable housing so will still be making a contribution to addressing need within the district. The proposal being viable will also mean that it is deliverable.
- 5.6 The application includes the following documents:
- Planning, Design & Access Statement
  - Viability appraisal
  - Ecological Statement
  - SUDS Checklist

## **6. RELEVANT SITE HISTORY**

- 6.1 The site has been the subject of a number of applications for permission/consent, as listed below:

UTT/1382/01/FUL Erection of 8 blocks for class B1 business "live/work" purposes and creation of new vehicular access  
*Approved with Conditions 21/07/2003*

UTT/1882/05/FUL Variation of conditions C90D and C90E of planning permission

UTT/1382/01/FUL to provide off-site highway works and surfacing of estate road prior to occupation rather than commencement.  
*Approved with Conditions 22/02/2006*

UTT/13/1937/OP Outline application for up to 52 dwellings with all matters reserved except access  
*Approved with Conditions 11/10/2013*

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 with Conditions 16/11/2016*

UTT/16/3477/DFO Details following outline planning permission for a residential development of up to 49 dwellings (UTT/16/1444/OP) - Details of appearance, layout, scale and landscaping (total of 46 dwellings)  
*Withdrawn 28/03/2017*

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 with conditions- 15/2/2018*

## **7. POLICIES**

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires 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.

7.3 Relevant development plan policies and material considerations are listed below.

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

- 7.4 S1 – Development Limits for the Main Urban Areas  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision to Support Development  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
E2 – Safeguarding Employment Land  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV12 – Protection of Water Resources  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
H1 – Housing Development  
H3 – New Houses within Development Limits  
H9 – Affordable Housing  
H10 – Housing Mix  
SW6 – Safeguarding of Existing Employment Areas

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

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

### **National Policies**

- 7.6 National Planning Policy Framework (NPPF)

#### Planning Practice Guidance (PPG)

- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Light pollution
- Natural environment
- Planning obligations
- Rural housing

#### **Other Material Considerations**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)

### **8. TOWN COUNCIL COMMENTS**

8.1 Objection, comments include:

- Loss of the amount of affordable homes,
- Lack of green space,
- Lack of provision of renewable energy,
- No EV charging points,
- Insufficient parking,
- Extra bedroom in plots

- 8.2 In regards to the comments received from the Town Council, it is noted the level of affordable homes is one of the principle reasons of this revised planning application and is considered section N of this report.

The provision of open space was considered acceptable in the previous approved application UTT/17/3038/DFO, no material change has been made to this.

No renewable energy feature have been included in the proposal, however the development would be built to current building regulation standards.

The proposal includes electric vehicle charging point for each dwelling as per paragraph 11.17 of the report and recommended condition 7.

Parking provision for the dwellings are compliant with UDC standards, visitor parking provisions are compliant with Essex parking Standards. This is set out in paragraph 11.4 of the report.

### **9. CONSULTATIONS**

#### **Highway Authority (Essex County Council)**

- 9.1 No Objections subject to conditions including:

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody cleaning facilities
- v an undertaking that construction traffic will not use the PROW byway 18 (Saffron Walden). A before and after survey to be undertaken of the byway and any damage caused by construction to be repaired to the satisfaction of the highway authority.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No development shall take place until the details of the treatment of the pedestrian/cycle only access to PROW byway 18 (Saffron Walden) and the treatment of the site boundary adjacent to the byway have been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The agreed access and boundary treatment to be implemented at a timescale agreed with the local authority and maintained thereafter.

Reason: In the interests of accessibility and highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. The section of shared surface adjacent to visitor parking bay V5 on drawing number 90416.33 rev C to be a minimum width of 6m.

Reason: To allow it to be adopted as part of the turning head for the development

4. The dwellings in the proposed development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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5. The cycle parking facilities as shown in principle on drawing number 90416.33 rev C are to be provided prior to the first occupation of the dwelling(s) which they serve, they shall be secure, convenient, covered and retained thereafter.

Reason: To ensure bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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.

