

UTT/20/0264/OP (DEBDEN & WIMBISH)

(Major)

PROPOSAL: Outline permission with all matters reserved for the erection of 25 no. private and affordable dwellings

LOCATION: Land to the west of Thaxted Road, Debden

APPLICANT: Ford Homes Ltd

AGENT: BBR Architects

EXPIRY DATE: 1st September 2020

CASE OFFICER: Robert Davis

1. NOTATION

1.1 Outside development limits, Within 2km of SSSI, Tree Protection order.

2. DESCRIPTION OF SITE

- 2.1 The site is located to the west of Thaxted Road, Debden, a village located approximately 3 to 4 miles south of Saffron Walden. Thaxted Road runs north-south through the centre of Debden, providing a link for communities between Saffron Walden and Thaxted.
- 2.2 The application site is on the edge of the settlement boundary of Debden located to the south of Highfields, a small cul de sac, and Rowney House, within the garden of which two houses have been approved. There is ribbon development of housing to the east of the site on the opposite side of Thaxted Road.
- 2.3 The application site extends to 0.93 hectares and is currently agricultural farmland. The site is generally raised above the level of Thaxted Road and falls towards the south west corner. There are hedgerows alongside the highway and to the north and south of the site. The site is open to land to the west.
- 2.3 A public footpath runs to the south from high street within the village, alongside the ditch which forms the western boundary of the field containing the site.
- 2.4 The site is within the Environment Agency Flood Zone 1 and therefore not at risk from fluvial flooding.

3. PROPOSAL

- 3.1 The proposed development is an outline application for the erection of 25 dwellings. The Design and Access Statement envisages a mix of dwellings for 1 bed, 2 person, up to 4-bed, 6 person houses with a mixture of tenure. Affordable housing would be provided as part of the dwelling mix and in line with local requirements on a 30:70 mix of shared ownership and affordable rented accommodation. An indicative site plan is provided below.

Fig 1 Indicative Site Plan



4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

5. APPLICANT'S CASE

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

- Design and Access statement
- Desk Based Archaeological Assessment

- Flood Risk Assessment
- Landscape and Visual Assessment
- Preliminary Ecological Appraisal
- Biodiversity checklist
- Statement of Community Involvement
- SuDS Checklist
- Transport Assessment
- Contamination Assessment
- Additional Drainage Data

6. RELEVANT SITE HISTORY

6.1 UTT/18/1708/FUL Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with mix of tenure, including 14 no-affordable housing units. With associated garages landscaping and new access, at Land To The west Of Thaxted Road Debden Essex. Refused on the 22nd February 2019 by the Planning Committee for the following reasons.

1. The proposed development would result in the urbanisation of open countryside, thereby causing substantial harm to the rural character of the area in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (NPPF). In the context of paragraph 11 of the NPPF, this adverse effect would significantly and demonstrably outweigh the benefits of the proposal.

2. The application does not include a mechanism, such as a S106 legal agreement, to secure the following:

- Sufficient affordable housing, equating to 40% of the total number of dwellings
- Suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS). The proposal therefore conflicts with Policy H9 and Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6.2. An appeal against the decision, Appeal Ref: APP/C1570/W/19/3231500, was dismissed on the 9th September 2019. The Inspector concluded that the proposed development would be contrary to the development plan and there are no other considerations, including the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside

ULP Policy H9 – Affordable Housing

ULP Policy H10 – Housing Mix

ULP Policy H1- Housing Development

ULP Policy ENV2 – Development affecting Listed Buildings

ULP Policy ENV3 – Trees and Open Spaces

ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

ULP Policy ENV5 – Protection of agricultural land
ULP Policy ENV15 – Renewable Energy
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP policy GEN6 – Infrastructure Provision to Support Development

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Play Space
Interim Climate Change Policy (2021)

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)
Essex Design Guide
ECC Parking Standards
UDC Parking Standards

8. DEBDEN PARISH COUNCIL COMMENTS

8.1 Following the original consultation revised plans were received on the 11th August 2020 and the Parish Council reconsulted.

