

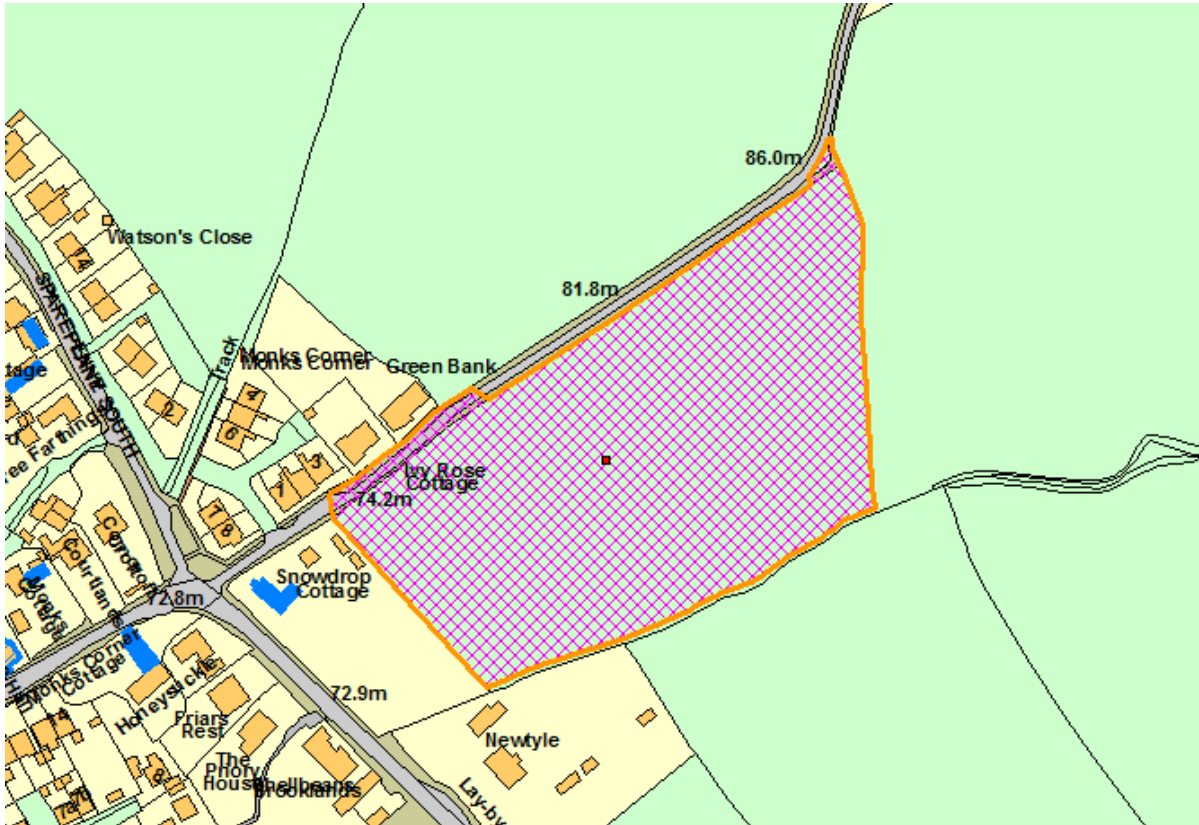
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 8th February 2023

REFERENCE NUMBER: UTT/22/1275/OP

LOCATION: Land At Parsonage Farm, Parsonage Farm Lane,
Great Sampford

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Outline planning permission with all matters reserved apart from access for a residential and community development including 27 dwellings (14 private and 13 affordable) a community shop, a play area, shared gardens and public green space and all associated parking.

APPLICANT: Ms Celine Bird (Cityshape Investments Ltd)

AGENT: Mr Ian Abrams

EXPIRY DATE: 10 October 2022

EOT Expiry Date: 11 January 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Listed Building, Adjacent Public Right of Way (PRoW).

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** This outline application seeks permission for the construction of a mixed-use development containing 27 residential dwellings and a community shop alongside associated works with all matters reserved apart from access.
- 1.2** This application is submitted following a recent decision made by the Council to refuse a similar application under delegated powers for 6 reasons of refusal in October 2021 under delegated powers ref: UTT/21/1618/OP. Apart from the submission of some updated documentation and confirmation of correct land ownership boundaries, this application remains the same as the previous refused application.
- 1.3** As required by paragraph 11 of the Framework, a detailed planning balance has been undertaken of the proposals given that the Council neither has an up-to-date Local Plan or a 5-year housing supply. A detailed conclusion of the benefits and harm are provided in Section 16 of this report. It has been concluded that the benefits of the proposals

do not outweigh the identified harm and thereby the application should be refused for the reasons provided in Section 17 of this report.