**UDC Housing Enabling Officer**

- 9.2 Thank you for consulting me on this application and for confirming that the council has had the viability appraisal assessed by an independent consultant who have confirmed that the development would not be viable as existing and therefore requires a reduction in the affordable housing provision from 14 properties to 7 properties.

Taking the independently assessed viability appraisal into account, there is no objection to 7 affordable housing properties now being provided on the basis of 6 x 2 bed flats for affordable rent and 1 x 3 bed house for shared ownership.

#### **London Stansted Airport**

- 9.3 No objections.

#### **UK Power Networks**

- 9.4 General comments regarding works near electricity apparatus.

#### **Affinity Water**

- 9.5 No objection, subject to measures to reduce groundwater pollution risk.

#### **Ecological Consultant (Place Services)**

- 9.6 No objections, subject to a condition to secure biodiversity enhancements. Extract:

“Actions by the applicant have resulted in net loss of biodiversity in the form of loss of Priority habitat and associated species. No effort has been made to mitigate for this. Under paragraphs 109 and 118 of the NPPF, the planning system is required to demonstrate no-net-loss of biodiversity and to provide net gains in biodiversity where possible. We therefore expect all adverse impacts to be fully mitigated, and in cases of Major development such as this we would expect additional enhancements to be provided to result in a net gain in biodiversity.”

#### **Infrastructure Planning Officer (Essex County Council)**

- 9.7 Offers no comment on the basis that this is a Reserved Matters application.

#### **Environment Health**

- 9.8 Contamination  
No objections subject to conditions

#### Air Quality

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

#### Construction Dust Pollution & Noise

This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:  
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by

the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

### **Essex Police**

9.9 Objection. Full response:

“We are concerned that the proposed boundary treatments only offer a symbolic boundary and offer no security to the rear of the properties. UDC Local Plan Policy GEN2 – Design (d) states “It helps to reduce the potential for crime”, when it is well known that most burglaries occur at the rear of the property this proposal does not reduce the potential for crime.

We would also like to know what lighting provision is being considered and would recommend the applicant seeks to achieve a Secured by Design award in respect of this development for the benefit of the intended residents and their neighbours.”

### **Lead Local Flood Authority (Essex County Council)**

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

The drainage strategy that this application is based on is application UTT/16/1444/OP. However this drainage strategy is based on application UTT/13/1937/OP. A drainage strategy should be submitted as part of this new application that is in line with the ECC SuDS team updated criteria.

### **Environment Agency**

9.11 We have been consulted previously on this development. There do not appear to be any material changes to the application which would increase potential risk to controlled waters

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

### **Anglian Water**

9.12 No objection subject to the submission of a foul water strategy.

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have been raised in the submitted representations:

10.2	Comments Received	Officer Comments
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The proposal represents an overdevelopment of the site	The proposal revises the previous approved schemes (UTT/16/1444/OP and UTT/17/3038/DFO) in regards to affordable housing provision.
Inadequate parking provision	Parking provisions are not changed following the previously approved scheme.
Unsuitable access	The access has been assessed by the Highways Authority and due consideration is made within the following report.
Lack of affordable	The affordable housing provisions are considered in the report following submission of viability appraisal and external assessment.
Inadequate infrastructure – education, healthcare and roads	The proposal revises the previous approved schemes (UTT/16/1444/OP and UTT/17/3038/DFO) in regards to affordable housing provision. Due consideration has been made in terms of infrastructure and contributions secured by S106 agreement.
Impact to wildlife	Due consideration has been made to ecology within the following report.
Increase in air pollution	This has been assessed by the Councils Environmental Health Officer and addressed in the report
Unsustainable location	The proposal revises the previous approved schemes (UTT/16/1444/OP and UTT/17/3038/DFO) which concluded the site was an appropriate location for development.