8.2 Initial Comments 13th March 2020

We would point out that the application is flawed because parts of the submission are incorrect, namely, the statement of Community Involvement refers to the previous application for 36 houses (there has been no consultation with the village on the current application) and in the Design and Access Statement the access shown on the plan is incorrect (it is in the same location as the original plan).

The Council objects to the application for the following reasons:

- This is a greenfield site, outside development limits which is contrary to Policy S7
- The area is prime agricultural land which should not be developed, Policy ENV5.
- The resident and visitor onsite parking is completely inadequate for rural development with unreliable transport facilities. Therefore the only alternative would be to park on Thaxted Road. This is already used by many vehicles as a short cut where speeding has already been identified as a major problem by the Police and local Speedwatch group.
- Even though speed restrictions are in place shortly before the proposed development entrance its location still imposes extreme danger to the disabled residents and their carers living opposite in view of the speeding traffic

- An additional problem would be the significant increase in vehicle traffic adding to existing parking and traffic problems in the centre of the village. The centre of the village is already congested with parked cars on roads and pavements causing a danger to pedestrians and road users. The proposed development will only exacerbate this problem with additional traffic, grocery/home deliveries and cause greater 'stop start' traffic noise for residents and further reduce road safety for motorists and pedestrians in Thaxted Road and the area between the plough public house and the Primary School.
- A major concern is that Brocton's Farmhouse and other properties below the proposed site, Deb1, have a history of serious flooding from land (surface water) run off. The UDC SFA 2106 identifies the high flood risk already existing from the large volumes of run off that the drainage ditch to the south of the site, DEB1, carries in the winter months. Much of this comes from the farmland north of Thaxted Road running along the roadway often blocking the culvert and flooding the carriageway. Any additional discharge from the SuDS scheme proposed, will only exacerbate the already serious flood risk. This concern has already been notified to your Flood Investigation officer, Charlotte Smith, by email on 11th May 2018.

Would you please take the above into consideration and reject this application.

Whilst it is not a matter for the planning department, we wish to point out that the verge in Thaxted Road is registered as Common Land and forms part of the Manorial Rights. The parish council is the landowner and this is currently under investigation.

8.3 Final Comments 7th December 2020

The Parish Council re-iterates the points made by way of the original application. The Parish Council also objects to the alteration of the application for all matters to be reserved, including access. Access is pivotal in deciding whether this application is appropriate, and by reserving it to be dealt with as a "detail", if Outline Permission is granted, it implies that some form of access is agreed, i.e. the detailed application will not be allowed to fail due to access. It is noted that the revised application introduces new accesses and footpaths. Any proposed footpath should have a verge, to be in keeping with a rural village.

9. **CONSULTATIONS**

9.1 **ECC Highways**

The Highway Authority has assessed and provided comment to the planning application on the basis of all matters reserved. The proposed access arrangement and indicative layout have not been considered by the Highway Authority. Should consent be granted for this outline application, the applicant must note that when submitting reserved matters application, it will be necessary to demonstrate that a safe and suitable access to all users can be provided, to the satisfaction of the Highway Authority, and is in accordance with current standards. Furthermore, the site and its internal layout shall be provided in accordance with that recommended in the Essex Design Guide. The proposal shall be accompanied by an independent Stage 1

Road Safety Audit. The Highway Authority will also require improvements to sustainable methods of transport.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- Visibility splays with dimensions of 2.4m by 90m.
- Provision of a footway along Thaxted Road
- Improvements to the passenger transport infrastructure on Thaxted Road
- Construction Management Plan
- Provision of a Residential Travel Information pack per dwelling.

9.2 **MAG London Stansted Airport**

We have no aerodrome safeguarding objections to the proposal

9.3 **Anglian Water**

Assets Affected: There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Wastewater Treatment: The foul drainage from this development is in the catchment of Debden Water Recycling Centre that will have available capacity from these flows.
Used Water Network: Based on the submitted Flood Risk Assessment the sewerage system at present has available capacity for these flows.

Surface Water Disposal: From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian water operated assets. As such we are unable to provide comments on the surface water management.