2. RECOMMENDATION

That the Director of Planning be authorised to **REFUSE** permission for the reasons set out in Section 17.

3. SITE LOCATION AND DESCRIPTION:

3.1 The area of land subject to this outline planning application relates to the land known as Land at Parsonage Farm, Parsonage Farm Lane, Great Sampford, Essex. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The application site is located on the southern side of Parsonage Farm Lane approximately 50m east of B1053 on the settlement edge of Great Sampford. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography has a modest fall across the site from east to west. The site has an area of approximately 2 hectares.

3.3 The site is currently free of any established built form and is predominantly agricultural land. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the southern and western boundaries of the site. No vegetation is covered by tree preservation orders.

3.4 The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan on the eastern edge of the settlement. A linear row of mix housing styles extends partly along Parsonage Farm Lane opposite the site to the north, whilst a single dwelling house known as 'Malmesbury Cottage' abuts the western boundary of the site. This adjoining dwelling is identified as being grade two listed. Large arable fields used for agriculture are to the north, south and east of the site.

3.5 There are a two Public Rights of Way (PROW) paths in the vicinity of the application site. PROW 21_34 is to the south and abuts the boundary of the site and PROW 21_21 is to the north on the opposite side of Parsonage Farm Road.

3.6 Great Sampford itself includes limited local services and amenities containing a public house, church, primary school and playing fields. A limited bus service for school children runs through Great Sampford along the B1053.

4. PROPOSAL

- 4.1 This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for 27 dwellings, a village shop, play areas and for the site access to be granted detailed consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2 Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which give an indication of how such a quantum of development could be achieved on the site including in respect of layout. The applicant has suggested that the proposals would be made of mix of housing types, forms, and styles. As part of the proposals, 13 of 27 dwellings will be affordable housing which amounts to 48% of the total amount of housing proposed.
- 4.3 The shop will be 200sqm with the intention to be a small, locally run shop providing goods for the local community of Great Sampford.
- 4.4 The proposals will include a new vehicle access which will provide the main ingress point for both vehicles and pedestrians. The access will be positioned along the southern side of Parsonage Farm Lane whereby it is proposed to widen the carriageway to allow for two-way vehicle traffic and a footpath for pedestrians.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this reserve matters application.

6. **RELEVANT SITE HISTORY**

- 6.1 A search of Council's records indicates the following recorded planning history for both the application site and the surrounding locality:
- 6.2 Application Site
- 6.3 UTT/21/1618/OP - Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking

- 6.4** The above application was refused under delegated powers on 26th October 2021 for six reasons of refusal. In summary, the application was found:
- Not be of a suitable location for housing having regard to the accessibility of services and facilities and thereby the heavy reliance of a motor vehicle;
 - Detrimental impact upon the openness and character of the countryside;
 - Result in less than substantial harm to adjoining listed building;
 - The proposal would intensify the use of the junction of Parsonage Farm Lane & the B1053 which is deficient in terms of visibility, geometric and width. The proposals would thereby lead to an increase in traffic movements to a substandard junction and thereby would be detrimental to highway safety and its efficiency.
 - Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding;
 - Lack of a legal agreement to secure obligations to mitigate the proposed development.
- 6.5** This application was subsequently appealed ref: APP/C1570/W/22/3296078, however, prior to the hearing the applicant withdrew the appeal.
- 6.6** This outline application has been submitted to address and overcome the reasons of refusal as imposed on the previous application.
- 6.7** Surrounding Sites:
- 6.8** Important to the merits of this application is the planning history on the site known 'Land At Spare Penny Lane South, Great Sampford' which is located approximately 100m north of this application site. The site has applied for similar modest size housing developments over previous years as detailed below:
- 6.9** UTT/16/2555/OP - Outline application, with all matters reserved except for access, for 18 dwellings and garages, extension to Council car parking and new vehicular access.
- 6.10** The above application was refused and then subsequently dismissed at appeal under ref: APP/C1570/W/17/3171477 (July 2017).
- 6.11** UTT/22/0618/OP - Outline application with all matters reserved except access and layout for the erection of 18 no. dwellings, community building, provision of allotment gardens, surface water drainage pond and associated means of vehicular and pedestrian access
- 6.12** The above application was refused by Members of the Planning Committee in November 2022.