## 11. APPRAISAL

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

- A Principle of development (S1, H1, H3 and the NPPF)
- B Character and appearance (S1, GEN2, GEN5, NPPF)
- C Transport (GEN1, GEN8, NPPF)
- D Accessibility (GEN2, NPPF)
- E Crime (GEN2, NPPF)
- F Amenity (GEN2, GEN4 & NPPF)
- G Flooding (GEN3, NPPF)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, ENV8, NPPF)
- J Employment safeguarding (E2, SW6 & NPPF)
- K Groundwater contamination (ENV12, NPPF)
- L Air quality (ENV13, NPPF)
- M Land contamination (ENV14, NPPF)
- N Affordable housing (H9)
- O Housing mix (H10 & SHMA)
- P Housing land supply (NPPF)
- Q Previously developed land (NPPF)



**A Principle of development (S1, H1, H3 and the NPPF)**

- 11.1 The principle of residential development was accepted when outline planning permission was granted under application UTT/16/1444/OP and UTT17/3038/DFO, this application set out to revise the level of affordable homes provision.

**B Character and appearance (S1, GEN2, GEN5, NPPF)**

- 11.2 The proposal does not include any other material changes as per previously except the provision of affordable home. With an open field to the north and commercial development to the south, the residential design cues for the site are provided by the contemporary apartment blocks of The Kilns and the more traditional housing of Tiptoft Lane. It is considered that the proposed development takes a suitable approach, adopting traditionally-designed buildings and positioning the larger-scale apartment buildings close to The Kilns.
- 11.3 The majority of the development comprises two-storey housing, centred on an area of public open space and positioned in line with the road network to form a cohesive street scene. Subject to the use of a condition to secure a suitable landscaping scheme, it is considered that the development is well-designed and compatible with the character of the area. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

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

- 11.4 The vehicle movements associated with the development and the access off Thaxted Road were assessed at in the previously approved outline planning application (UTT/16/1444/OP). Taking into account the comments of the Highway Authority, it is considered that there would be no adverse effects on road safety as a result of the proposed layout, subject to the use of appropriate conditions. Furthermore, the proposed parking provision is fully compliant with the Council's minimum residential parking standards. It is therefore concluded that the proposal accords with the above transport policies.

**D Accessibility (GEN2, NPPF)**

- 11.5 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.

**E Crime (GEN2, NPPF)**

- 11.6 Taking into account the comments of Essex Police, it is considered that the development generally has regard to the need to design-out crime. The identified vulnerabilities with respect to boundary treatment and lighting could be addressed using a condition to secure full details prior to occupation, thereby ensuring compliance with the above policies insofar as they relate to crime prevention.

**F Amenity (GEN2, GEN4, NPPF)**

- 11.7 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed gardens would be of a suitable size. All houses would have gardens larger than the recommended minimum size standard, the flats at Plots 22 and 23 would have more than 25 sq m of communal garden space each and the flats at Plots 27 – 32 would have separate terraces/balconies much larger than 5 sq m (12 sq m).
- 11.8 The minimum standards on privacy and daylight levels indicate that the development would not have any significant adverse effects on the amenity of existing or future residents. It is noted that the lower ground level of the development ensures that there would be no loss of privacy in the gardens of the dwellings on Tiptoft Lane, as shown in detail on the submitted site section drawing.
- 11.9 Finally, it is considered that there would be no significant overbearing impacts or noise nuisance as a result of the development. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

### **G Flooding (GEN3, NPPF)**

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."

- 11.10 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding (Flood risk Zone 1). It is noted the Lead Local Flood Authority (SUDs) have raised objected to the development because the sustainable drainage scheme is based on the previous planning approval for the site (UTT/16/1444/OP) .That being said the only material change to the development is the reduction of affordable housing. If there was a significant change to the layout or design of the scheme then further sustainable drainage details would be requested however as this is not the case it will be unreasonable to insist on enhanced measures on this site.
- 11.11 The proposed development would need to be consistent and accord with the surface water strategy for the wider site. It is a material consideration that planning permission has been granted on the subject site and the planning applications are extant. Therefore, should planning permission be approved and as per the previous approval of development on this site UTT/16/1444/OP a condition should be included for the submission of further drainage details. Subject to the above, the development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan

11.12 No objections have been raised by then Environment Agency Subject to conditions

**H Infrastructure (GEN6)**

11.13 Infrastructure requirements were assessed in the original outline planning application, with a S106 agreement securing:

£89,802 toward education,  
£9,600 towards health facilities

If the application was approved these contribution will be secured by S106 agreement.