9.4 **ECC Development and Flood Risk**

Initial Response 7th February 2020

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:

- Discharge rate – should be restricted to the greenfield 1 in 1 year rate (2.8 l/s) for all storm events. If matched discharge rates are used then long term storage will need to be updated accordingly.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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.

Final response 7th April 2020:

Having view the Flood Risk Assessment and the associated documents which accompanied the planning application, **we do not object** to the granting of planning permission subject to the following conditions:

- Provision of a detailed surface water drainage scheme for the site
- Provision of a scheme to minimise the risk of offsite flooding
- Provision of a maintenance plan
- Yearly logs of maintenance

9.5 Natural England

Natural England has no comments to make on this application.

9.6 ECC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest. As the application is less than 50 or more units, Natural England do not, at this time, consider that it is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

The mitigation measures identified in the Preliminary Ecological Appraisal (Skilled Ecology Consultancy, Updated March 2019) should be secured and implemented in full. This is necessary to secure measurable net gains for biodiversity, as outlined under paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. It is recommended that this could also include provision of wildlife friendly fencing, to allow animals to utilise the site.

Conditions recommended:

- Action in accordance with ecological appraisal recommendations.
- Concurrent with reserved matters: Construction Environmental Management Plan.
- Concurrent with reserved matters: Biodiversity Enhancement Strategy
- Prior to occupation: Landscape and Ecological Management Plan
- Prior to occupation: Wildlife Sensitive Lighting Design Scheme.

9.7 UDC Environmental Health

No objection. Conditions recommended.

- Construction Method Statement
- Contamination

10. REPRESENTATIONS

Following the original consultation on the 5th February 2020 revised plans were received on the 11th August 2020 and the description amended. A second consultation took place on the 10th November 2020. Representations were received from 21 addresses during the original consultation and 21 addresses during the second consultation.

Summary of representations below:

- Debden is a small village of 760 residents
- Scheme would result in comparatively large housing estate
- Previous application dismissed on appeal
- Open door for developer to undertake development well in excess of what proposed
- No consultation to community
- No account taken of views of local residents
- Outside the development envelope
- At odds with Policy S7
- Housing in Debden is linear
- Proposed development would have suburban character
- Debden's infrastructure would certainly prove inadequate for increase in population
- Spoil the rural and agricultural nature of Debden
- Represents higher density than previous application
- New house already built and this exceeds the quota for the area
- Does not fit in with character of village
- Impact on tree with TPO
- Destruction of ancient verges
- Footpath will narrow the road
- Increase in traffic detrimental to village and further congestion on Thaxted Road
- Insufficient parking
- Estate like feel inappropriate to a village
- New housing unnecessary
- Loss of agricultural land
- Loss of view over agricultural land
- This type of housing will attract families boosting school numbers and trade in village
- This would help the village to have more younger people
- Village needs affordable housing and young families to support the school going

11. APPRAISAL

The main considerations are;

A Principle of development for residential development

- B Design and Impact on Neighbouring Amenity**
- C Parking, Access, and Impact on the Highway Network**
- D Affordable Housing and Housing Mix**
- E Food Risk and Drainage**
- F Impact on Biodiversity**
- G Contamination**
- H Agricultural land**
- I Archaeology**

A Principle of development for residential development (NPPF, ULP Policies S3, S7 and GEN2)

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in 2005.
- 11.2 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.*" Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.
- 11.3 The application site is located outside the development limits of Debden and is therefore within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 and that, as a consequence, the proposal is contrary to Policy S7 of the adopted 2005 Local Plan.
- 11.4 The NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