6.13 These applications are deemed to be important material considerations in the assessment of this scheme and are referred to throughout the main assessment of this report.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

7.2 No pre-application has been engaged by the applicant post decision of the outline application that was refused above in Section 6 or prior to the submission of this application.

7.3 However, it is acknowledged that pre-application engagement including a programme of meetings between the applicant and officers of Uttlesford District Council took place prior to the submission of the outline application in November 2019.

7.4 Prior to the submission of the previous refused outline planning application, the applicant stipulates within their planning statement that they undertook a virtual public consultation as they were unable to hold face to face events during the covid restrictions. Furthermore, a website was set up which set out details of the proposals, plans and answers to frequently asked questions. It has not been advised whether any further public consultation has taken place prior to the submission of this revised application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority - Objects

8.1.1 The Highway Authority confirms that the most relevant comments dated 23rd January 2023 supersedes their previous recommendation dated 6th October 2022 following the submission of further information from the applicant.

8.1.2 The Highway Authority confirm that from a highway and transportation perspective the impact of the proposal is not acceptable in that although the applicant has proposed a scheme of highway improvement works as part of the proposals, it has not been demonstrated to the satisfaction of the authority that the proposed works would be acceptable in terms of highway safety, accessibility and efficiency for all highway users, and that they conform with the Essex Design Guide in that they are in fact deliverable. Full details of the Authorities concerns are provided in Appendix 1 of this report.

8.2 Local Flood Authority – No Objection

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on imposing conditions if permission were to be consented.

8.3 Essex Minerals & Waste – No Objection

8.3.1 The Mineral and Waste Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the Essex sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

9. PARISH COUNCIL COMMENTS

9.1 Sampford Parish Council was formally consulted who acknowledged within their response that they object to the proposals for the reasons outlined below:

- Unustainable location – There are very limited amenities and services including employment opportunities in the settlement to meet the needs of future occupiers.
- Community shop – There is no appetite from the community to operate its own shop or meet any ongoing costs associated with it.
- Flood Risk – Disagree with the conclusions within the supporting Flood Risk Assessment for the reasons provided in detail within the Parish Council’s formal response.
- Access and highways – The proposals would lead to detrimental harm to highway safety and traffic congestion due to the reasons provided in detail within the Parish Council’s formal response.
- Environment and Community Damage – The site will result in serious environmental damage to surrounding heritage assets.
- Countryside – The proposals will not protect or enhance the character of the surrounding countryside.
- Community Consultation – The applicant states that the Parish Council and local residents were sent details as part of their consultation process. Following a search through Parish Council minutes we can find no record of such consultation.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 The affordable housing provision on this site will attract 40% policy requirement as the site is for 27 units. It is welcome that the application is proposing that 13 of the 27 properties are affordable which equates to just over 48%. It is also the Council’s policy to require 5% of the whole

scheme to be delivered as wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed mix and tenure split of the affordable properties based upon the need of the SHMA 2017 can be agreed at the reserve matters stage. The village shop, green space and play area included as part of the application could benefit the local community. The proposed development would deliver much-needed affordable housing in an area within the district which has particular high property values.

10.2 UDC Environmental Health – No Objection

10.2.1 The EHO officer confirmed that they have no objections to the scheme, however, suggested that conditions should be imposed if permission is granted in respect to noise and disturbance, contamination, air quality and lighting.

10.3 UDC Landscape Officer/Arborist

10.3.1 No response provided at the time of this assessment.

10.4 ECC Place Services (Conservation and Heritage) – Concerns raised.

10.4.1 The application site is immediately adjacent to Malmesbury Cottage and shares its eastern boundary. The impact of the proposed development to the setting of the adjacent listed building is considered to be less than substantial harm. The proposed development would present the urbanisation of the site, contrary to the prevailing rural character of the site, Malmesbury Cottage and the settlement of Great Sampford. It was concluded that the level of harm to be within the low-medium level of the spectrum.

10.5 ECC Place Services (Ecology) - Object

10.5.1 The ecologist confirmed that they have reviewed all documentation submitted in support of the application and confirmed that currently they were not satisfied that there is sufficient ecological information available for determination of this application in relation to the protection of the retained hedgerows. This information is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

10.6 ECC Crime Prevention Officer – No Objection

10.6.1 Whilst there are no apparent concerns with the layout it is noted that there is very little natural surveillance over the parking areas from neighbouring properties.