**I Biodiversity (GEN7, ENV8, NPPF)**

11.14 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. An ecology statement has been submitted with the planning application. No objections have been made by the Councils Ecology Consultant subject to conditions, it is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7.

**J Employment safeguarding (E2, SW6 and the NPPF)**

11.15 It is noted that the site is safeguarded for employment use in the Local Plan. Nevertheless, the principle of residential development was accepted when outline planning permission was granted and this application seeks to amend the previous approval.

**K Groundwater contamination (ENV12, NPPF)**

11.16 Although the site is not in a ground water protection area due to previous use of the site the Environment Agency has recommended the imposition of a conditions for contamination investigation and remediation, this is consistent with the recommended condition from the Councils Environmental Health Officer. Taking into consideration the consultation response the development complies with ULP Policy ENV12.

**L Air quality (ENV13, NPPF)**

11.17 NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. Taking into consideration the comments from the Environmental Health Officer a condition requiring charging points for electric vehicles is requested.

**M Land contamination (ENV14, NPPF)**

11.18 ULP policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. Contamination may be present on the site however this is considered low. However, there is always a potential risk associated with

such commercial sites where made ground may be present. The Environmental Officer has been consulted and no objections have been made subject the imposition of conditions. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14

## **N Affordable housing (H9)**

- 11.19 Policy H9 states that the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development.
- 11.20 The original approved planning application for development of this site (UTT/17/3038/DFO) included the provision of 14 affordable housing units, this was secured by S106 agreement. Due to the financial viability of the development this application now reduces the affordable housing contribution to 20% and includes 7 affordable units.
- 11.21 The bench mark land value of site is based on the previously approved and extant planning permission for 34 live/ work units (UTT/1382/01/FUL). This was originally approved in 2003 with two block of the units being built and permission is extant. Therefore the existing use value of the site should be based on upon the land which has the benefit of the approved and implemented consent. This scheme has been modelled to identify the Residential Land Value to inform the Bench Mark Land Value.
- 11.22 The viability assessment submitted has been validated by an independent assessor that has advised the evidence submitted and concluded the scheme can only deliver 7 units (20%) of it affordable housing obligation and remain financially when assessed against the land value of the site as per the above paragraph. The Councils Housing Enabling Officer has also been consulted and has advised that taking into account the independently assessed viability appraisal there is no objection to 7 affordable housing properties now being provided on the basis of 6 x 2 bed flats for affordable rent and 1 x 3 bed house for shared ownership.
- 11.23 The extant planning permission for 34 live / work units (UTT/1382/01/FUL) does not benefit from any affordable housing provision. Therefore it is considered the proposed 7 affordable units would provide a positive contribution compared to completion of the extent planning permission.
- 11.24 Taking into consideration the details set out in the viability report and the independent assessment it is concluded that sufficient information has been provided to demonstrate that the original scheme of 14 affordable dwelling was not financially viable and as such the reduction to 7 affordable dwelling will secure the development. The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9.

## **O Housing mix (H10 & SHMA)**

- 11.25 The majority of the market dwellings would be two- and three-bedroom units, in accordance with the requirement in Policy H10 to include a significant proportion of small dwellings in residential developments.

**P Housing land supply (NPPF)**

- 11.26 It is noted that the Council is unable to demonstrate a five-year supply of housing land, as identified in the most recent housing trajectory document (Oct 2019) demonstrates 2.68 years housing supply. 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.
- 11.27 The development will contribute to a small amount economic benefits including the creation of a small amount of employment during the construction phase. The development will include 7 affordable homes. 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 an assessment in this application.
- 11.28 Nevertheless, the principle of residential development was accepted when outline planning permission was granted and as such this application considers the materials change of the development in terms of reduction of affordable homes provisions.

**Q Previously developed land (111)**

- 11.29 It is noted that the site constitutes previously developed land. Nevertheless, the principle of residential development was accepted when outline planning permission (UTT/16/1444/OP) was granted.