- 11.5 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11 year land supply.
- 11.6 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF.
- 11.7 Economic: The NPPF identifies this as contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature. The occupiers of the proposed dwellings could provide some additional support for the local facilities, such as the school, village shop, restaurant and pub. As such the economic benefits have weight in the planning balance.
- 11.8 Social: The proposal would deliver social benefits by way of the provision of 25 dwellings including affordable homes. The village of Debden is also served with facilities including a school, village shop, restaurant and pub within walking distance of the application site allowing residents to access facilities by means other than the motor car. As such the social; benefits are considered to have weight in the planning balance.
- 11.9 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 11.10 The site is located in the Debden Farmland Plateau Landscape Character Area in the Council's Landscape Assessment which is stated to have a relatively high sensitivity to change. The suggested landscape planning guidelines include:
- Conserve the rural character of the area
 - Ensure that any new development responds to historic settlement pattern, especially scale and density, and that use of materials, and colour, is appropriate to the local landscape character. Such development should be well integrated with surrounding landscape.
- 11.11 The applicant has submitted a Landscape and Visual Assessment (Jon Etchells Consulting, May 2019). This concludes that the degree of change to the local landscape brought about by the proposed development would be low – the site itself would be developed, but the loss of a short length of roadside hedge to allow for pedestrian, cycle and vehicle access would not represent a significant change and

the completed development would not appear out of place in the local context. As there is existing housing to the north and east the development would appear as a minor southern extension of the existing edge of settlement. As a result, the anticipated overall impacts on the local landscape would be no more than slight adverse. There would be some adverse visual impacts, principally for existing houses to the north and east, and also for lower level effects for users of sections of some footpaths and local roads, but such effects are often the result of development on the edge of an existing settlement. Officers concur that the new dwellings would be seen in the context of the existing dwellings to the north and east, and there would be no significant change in the overall character of the area around the site, which is already partly developed.

- 11.12 The previously refused scheme, a full application for 36 dwellings up to 5 bed houses with rooms in the roof, was noted by the Inspector in the appeal decision to have a suburban character and layout which would reinforce the developments appearance as a jarring encroachment into the landscape harming the appearance of the village when approached from the south. In addition, as a comparatively large residential estate, even when compared to Highfields, the proposal would appear as an unusually large and visually disconnected enclave of housing out of scale with the village. In this respect it would be an odd adjunct to Debden rather than a natural, integrated and harmonious extension of it.
- 11.13 The development as proposed is for a development of 25 dwellings to include bungalows and two storey houses and flats with a reduced housing mass and area of built form over the previously refused scheme. It is considered that the development would appear as a logical extension to the village envelope without the visual suburbanisation of the previously refused scheme. Furthermore the site offers the potential to provide biodiversity enhancements to the environment. The development would still conflict with spatial strategy for the protection of the countryside in Policy S7 however it is considered that the environmental impacts would be low.
- 11.14 It is noted that there is a Grade II listed farmhouse at Broctons Farm to the south of the site. This building is situated approximately 270 metres from the application site and there is a large intervening agricultural building screening the dwelling for the application site. Given the existence of this separation distance and the agricultural building it is not considered that there would be an adverse impact on the rural setting of this heritage asset. As such the development would not conflict with Policy ENV 2 – Development affecting Listed Buildings.
- 11.15 It is considered that the weight to be given to the requirement to provide a 5-year land supply and that the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraints set out in ULP Policy S7. The site is relatively sustainable and, in balancing planning merits, taking into account the benefits of the proposal, it is considered that the principle of the development is acceptable.

B Design and Impact on Neighbouring Amenity ULP Policy GEN 2 and NPPF)

- 11.16 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the National Planning Policy Framework 2019 sets out the national policy for achieving well-designed places and the need to achieve good design.
- 11.17 As the application is in outline form, with all matters reserved, the design, scale, layout and landscaping would be addressed within the reserved matters application. An indicative layout has nevertheless been submitted. This shows six detached dwellings fronting the highway with development of detached, semi-detached, flats and terraced properties to the rear indicating a mix of property types of various scale. The Design and Access Statement indicates that the proposed development, comprising a mix of sizes and tenures, would be designed to adopt a similar pallet of materials to complement the eclectic range of housing within the village of Debden and to reflect the principles of the Essex Design Guide. Landscaping would be provided to provide a natural soft edge between the open countryside and the built environment.
- 11.18 The site has an area of 0.93 hectares and the provision of 25 dwellings would result in a net density of 27 dwellings per hectare. This is considered to be an appropriate density for this location. The indicative street elevation within the Design and Access Statement shows that the development would provide a degree of spaciousness about the frontage dwellings allowing for open views throughout the development appropriate for what would be a semi-rural development.
- 11.19 The indicative layout allows for sufficient separation between the proposed dwelling and existing dwelling to the north and east such that the development could be designed to avoid adverse impacts on neighbouring amenity.
- 11.20 In view of the above it is considered that the proposal would be in accordance with Policy GEN 2 and the NPPF.