10.7 Anglian Water – No Objection

10.7.1 Assets Affected

10.7.2 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development boundary.

10.7.3 Wastewater Treatment

10.7.4 The foul drainage from this development is in the catchment of Great Sampford Water Recycling Centre which currently does not have the capacity to treat the flows of the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

10.7.5 Used Water Network

10.7.6 The sewage system at present has available capacity for these flows via gravity. If the developer wishes to connect to our sewage network, they should serve notice under Section 106 of the Water Industry Act 1991.

10.7.7 Surface Water Disposal

10.7.8 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS). From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water. As such we are unable to provide comments on the suitability of the surface water management.

11. **REPRESENTATIONS**

11.1 The application was formally consulted to the public by displaying a site notice, sending letters to adjoining and adjacent occupiers and placing an advert in the local paper. Several representations were received that objecting to the scheme for the following reasons:

- Highways/Access - The proposals as a result of increase traffic generation would result in harm to highway safety and traffic congestion along the surrounding highway network.
- Unustainable - The village is not a sustainable location with poor access to shops, local services, and employment for residents of the houses other than by car.
- Flooding/Drainage – The surrounding area is prone to flooding. The proposals would result in further potential for flooding.
- Countryside Impact - The development of this site would result in additional buildings in the countryside which would be detrimental to the open and rural character of the surrounding countryside.
- Air Pollution – Increase traffic would result in increased impacts upon air pollution.

- Play Area – There is already a public park in the village and thereby the new play area will not provide any additional benefits.
- Scale – The size of the proposals is out of proportion with the size of the village.
- Noise – The proposals would result in noise during construction works.
- School – The local school is already oversubscribed and there is no more room.
- Precedence - The site has not been listed as appropriate for potential development by Uttlesford DC and approval would set a dangerous precedent and encourage other non-compliant proposals
- Affordable Home – Although provided, local families will still not be able to afford these homes.

11.4 Comment

11.4.1 The above concerns raised within the representations are considered in detail within the below assessment.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made Feb 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

The relevant policies associated to the application proposals are as follows:

- S7 – The countryside
- GEN1- Access
- GEN2 - Design
- GEN3 - Flood Protection
- GEN4 - Good Neighbourliness
- GEN5 - Light Pollution
- GEN6 - Infrastructure Provision
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV2 - Development affecting Listed Buildings
- ENV3 - Open Space and Trees
- ENV5 - Protection of Agricultural Land
- ENV7 - The Protection of the Natural Environment Designated Sites
- ENV8 – Other Landscape Elements of Importance for Nature Conservation
- ENV10 - Noise Sensitive Development
- ENV11 – Noise Generators
- ENV13 - Exposure to Poor Air Quality
- ENV14 - Contaminated Land
- LC3 – Community Facilities

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of Development**
- B) Suitability and Location**
- C) Countryside Impact**
- D) Character and Design**
- E) Heritage**
- F) Housing Mix and Tenure**
- G) Loss of Agricultural Land**
- H) Neighbouring Amenity**
- I) Parking and Access**
- J) Landscaping, open space**
- K) Nature Conservation**
- L) Contamination**
- M) Flooding & Drainage**
- N) Community Shop**
- O) Planning Obligations**

14.2 A) Principle of Development

14.2.1 The application site is located outside the development limits of Great Sampford within open countryside and is therefore located within the Countryside where policy S7 applies.

14.2.2 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 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

14.2.3 The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.2.4 Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.2.5 The "Planning Balance" is undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if there are impacts have been undertaken, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.3 B) Suitability and Location

14.3.1 The site lies outside the settlement development boundary limits of Great Sampford. It is identified within the Adopted Local Plan settlement hierarchy as being "Other Village" that is located on main transport link between the towns of Saffron Walden and Finchingfield and is identified as having limited amenities and services.

14.3.2 The applicant submits that the application site is situated within an accessible and sustainable location. However, officers disagree with these comments. Local services within the village are limited to just a small primary school, public house, church, and a village hall. It is acknowledged that these would be all accessible by foot or bicycle from the site along existing and new pavements from the application site.

14.3.3 The nearest bus stops are located approximately 120 metres west of the site, on either side of the B1053. The bus stops within Great Sampford provide access to the school service number 419 which facilitates journeys to the Joyce Frankland Academy in Newport during the morning peak and a return service is provided in the afternoon. There is no public bus service that operates through the village.

