

UTT/20/3354 /FUL

PROPOSAL:	Proposed development of 14no. dwellings including associated external works and parking
LOCATION:	Land off Auton Croft, Saffron Walden.
APPLICANT:	Uttlesford District Council
AGENT:	The Design Partnership (Ely) Ltd.
EXPIRY DATE:	10.06.2021 (Inc Ext of Time)
CASE OFFICER:	Terry Garner

1. NOTATION

- 1.1 Outside Development Limits but abutting boundary line / within Ground Water Protection Zone and existing spring water exists within the site / existing footpath along frontage / High Pressure water main

2. BACKGROUND

- 2.1 It should be mentioned at the outset that the application site is currently owned by Uttlesford District Council, having been gifted to the council by the developer of the adjacent estates. It should also be noted that there is no covenant on the land to impose any restrictions on its future use and more specifically the site was not gifted for public open space or general amenity land. The Council has maintained this green space since the land was gifted in 1990.
- 2.2 Prior to the submission of the planning application, the agent undertook a pre-application (UTT/20/0245/PA) discussion with Planning to assess the issues and discuss the application. The meeting resulted in a positive comment being given to the development of the site, subject to various criteria being met. The scheme as produced has sought to meet those criteria. As part of the revisions to the original scheme, the total number of dwellings from the initial 16 was reduced to 14 as a result of the discovery of a high-pressure water main which was cost prohibitive to realign. Notwithstanding this the revisions to the rest of the scheme, as a result of the pre-app, have progressed resulting in the current scheme for 14 dwellings.

3. DESCRIPTION OF SITE

- 3.1 The site itself is located to the rear of 19 and 42 Orton Croft as highlighted by the redline on the location plan (Fig: 1). The site extends to approximately 0.52ha of undeveloped land, it fronts onto open countryside to the south and on to principally residential development to the north.

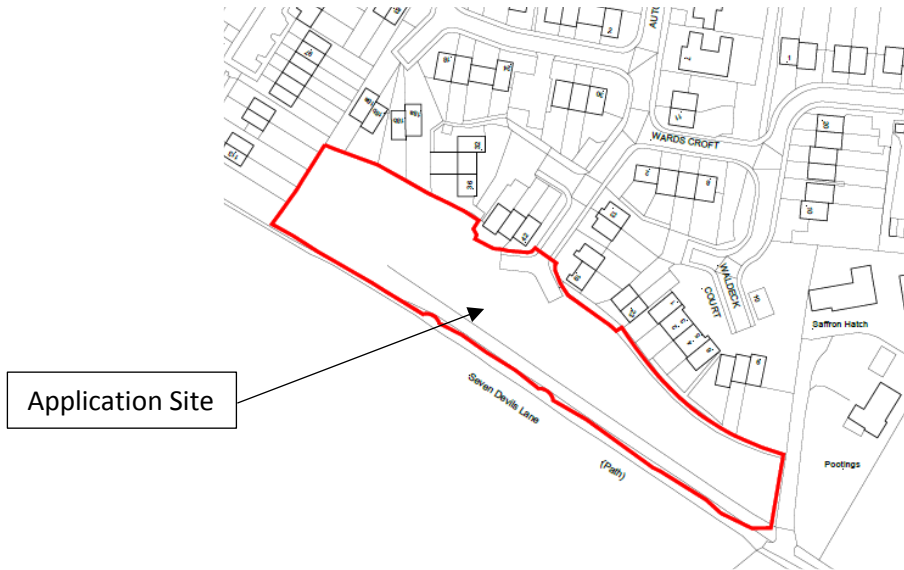
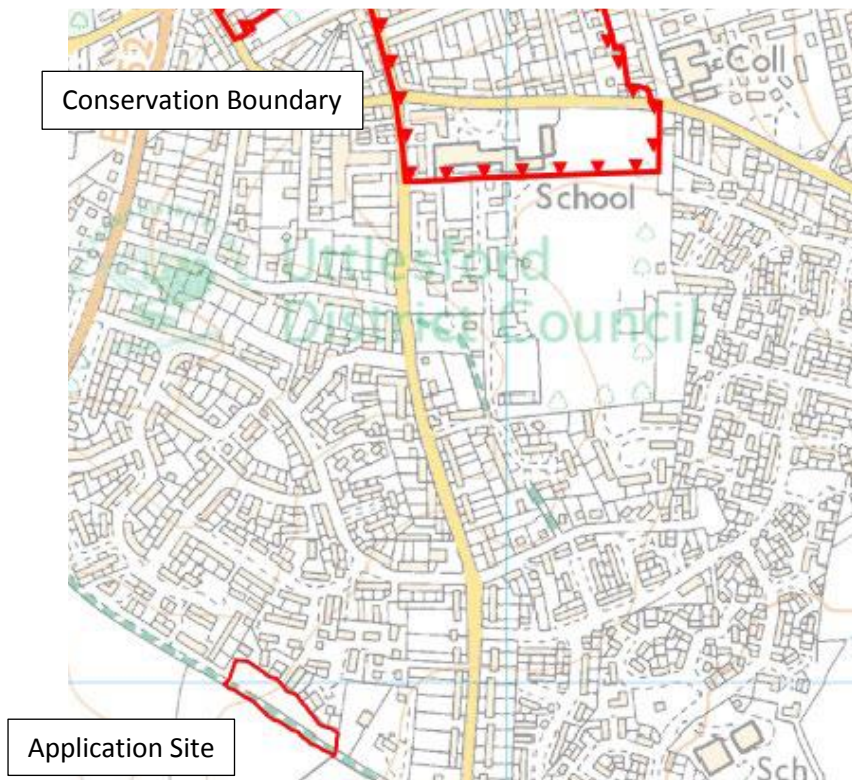