C Parking, Access, and Impact on the Highway Network (ULP Policy GEN 1, GEN8 and the NPPF)

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

- 11.22 The proposed application is in outline form only, with detailed matters reserved for future consideration. Uttlesford District Council has adopted the 'Parking Standards Design and Good Practice September 2009' which was produced by Essex County Council and is identified in the current Adopted Local Plan (2005) in Policy GEN8. The standards form a consistent basis for new developments and should be applied throughout Essex. In accordance with these standards, the following car and cycle provision will be applied and determined at the Reserved Matters stage as a minimum. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. Although it is noted that representations have been received regarding the impact of parking on the village however these are matters to be considered, in accordance with policy, at the reserved matters stage.
- 11.23 Several objections and concerns have been received relating to the effect in which the proposed development would have upon highway safety due to the increased amount of traffic movements to and from the site resulting in unwanted traffic congestion and adverse impact on Thaxted Road.
- 11.24 The applicant has submitted a Transport Assessment for the proposed development to appraise the impact of the travel demand likely to arise from the new development by both sustainable modes of transport and motor vehicles. This acknowledges that there are existing bus stops within 75m of the application site served by bus numbers 6 and 313 offering day time services between Saffron Walden and Great Dunmow/Stansted Airport and the school bus numbers 451 and 453. The Assessment states that a residential development of up to 25 units would be expected to generate two way traffic movements of up to 11 vehicles during each peak period. Adding to the projected 2024 flows on Thaxted Road the proposed development will result in flows well below the theoretical capacity of Thaxted Road. It concludes that the traffic generated by the development can be accommodated safely on the traffic network, that the location of the development encourages access on foot or bicycle to local services and that the impact of the development is not considered to have a severe impact on the local highway network nor on other transport services available in the area.
- 11.25 ECC, as the Highway Authority, have been consulted on the application, and note that should consent be granted that when submitting a reserved matters application it will be necessary to demonstrate a safe and suitable access to the highway and that the site and its internal layout is in accordance with current standards. The Highway Authority consider the impact of the proposal to be acceptable subject to recommended conditions. A requirement is for a ground visibility splay of 2.4m by 90m, as measured from and along the nearside edge of the carriageway. Details of such access are to be determined at the reserved matters stage however the indicative site plan indicates that this can be achieved by an access point to the south east of the site. The indicative site plan also indicates a proposed footpath to be provided alongside the site to connect with the existing footway to the north.

Improvements are also sought to the passenger transport infrastructure on Thaxted road. The details of these can be secured by paved conditions, as recommended by the Highway Authority.