14.3.4 As such, no meaningful weight in respect to public transport as a means by which future occupants of the application site could access services and employment.

14.3.5 Cycling and walking could be an option for some future residents as a means of accessing those limited services within the village, but not all, depending on mobility and proficiency thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car. Furthermore, it would only be expected that a modest number of trips made by this form of transport given the extremely limited services and facilities available in the village.

14.3.6 Nearby larger settlements and towns offer a far greater range of local amenities and services including employment opportunities that are beyond walking or cycling distance. As such, occupiers of the proposed

development would need to travel beyond the village to access most other services and facilities to meet their daily needs.

- 14.3.7** As a consequence, there is likely to be a heavy reliance on the private motor car for future occupiers of the development. It is acknowledged that the NPPF highlights that transport solutions will vary from urban to rural areas. However, a development of 27 dwellings and a community shop is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private car. Hence, there would be significant negative effects in terms of impacts upon the environment and the proposals would also conflict with the aim of the NPPF to promote sustainable transport modes.
- 14.3.8** It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of protecting the vitality of rural communities and reducing unnecessary travel by car, with associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
- 14.3.9** It is recognised that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for an electric charging point for each residential unit, it is considered that it would be unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.
- 14.3.10** The NPPF highlights in paragraph 78 and 79 that in rural areas, a new development in one village could support facilities in another village. It is recognised that the proposals would help to support the existing village facilities such as the primary school and public house, and although the proposals include a community shop, for the reasons provided further in this assessment, there is a lack of substantial evidence that this additional service would be provided, or that it would have an appreciable effect on services and facilities in nearby settlements.
- 14.3.11** The village does not contain a full range of services and occupants would be reliant upon the larger town of Saffron Walden or Thaxted for higher order shops and facilities. Consequently, even by the standards of a rural community, the proposals would be somewhat remote from the facilities needed to sustain day to day requirements. Accessibility is a key component of the social role within the Framework. The provision of housing in this location is not conducive to the delivery of local services to meet the needs of the community. In this respect, the proposal would not comply with the social aims of the Framework.
- 14.3.12** Relevant to the merits of this application and in particular reference to the location and accessibility, officers would like to refer to application ref: UTT/16/2555/OP which was refused and then subsequently

dismissed at appeal under ref: APP/C1570/W/17/3171477 (July 2017) for the site known as 'Land rear of Watsons Close, Sparepenny Lane South, Great Sampford, Saffron Walden, Essex CB10 2RJ'.

- 14.3.13** This site is located approximately 100m northwest of this application site which sought outline planning permission for the erection of 18 dwellings and garages, extension to Council car parking and new vehicular access. Figure 1 below shows the location of the two sites in comparison to one another.



Figure 1: Location of the application site in comparison to the appeal site.

- 13.3.14** The appeal decision is provided at Appendix 2 for Members reference. Within paragraph 13 of the decision, the Inspector acknowledges that although the services in the village are accessible, they conclude that the services are limited stating:
- 13.3.15** *“The range of services and facilities in Great Sampford is largely limited to the primary school, public house, church and village hall. They are all accessible by foot or bicycle from the appeal site along pavements and 30mph roads”.*
- 13.3.16** The Inspector continues to conclude in the same paragraph that *“The bus service is limited to an on-demand service that is not regular and a school bus for secondary school in term time only. As a consequence, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking or cycling distance along roads that contain national speed limits and lack pavements or lighting”.*
- 13.3.17** There has not been a change in respect to local policies since the above decision was made, however, it is acknowledged that the National Planning Policy Framework has been revised since the Inspector made their assessment in relation to the above appeal.

13.3.18 However, although there has been a slight revision to the Framework, the same principles and guidance apply in respect to accessibility and sustainable modes of travel.

13.3.19 The conclusions in the decision made by the Inspector concurs with the same conclusions outline in this report which are:

- Limited services within the village to meet the daily needs of future residents
- There is no public transport links offering other modes of sustainable transport.
- Future residents would need to travel beyond the village to access a great range of services.

13.3.20 The Inspector in the above decision concluded that the amount of additional vehicle movements per day required for 18 new dwellings would result in negative effects and conflict with the aims of the NPPF to promote sustainable development. Finally in paragraph 16 it is concluded by the Inspector that *“the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan Appeal which, amongst other things, requires development to encourage movement by means other than the private car”*.