Fig: 1 Site Location Plan

3.2 The site is not located within or adjacent to a conservation area, Fig: 2 below illustrates the location of the nearest conservation area and the location of the application site.



3.3 The site at present is an unused grassed area of land with a tree lined boundary to the south, see Fig: 3 and 4.



Fig: 3 – Aerial photograph of site



Fig: 4 Internal photograph of the site looking east

- 3.4 An internal site view, Fig: 4, illustrates the tree line to the south (right) and the open grassed area within the site with residential housing to the northern boundary (left).
 - 3.5 The only vehicular access road into the site is that of Auton Croft, which runs north south within the estate terminating at the site on its northern boundary.
 - 3.6 As can be seen from **Fig:4**, the existing residential properties located to the north of the site, are quite close up to the boundary, this has been an important aspect of concern with the pre-app and subsequent planning application.
- 4. THE PROPOSAL**
- 4.1 This is a full application for the development of fourteen new council homes together with associated external works, landscaping and parking. The agent has had pre-application discussions with the council in developing the scheme.

4.2 The application as submitted has evolved as a result of the positive pre-application discussions and the concerns expressed at that meeting, these are discussed further in the Applicants Case.

5. APPLICANTS CASE

5.1 In support of the applicant's case he has submitted the following documents and drawings:

- Topographical Survey
- Arboricultural Impact Assessment Plan
- Proposed Street Elevations
- Swept Path Analysis
- Site plan existing and proposed
- Proposed floor plans
- Biodiversity Checklist
- Design and Access statement
- Flood Risk Assessment and Drainage Strategy
- Geo-Environmental Preliminary Risk Assessment
- Preliminary Ecological Appraisal
- Transport Assessment
- Suds Checklist
- Utility Assessment

5.2 The scheme as currently submitted is a result of the pre-application discussions and incorporates a new layout following a similar format as the pre application drawing, but with an added extension of the existing turning head into the site splitting the access to serve the new homes.

5.3 The site layout is shown at **Fig: 5**, and illustrates that Plots 8 and 9 remain key buildings forming a focal stop point into the site, which are then flanked on both sides by properties having dropped eaves to reduce the mass along the proposed street frontage. Plots 4 to 7 and 12 and 13 are all one bedroom homes which have been designed with the bedroom in the rear of the property resulting in no overlooking issues from any habitable rooms associated to the existing dwellings opposite. This is aimed at protecting the neighbour amenity which was a concern at the pre application stage.