**12. CONCLUSION**

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

- A The proposal revises the previously approved development, the material changes include the reduction of affordable homes and provision of electric vehicle charging points.
- B Sufficient information has been provided to demonstrate that the original scheme of 14 affordable homes was not financially viable and as such the reduction to 7 affordable dwelling will secure the development.
- C The applicant has agreed to enter into a S106 agreement relating to the provision of 20% affordable housing for this residential scheme (ULP Policy H9).
- D 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 S1, GEN2, GEN8 and the NPPF.
- E The access is considered appropriate, no objections have been made by the Highways Authority.

- F 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.
- 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).

**RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding agreement 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 Interim Head of Legal Services, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) payment of contributions towards primary education provision
  - (ii) provision of 20% affordable housing
  - (iii) payment of NHS contribution toward health provision
  - (iii) Pay Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director of 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 agreement, the Assistant Director of Planning shall be authorised to refuse permission for the following reasons:
- (i) No contribution to primary education provision
  - (ii) No 40% affordable housing provision

**No contribution to health provision**

**Conditions**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
  - Walls
  - Roof
  - Windows

- Doors

The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 3 Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment
- External lighting (including light emissions)
- Pedestrian and cycle access to PROW byway 18 (Saffron Walden)

All hard and soft landscape works must be carried out in accordance with the approved details prior to occupation of the thirty-fifth dwelling.

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

REASON: To ensure compatibility with the character of the area, to assist in the prevention of crime and to ensure highway safety and accessibility, in accordance with Policy S1, Policy GEN2 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 4 Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours

- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Loading and unloading of plant and materials;
- m) Storage of plant and materials used in constructing the development;
- n) Wheel and underbody washing facilities

All works shall be carried out in accordance with the approved CMP thereafter.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 5 The dwellings in the proposed development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6 The cycle parking facilities as shown in principle on drawing number 90416.33 rev C are to be provided prior to the first occupation of the dwelling(s) which they serve, they shall be secure, convenient, covered and retained thereafter.

REASON: To ensure bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 7 Prior to slab level of the development hereby approved a biodiversity enhancement strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the 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) persons responsible for implementing the enhancement measures;
- e) 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) and in accordance with ULP Policy GEN7.



8 Each dwelling hereby permitted must not be occupied until such time as its associated vehicle parking area has been formed and provided in accordance with Drawing No. 90416.30 Rev G.

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9 The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. 90416.26 Rev A

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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 and in accordance with ULP Policy GEN1.

11 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 and paragraph 105 of the NPPF

12 Prior to the construction of the development hereby approved above slab level a scheme for on-site foul and surface water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of any phase, the drainage works relating to that phase must have been carried out in complete accordance with the approved Scheme.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with ULP Policy GEN3.

13 **Contamination 1.**

As a result of the submitted ground investigation report by GEA ref:J15023, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

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

**14 Contamination 2.**

The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

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

**15 Contamination 3.**

In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of contamination condition 1 and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with contamination 2 condition.

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

**Appendix:  
Accommodation Schedule  
Plot**

<b>Plot</b>	<b>Bedrooms</b>	<b>Parking</b>	<b>Garden</b>	<b>Tenure</b>
1	3	2	109	Affordable
2	3	2	100	Market
3	4	3	127	Market
4	3	2	138	Market
5	3	2	129	Market

6	3	2	117	Market
7	4	3	161	Market
8	4	3	239	Market
9	3	2	106	Market
10	3	2	105	Market
11	3	2	110	Market
12	3	2	107	Market
13	3	2	106	Market
14	3	2	102	Market
15	2	2	59	Market
16	3	2	100	Market
17	3	2	100	Market
18	3	2	100	Market
19	3	2	100	Market
20	3	2	102	Market
21	3	2	103	Market
22	2	2	56 (shared)	Market
23	2	2	56 (shared)	Market
24	3	2	149	Market
25	3	2	127	Market
26	3	2	130	Market
27	2	2	12	Affordable
28	2	2	12	Affordable
29	2	2	12	Affordable
30	2	2	12	Affordable
31	2	2	12	Affordable
32	2	2	12	Affordable
33	2	2	59	Market
34	2	2	62	Market
35	2	2	64	Market
Visitors	-	9	-	-