Fig 2: Indicative access detail

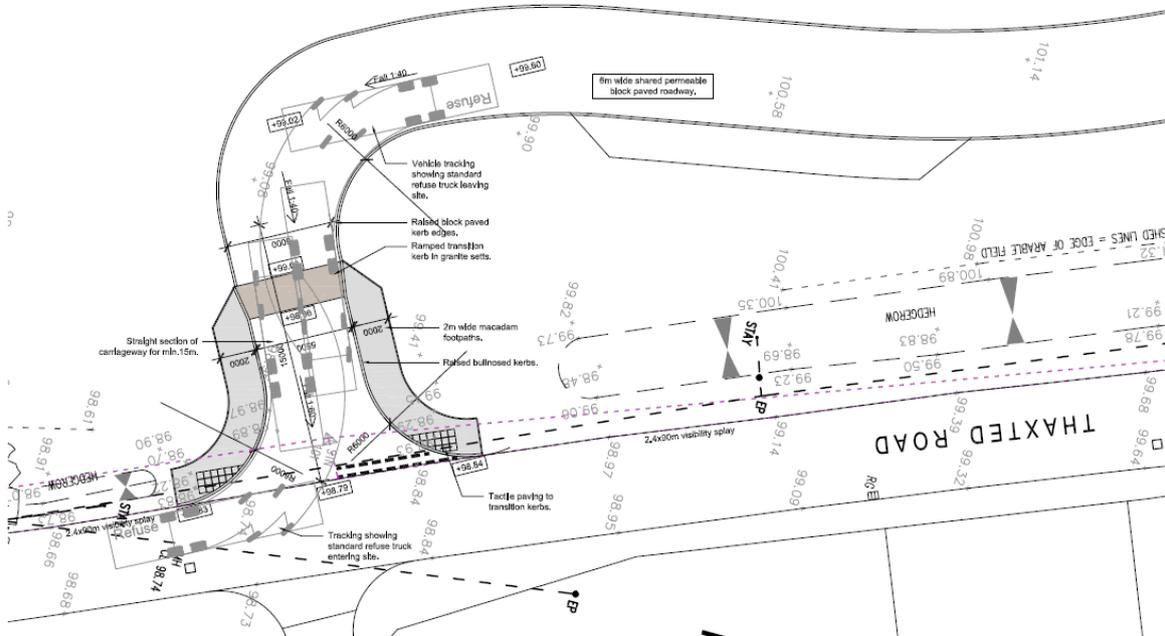
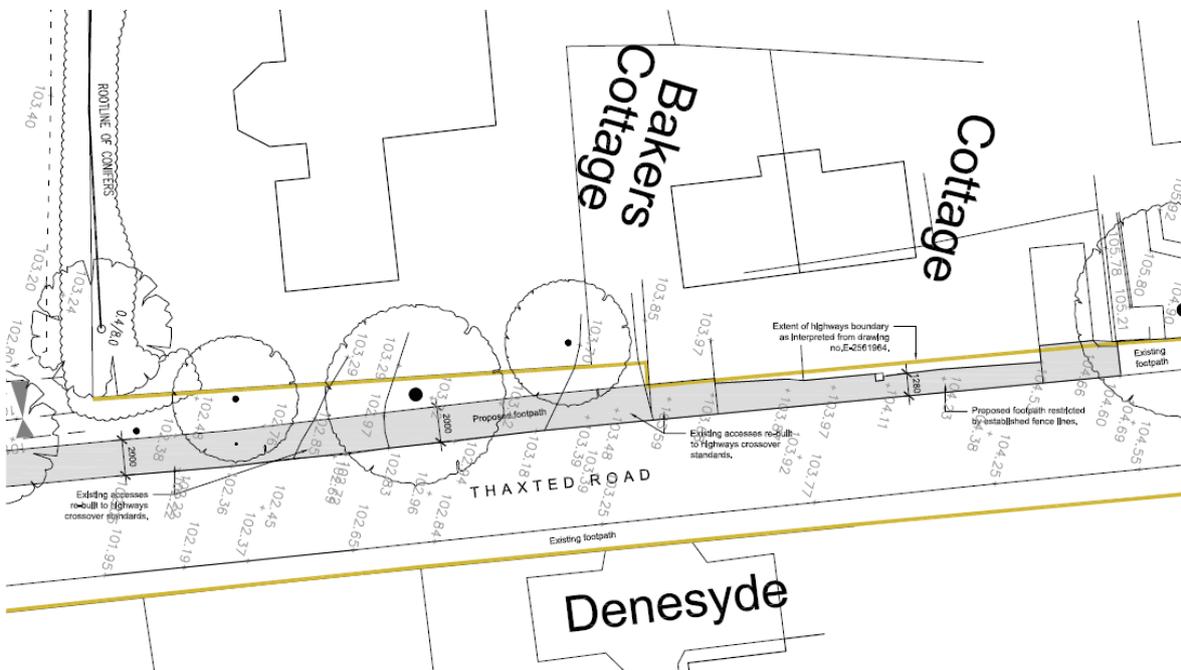


Fig 3: Indicative footpath link detail



11.26 There is a tree on the verge by Rowney House which is one of 46 individual trees and one group within the village of Debden which are subject to a Tree Protection Order (TPO 11/94/09). In the appeal decision the Inspector noted that, in forming part

of a discernible row of trees stretching up to the Plough Public House, the tree has a high degree of amenity value individually and as part of a row. The above footpath link detail demonstrates that the tree would be retained. It is further considered that the longevity of the tree would not be adversely affected by the provision of a footpath in this location due to the limited infringement of the hardsurfacing over its root protection area. Measures to protect the tree during construction works would be included as part of construction environmental management plan, as part of a recommendation by condition as part of the ecological measures for the wider site.