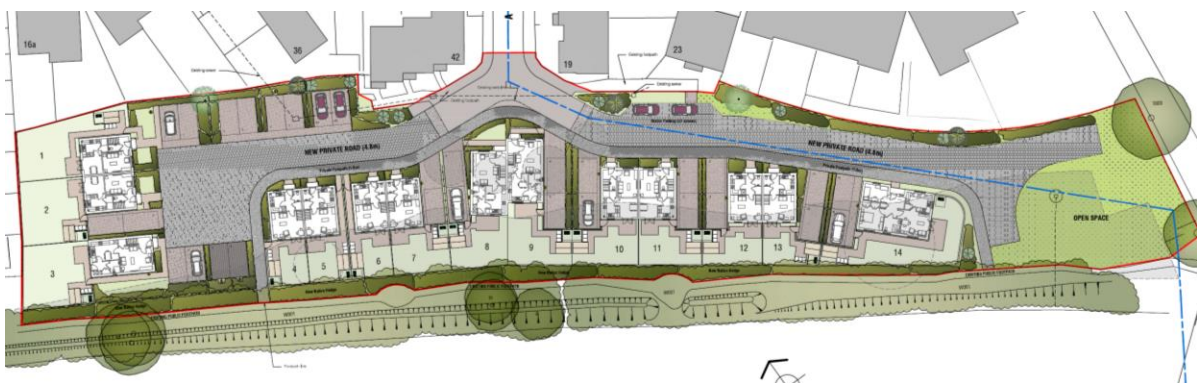


Fig: 5 – Site layout Plan

5.4 In addition to the above, Plot 1 has been moved away from the northern boundary with the loss of one dwelling in this location. The design of the new property has

removed any windows from habitable rooms in the side elevation and the proposed bathroom windows have obscured glazing. The impact of the flank elevation has been reduced by dropping the roof line making the dwellings 1 ¾ storey with the introduction of dormer windows. See Fig: 6.



Fig: 6 – illustrating the typical elevations and dormer additions.

- 5.5 The site is compliant with regards to parking and all spaces meet the Essex Design guide. New parking spaces are to be 2900 x 5500mm in line with UDC parking sizes and all dwellings have allocated parking spaces together with four visitor spaces.
- 5.6 With regard to rear gardens and amenity space, the dwellings all comply with UDC space standards and these are shown on the site plan drawing.
- 5.7 The area to the south east of the site is to be retained as open space for the development and wider community use.

6. ENVIRONMENTAL IMPACT ASSESSMENT

- 6.1 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”.

7. RELEVANT SITE HISTORY

- 7.1 There are no relevant planning applications submitted for development on this site.

8. PLANNING POLICY

8.1 National Policy

National Planning Policy Framework (2019)

National Design Framework

8.2 Uttlesford local plan (2005)

ULP Policy S1 – Settlement boundaries for the Main Urban Areas

ULP Policy S7 – The countryside

ULP Policy GEN1 – Access

ULP Policy GEN2 – Design

ULP Policy GEN3 – Flood protection

ULP Policy GEN6 – Infrastructure Provision to Support Development

ULP Policy GEN7 - Nature Conservation

ULP Policy GEN8 – Vehicle Parking Standards

ULP Policy H9- Affordable Housing

ULP Policy H10- Housing Mix

ULP Policy ENV1- Design of development within the conservation area

ULP Policy ENV2- Development affecting Listed Buildings.

ULP Policy ENV3- Open Space and Trees

ULP Policy ENV5- Protection of Agricultural Land

ULP Policy ENV12 Protection of Water Resources

8.3 Supplementary Planning Documents/Guidance

- Supplementary Planning Document- Accessible homes and play space homes
- Uttlesford Local Residential Parking Standards (2013)
- Essex Design Guide
- ECC Parking Standards – “Design and Good Practice” (September 2009)

9. SAFFRON WALDEN PARISH COUNCIL

- 9.1 Having declared an interest as UDC Councillors, both Cllrs De Vries and Freeman abstained from discussion and voting on this application

Resolved: To object on the grounds of overdevelopment and the loss of important public open, green space. Members noted the area was relatively dense housing and the loss of this public open space would be detrimental to local residents. Committee noted the need to provide Council housing and commended UDC on the principle of this provision but that any housing should be on an alternative site.

Committee suggested that rather than housing development, the land should be set aside as protected open space and that play equipment should be installed.

10. CONSULTATIONS

10.1 NATS SAFEGUARDING

(En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

10.3 ENVIRONMENTAL HEALTH

The development site outside aircraft noise and other transportation noise significance contour plots. The site is also outside the Air Quality Management Zone, it is considered that the development will not negatively impact neighbouring properties, a precautionary contaminated land condition is recommended. I therefore have no in principle objections to the application and do not recommend any further environmental protection conditions.

10.4 AERODROME SAFEGUARDING

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no Aerodrome safeguarding objections to the proposal. The applicant's attention is drawn to the new procedures for crane and tall equipment notifications.

10.5 HISTORIC ENVIRONMENT

The following recommendation is in line with the new National Planning Policy Framework:

Archaeological Programme of Trial Trenching followed by Open Area Excavation
. No development or preliminary groundworks can commence until a programme of archaeological trial has been secured and undertaken in accordance with a written scheme of investigation which has been approved 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.

3. 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.

4. 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 for Archaeological Recommendation:

The Essex Historic Environment Record identifies the proposed development as being located within an area of potential archaeological deposits. Roman occupation activity has been identified just north of the proposed development (EHER 48771). To the north west of the proposed development cropmarks of a ring ditch and field boundaries have been recorded (EHER 19846). The historic pathway of Seven Devils Lane also runs to the south of the proposed development, evident on the first edition Ordnance Survey map of 1875. There is therefore the potential for preserved archaeological remains both prehistoric and Roman in origin. A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of the proposed development followed by open area excavation to assess the surviving heritage assets on the site and record them. A brief detailing the requirements of this work can be obtained from this office.

10.6 ANGLIAN WATER Section 1 - 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. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Saffron Walden Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface

water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water has reviewed the submitted documents (Flood Risk Assessment and Drainage Strategy) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

No condition required. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage. Planning Report

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/preDevelopment.aspx> Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

Development hectare size Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)

Connecting manhole discharge location Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

11. PLANNING POLICY

- 11.1 Policy context - Uttlesford Local Plan 2005, the National Planning Policy Framework 2019 (NPPF). The emerging Local Plan (Regulation 19) was withdrawn in April 2020, however a new local Plan is in the process of development.

Uttlesford currently has a **3.11 year housing land supply**.

11.2 Principle of Development

The site lies outside of the development limits of Saffron Walden as defined by the Uttlesford Local Plan 2005. The policies and matters relevant to the principle of development are as follows:

Policy S7: The Countryside

Housing supply

11.3 Furthermore, the lack of a five year housing land supply in the district means that paragraph 11, criterion 'd' of the NPPF is engaged.

Policy S7 – The Countryside

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. 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.

11.4 The assessment of the policies in the adopted Local Plan, against the NPPF 2012, identifies that Policy S7 is partially consistent with the NPPF 2012, see the below extract.

Policy	Policy Title	NPPF stance	NPPF consistency	Commentary
S7	The Countryside	Core planning principle recognises the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Policies should support economic growth in rural areas to create jobs and prosperity so a positive approach to sustainable new development is required.	Partially consistent	The protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas.

11.5 The site lies outside of the development limits for Saffron Walden and so development should only be permitted if its appearance protects or enhances the particular character of that 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.

11.6 The proposal, will introduce an urban form of development into this edge of town location which immediately abuts the development limits boundary for the settlement.

Any development within this countryside location needs to address the criteria contained within Policy S7 and the NPPF. In so doing the scheme must address the impacts of the development and whether it will protect or enhance the character of this fringe area of town/ countryside.

- 11.7 The scheme as proposed seeks to limit the impact of the development through the retention and enhancement of the existing tree belt and hedgerow to the south of the site maintaining a natural green screen to the most sensitive part of the site.