11.27 As such it is considered that the proposed development is in accordance with Policy GEN1, GEN 8 and the NPPF.

D Affordable Housing and Housing Mix (ULP Policies H9 and H10)

11.28 Policy H9 states that the Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on sites of 15 or more dwellings or sites of 0.5ha or more. All developments of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

11.29 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 proposal. For this site the Council's Housing Officer would require 10 affordable units comprising 7 affordable rent and three shared ownership properties, with the mix indicated below.

SMHAA 2015 Figures					
	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent	4	3	1	0	8
Shared ownership	0	1	1	0	2
Total	4	4	2	0	10

11.30 The applicant has identified that they are prepared to enter an S106 agreement to provide the affordable housing. Subject to this agreement being completed the proposal would accord with policy H9 and the mix of housing with policy H10.

E Food Risk and Drainage (ULP policy GEN3 and NPPF)

11.31 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.32 The development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency.

- 11.33 The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority, following the submission of the requested additional information, raises no objections to the proposals subject to conditions requiring a surface water drainage scheme for the site to be submitted and approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved, a maintenance plan detailing the maintenance arrangements to be submitted and agreed and for the applicant or any successor in title must maintain yearly logs of maintenance which must be available for inspection on request by the Local Planning Authority.
- 11.35 The proposals have also been considered by Anglian Water who confirm that no objections provided that the developer follows the sequential approach to the disposal of surface water. As such, the proposals comply with Policy GEN3 and the NPPF.

F Impact on Biodiversity (ULP Policies ENV3 and GEN7, NPPF)

- 11.36 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV3 states that the loss of fine individual tree specimens will not be permitted unless the need for development outweighs their amenity value.
- 11.37 The application site itself is not the subject of any statutory nature conservation designation being open arable land with some mature trees and hedgerows scattered along its boundaries.
- 11.38 The applicant has submitted a Preliminary Ecological Appraisal (Skilled Ecology Consultancy, Updated March 2019). It noted that habitats of ecological value were present around the site boundary which would be retained and that the remaining site area and construction zone is predominantly an arable field very low in ecological value with minimal potential to support protected, priority or rare species. Further ecological surveys or mitigation were considered unnecessary for the development however, to minimise any residual risk of harm or impact, precautionary measures for bats, birds, amphibians and habitats were recommended. With these recommendations followed it concluded that the proposed development could proceed with a minimal risk to protected, priority or rare species or habitats. Furthermore, by following some, or all, of the suggested enhancement, the proposed development could be enhanced for the benefit of local wildlife in accordance with national planning policy.
- 11.39 ECC Ecology have no objection to the development subject to recommended conditions.
- 11.40 There would be a minor loss of hedgerow to facilitate the access points however no trees are required to be removed. As such the proposal would accord with Policies ENV3, GEN7 and the NPPF.

G Contamination (ULP Policy ENV14)

- 11.41 Policy ENV14 states that before development, where a site is known or strongly suspected to be contaminated, and this is causing significant harm, or pollution of controlled waters a site investigation, risk assessment, proposals and timetable for remediation will be required. The constraints list does not show that the site is located in previously contaminated land and it is not considered that the proposal would result in significant harm.
- 11.42 The site consists of undeveloped farmland and the Council's Environmental Health Officers have no objection to the development. As such the proposal would accord with Policy ENV14.