11.8 Housing Supply

The applicant states that the Council's lack of 5 year housing land supply means that the development should be permitted, this is a matter to be determined on the merits of the site. Clearly the lack of a 5 year housing land supply does not mean that all sites outside of development limits should be granted planning permission. The NPPF states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 11.9 The Council is able to demonstrate housing supply position of 3.11 years, this is somewhat improved on last years position of 2.68 years, but is still some way off 5 years. The lack of five year housing supply means that the policies that are most important for determining the application are out of date. The appropriate decision on this site will involve balancing the merits of the proposal against the adverse impacts of allowing the development to proceed.
- 11.10 The Council has performed well against the Housing Delivery Test requirements in both 2018 and the most recent 2019 scores – 147% and 124% respectively. This is a positive indicator that housing delivery is occurring notwithstanding the absence of an up to date Local Plan.

11.11 The Uttlesford Local Plan

In 2020, the Council withdrew its Local Plan following receipt of a letter from the Inspectors examining that plan. This letter set out serious concerns that the plan was unsound. The letter also set out what they consider the Council should look at in developing a sound strategy – this included the need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply.

- 11.12 To this end, it is clear that this site is on a relatively small site, only 0.52ha, located on the southern fringe of Saffron Walden. To the immediate north of the site there is extensive housing development which will form a backdrop to the development, which would help reduce the impact of the development.

12. REPRESENTATIONS

12.1 Support: 0 Object: 17

Summary of representations as follows:

- There is nowhere for the children to play (aside from the road!) if this area is turned into houses.
- it's used for dog walkers.
- The last thing we need is for more green spaces to be built upon, especially when there are no other grass areas for people to exercise and for children to play.
- More houses mean more traffic and more pollution and more children, when they move in, with nowhere to run about and play.
- We are supposed to be looking after our countryside not taking down hedges full of wildlife which surround the field, this is such a bad idea.
- This is a small margin of recreational space between densely built housing and the fields. It is a space heavily used by families and walkers; valuable green space which we are gradually losing across the town. I feel the number of proposed properties is an over development of this space.

13. APPRAISAL

13.1 The main issues to consider in the determination of this application are:

- A.** Location of the development and principle of housing (ULP Policies S7, ENV5 and the NPPF)
- B.** Scale, layout, character and design (ULP Policies S7, GEN2, ENV2, ENV3)
- C.** Housing provision and supply, affordable housing and housing mix (H9, H10, SHMA & the NPPF)
- D.** Access and Parking (GEN 1, GEN 6, GEN 8, Uttlesford Local Parking Standards, Essex County Council Parking Standards 2009 PPG and NPPF)
- E.** Protected species and biodiversity (ULP Policy GEN2, GEN7 ENV8)
- F.** Flood Risk and Drainage (ULP Policy GEN3, GEN6 and the NPPF)

A. Location of the development and principle of housing

13.2 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.

13.3 The revised National Planning Policy Framework (NPPF) was published in July 2018 and updated in February 2019. It provides the statutory guidance for determining planning applications at a national level. It represents the

most up to date central government planning policy guidance and as such is a material consideration for the determination of planning applications.

- 13.4 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.
- 13.5 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 13.6 In this particular case, the site is outside the development limits for Saffron Walden but does directly abut the boundary. The site is also of modest size at 0.52ha and basically would infill an otherwise under used area of land within what could be considered to be the original boundary for the whole estate.
- 13.7 The site has its southern boundary running directly along the line of Seven Devils Lane footpath, which forms a strong dividing line between the open countryside and the existing housing estate.
- 13.8 Further analysis also shows that the application site is set back from the footpath, leaving a cul-de-sac at the end of Auton Croft leading onto an under used and vacant site. It is adjacent to Saffron Walden which is a sustainable town.
- 13.9 Policy S7 would require that development on a site such as this, abutting open countryside, to protect or enhance the character of the countryside. However, in this instance it is clear that this site would lend itself to development without significant harm to the character of the immediate area. The site has a backdrop of the housing estate to the north; the scheme of development is small in scale and the design of the buildings all retain either single storey or reflect similar heights to the housing on the estate to the north.
- 13.10 In addition the site has on its southern boundary a significant level of tree and shrub cover which is to be retained and enhanced, which will provide significant screening from the southern aspect and the wider countryside.
- 13.11 In consequence it is considered that the development of this site for housing of the scale shown, would not cause any significant or demonstrable harm to the surrounding countryside or detract from the character of the area, as such it is considered that the principle of development and its location on this site can be supported and does not conflict with either Policy S7 or the NPPF.

B. Scale, layout, character and design

- 13.12 As mentioned this site is a modest size at 0.52ha and the proposed number of dwellings (no.14) is not considered to be overdevelopment of the site, working out at approximately 27 dwellings per hectare.
- 13.13 The Layout for the site has been well considered and meets the council's standards and the Essex Design Guide criteria for internal and external space standards and amenity areas and reflects the character of the larger estate area.
- 13.14 The design of the properties is also considered acceptable, reflecting many of the features within the existing estate.

C. Housing provision and supply, affordable housing and housing mix

- 13.15 The development of this site for 14 dwellings, has a compliant tenancy mix, which will all be affordable Council homes will add significantly to Uttlesford's District Council Housing commitment and is strongly supported by Policies H9, H10 and the Council's Housing Strategy.

Plot Number	Number of Bedroom	Parking Space Requirement	Parking Space Provision
1	2	2	2 =
2	2	2	2 =
3	3	2	2 =
4	1	1	2 +
5	1	1	2 +
6	1	1	2 +
7	1	1	1 =
8	3	2	2 =
9	3	2	2 =
10	2	2	2 =
11	2	2	2 =
12	1	1	2 +
13	1	1	2 +
14	2	2	2 =
		Visitors parking	4

- 13.16 Notwithstanding this, the provision of a further 14 new dwellings will add positively to the shortfall in the 5 year land supply.

D. Access and Parking

- 13.17 The application proposes sufficient parking space for each dwelling some exceeding the amount required together with the provision of 4 additional visitor parking spaces.
- 13.18 All the parking spaces are compliant with ECC parking bay size requirements being 2.9m x 5.5m, additionally each parking spaces is to have a car charging point linked to photovoltaic cells on the roof areas.
- 13.19 The access road into the site is to be highway compliant having a 4.8m wide carriageway and a 1.8m footpath linking with Auton Croft carriageway.

E. Protected species and biodiversity

13.20 A tree survey report and Arboricultural Impact Assessment has been included with the application which provides details of the location of all the trees and hedges on site, and it is intended to retain and enhance these as well as enhance the site edge.

13.21 An ecological evaluation has been undertaken and attached to the application submission. Within the document are recommendations to enhance the ecological value of the site while allowing development to take place. The implementation and monitoring of this will be part of the conditions attached to the permission. The scheme is therefore in accordance with Local Plan Policy GEN2, GEN7 and ENV8.

F. Flood Risk and Drainage

13.22 Details with the application included for a full on-site investigation incorporating a detailed flood risk assessment. Anglian water have not raised any objections to the submitted SUDS scheme and supporting calculations as requested, but require various conditions attaching to any planning approval. ECC SuDs were not consulted as part of the application as it falls below their threshold of size of scheme. Subject to conditions the application is considered to be in accordance with Local Plan Policy GEN3 and the NPPF.

14. CONCLUSION

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

A. Location of the development and principle of housing

Having regard to Paragraph 11(d) of the NPPF and its presumption in favour of development, this site is outside the development limits for Saffron Walden but directly abuts the boundary for development limits. The site is modest in size and would infill an otherwise unused area of land. Seven Devils Lane footpath forms a strong dividing line between the open countryside and the existing housing estate. In light of Policy S7, it is clear that this site would lend itself to development without significant harm to the character of the immediate area, having as its backdrop the housing estate to the north and to the south a significant level of tree and shrub cover which is to be retained and enhanced, which will provide significant screening from the southern aspect and the wider countryside.

B. Scale, layout, Character and Design

As mentioned this site is a modest size at 0.52ha and the proposed number of dwellings (no.14) is not considered to be overdevelopment of the site, the Layout is well considered and meets the council's standards and the Essex Design Guide criteria, the design of the properties is acceptable, reflecting many of the features within the existing estate.