H Agricultural land (ULP Policy ENV5)

- 11.43 Policy ENV15 seeks to prevent significant losses of the best and most versatile (BMV) agricultural, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of those policies because the site is small in agricultural terms and the high quality of land across the majority of the district means that some loss is inevitable. It should be also noted that the site was a draft allocation in the last emerging draft local plan which has since been withdrawn. As such the proposal would not have a significant conflict with Policy ENV5.

I Archaeology (ULP Policy ENV4)

- 11.44 The applicant has submitted a Desk Based Archaeological Assessment (heritage Network April 2018). The Historic Environment Record and the desk based assessment provided with the application indicates that the proposed development lies within a potentially sensitive area of heritage assets. Cartographic evidence shows a linear Green running along the eastern boundary of the site. To the south of the development area lies the moated site of Broctons (EHER 47262) forming part of the historic landscape along with the historic settlement at Debden. Other developments outside the immediate area have shown that frequently occupation from the Middle Bronze Age through to the medieval period is found on rural sites such as this. The Assessment recommended a programme of archaeological trial trenching. This can be secured by condition such that the proposal would accord with Policy ENV4.

12 CONCLUSION

- A The proposal does not accord with development plan due to conflict with policies on the location of housing and landscape character.
- B Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing are out of date. In this case, the limited adverse effect on landscape character

would not significantly and demonstrably outweigh the benefits from the contribution towards housing land supply.

- C Taking into account the more up to date nature of the NPPF with respect to the determining issues, it is concluded that that the lack of accordance with the development plan is overridden in this instance. Regard has been made to all other material considerations, and it is concluded that planning permission should be granted.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

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

- I. Provision of affordable housing**
- II. Payment of the council's reasonable legal costs**
- III. Payment of monitoring fee**

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

(III) If the freehold owner shall fail to enter into such an obligation the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- I. inadequate provision of affordable housing**

Conditions

1. Approval of the details of access, layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to occupation of the development, any proposed access at its centreline shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres, as measured from and long the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety in accordance with ULP Policy GEN1.

5. Prior to occupation of any dwelling, a footway shall be provided along the western side of Thaxted road from the proposed site to connect into the existing footway (adjacent to Alice Cottage) to the north. The footway shall be constructed to a minimum width of 2 metres, where sufficient highway is available.

REASON: in the interests of accessibility and pedestrian safety in accordance with ULP Policy GEN1.

6. Prior to occupation of the development, improvements to the passenger transport infrastructure on Thaxted Road within the immediate vicinity of the site shall be provided. This is to include but not limited to, the formalisation of bus stops either side of Thaxted Road, footways, hardstanding, raised platforms, dropped kerb crossing points, flags, bus shelters and any other related infrastructure as deemed necessary by the Highway Authority. The improvements scheme, to be approved by the Local Planning Authority in consultation with Highway Authority, shall be implemented prior to first occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1.

7. 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 in accordance with ULP Policy GEN1.

- 8 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, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1.

- 9 Prior to the occupation of the dwellings hereby permitted Electric Vehicle Charging Points shall be made available to every dwelling.

REASON: In order to reduce carbon emissions and encourage renewable energy in accordance with ULP Policy ENV15.

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on 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.
- Limiting discharge rates to 2.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1;30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage system.
- A final drainage plan which details exceedance and conveyance routes. FFL and ground level, 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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with ULP Policy GEN3.. 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.

- 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: 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 in accordance with ULP Policy GEN3. 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.

- 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 in accordance with ULP Policy GEN3.

- 14 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the local planning authority without delay. Any land contamination identified shall be

remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14.

- 15 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, Updated March 2019) as already submitted and agreed in principle prior to determination. This may include the appointment of an appropriately competent person eg. An ecological clerk of works (ECoW) to provide onsite ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with approved details.

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).

- 16 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a series of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve 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).

- 17 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. Location 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)

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).

- 18 Prior to occupation of the dwellings a Landscape and Ecological Management Plan (LEMP) shall be submitted to , and be approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual workplan capable of being rolled forward over a five year period).
 - g. Details of the body or organisation responsible for implementation of the plan.
 - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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).

- 19 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).

- 20 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with ULP Policy ENV4 and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.