C. Housing provision and supply, affordable housing and housing mix

The development for 14 dwellings with a policy compliant tenancy mix to include all affordable housing will add significantly to Uttlesford's District Council Housing commitment.

Notwithstanding this, the provision of a further 14 new dwellings will add positively to the shortfall in the 5 year housing land supply.

D. Access and Parking

Adequate parking is being provided for the development including visitor parking, additionally each parking space is to have a car charging point linked to photovoltaic cells on the roof areas.

The access road into the site is to be highway compliant having a 4.8m wide carriageway and a 1.8m footpath linking it to Auton Croft carriageway.

E. Protected species and biodiversity (ULP Policy GEN2, GEN7 ENV8)

The tree survey and its contents are included with the scheme and have been found to be acceptable.

An ecological evaluation has been undertaken the implementation and monitoring of this will be part of the conditions attached to the permission.

F. Flood Risk and Drainage (ULP Policy GEN3, GEN6 and the NPPF)

Anglian water have not raised any objections to the submitted SUDS scheme have requested various conditions to be attached to any planning approval.

Furthermore, it is concluded that the proposal represents sustainable development in the context of the NPPF, the tilted balance at paragraph 11 is engaged because the relevant policies for the supply of housing including the associated site allocations and development limits are out of date, in this case the modest level of development and limited impacts on the landscape and settlement character would not outweigh the benefits from the proposals contribution towards housing land supply.

Taking into account the development plan, the NPPF and all other material considerations it is recommended that planning permission be granted for the development.

RECOMMENDATION – APPROVE Subject to Conditions

1. STANDARD CONDITION

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.** All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which

within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

3. Prior to the commencement of the development all external construction materials to be used in the development shall be submitted to and approved in writing, and thereafter the development shall be implemented in accordance with the approved details..

Reason: To ensure satisfactory use of materials for construction in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

4. ECOLOGY

If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

Reason: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

5. ECOLOGY

The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

Reason: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. ELECTRIC CAR CHARGING POINTS

Prior to first occupation of each dwelling hereby approved, an electric car charging facility shall be installed as indicated in drawing UDC-881-P02 A and retained as such unless the written consent of the local planning authority is given to any alteration.

Reason: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework.

7. ARCHAEOLOGY

1. No development or preliminary groundworks can commence until a programme of archaeological trial has been secured and undertaken in accordance with a written scheme of investigation which has been prepared by the applicant and approved by the planning authority.

2. 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.

3. 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.

4. 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: The Essex Historic Environment Record identifies the proposed development as being located within an area of potential archaeological deposits. Roman occupation activity has been identified just north of the proposed development (EHER 48771). To the north west of the proposed development cropmarks of a ring ditch and field boundaries have been recorded (EHER 19846). The historic pathway of Seven Devils Lane also runs to the south of the proposed development, evident on the first edition Ordnance Survey map of 1875. There is therefore the potential for preserved archaeological remains both prehistoric and Roman in origin. A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of the proposed development followed by open area excavation to assess the surviving heritage assets on the site and record them. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

8. TREE PROTECTION

No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 -- Trees in Relation to Construction -- Recommendations has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 -- Recommendations for Tree Work.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1--5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (), at such time as may be specified in writing by the Local Planning Authority.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

9. Construction Management Statement

No development shall take place until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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 of the development
- iv. the hours of working
- v. the control of noise from construction including the hours of working
- vi. wheel washing facilities
- vii. Measures to control the emission of dust and dirt during construction
- viii. the route of construction traffic to the site.

Reason: In the interests of the amenity of the surrounding residential area and the protection of Pennington Lane, in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. DRAINAGE / SEWAGE WORKS

No development shall commence until details of the proposed drainage/ sewage disposal works to serve the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage/sewage disposal works shall be provided prior to the occupation of any dwelling on the site.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

11. Prior to the development commencing: 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

e) persons responsible for implementing the enhancement measures.

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

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

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 Uttlesford Local Plan (adopted 2005).

12. Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to any occupation of the development.

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 work plan 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

13. PILING

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk of groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).