13.3.21 After the above dismissed appeal, a revised planning application ref: UTT/22/0618/OP was submitted. Members of the Planning Committee refused planning permission (November 2022) for very similar reasons to that of which the Inspector concluded as part of the previous scheme.

13.3.22 In summary, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan amongst other things, requires development to encourage movement by means other than the private car.

14.4 C) Countryside Impact

14.4.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.4.2 Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a

sustainable environment in which our social and economic needs, and natural resources, are recognised.

- 14.4.3** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Pant River Valley' landscape character area which extends into Briantree District Council. The character assessment stipulates that this area consists of shallow valleys that are predominantly arable farmland with well hedged medium to large fields on valley slopes with large open views mending over the countryside.
- 14.4.5** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character Assessment. The landscape fabric of the site can be described as a medium to large arable field that is surrounded by the retention of existing hedges/tree lines along western and southern boundaries which does provide some mitigation in the form of natural screening. There is very little screening on the eastern boundary and the front northern boundary is generally open.
- 14.4.6** The visual envelope, i.e. the area from which the site can be seen, is relatively high due to the position of the site and the topography. The field is readily apparent from Parsonage Farm Lane and the public footpath that runs along the field's southern boundary. It thereby makes a positive contribution to the character and appearance of the area as part of the attractive countryside and helps to form a rural and green backdrop to this part of Great Sampford.
- 14.4.7** Development within the village is generally of a linear form along the highways and this is no different in respect to start of Parsonage Farm Lane. There is an abrupt end along Parsonage Farm Lane to the edge of the village of Great Stampford and the existing extent of housing presenting a stark interface between undeveloped and developed land.
- 14.4.8** The development would result in a significant encroachment and sprawl of built development into the whole of the field. The green and rural backdrop to the village would thus be eroded.
- 14.4.9** The dispersed pattern of development is considered to detrimentally alter the character of the locality and would result in a substantial change in the site's character. The proposal would undermine the agricultural setting of the village and the tranquil nature of a public footpath, and the proposed access would provide further open views into the site, with visibility splays resulting in a loss of potential vegetation along the front

boundary. The development of the site will impact upon the cross-valley views and characteristic views across the enclosed meadow fields in the locality.

14.4.10 The view from the public footpath would alter considerably with the proximity of housing and gardens, especially given the change in levels.

14.4.11 Whilst hidden in part from wider distance views from by trees on the southern boundaries, the cumulative impact of such proposals will alter the rural character and ambience of an area such as increased traffic movements, residential paraphernalia, bin collections, new community shop etc. will urbanise the countryside and erode the tranquil qualities of the site.

14.4.12 The current setting provides a soft transition between the countryside and the edge of the village. This proposal will extend the built form outside the village envelope and diminish the disactivates and character of the village and the surrounding countryside by no longer posing as part of the transitional space between the village and the countryside to its east.

14.4.13 The proposed development would result in a detrimental impact to the character and appearance of this part of the countryside contrary to policy S7 of the adopted Local Plan and the NPPF.

14.5 D) Character and Design

14.5.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.5.2 This is an outline application where Appearance, Scale, Layout and Landscaping are reserved matters. The application includes several indicative plans that indicate the key aspects of the design and layout such as access, public open space, and landscape features. The density of the site would be 13.5 dwellings/hectare and there would be a mixture of housing types.

14.5.3 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the community shop, the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open spaces and SuD's etc.

14.5.4 The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.

14.5.5 It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most rural locations.

14.5.6 The applicant submits that the design of the dwelling would reflect the local vernacular in terms of style, form, size, height and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

14.6 E) Heritage

14.6.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve, and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. Paragraph 196 of the Framework states that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

14.6.2 Immediately to the west of the site is the property known as 'Malmesbury Cottage,' which is a grade two listed building. This is an eighteenth-century timber framed and plastered cottage with thatch roof (list entry number: 1322553). Further to the west are a number of designated heritage assets including the Great Sampford Conservation Area.

14.6.3 On consideration of the above and to the various response and documents that have been submitted, the conservation officer from Place Services has concerns regarding the proposals impact upon the setting and significance of the adjoining heritage asset.

14.6.4 It is acknowledged that this is an outline application with all matters reserved apart from access and thereby at this stage there is insufficient detail to provide a fully informed decision upon the potential impact of the proposed development with regards to the level of harm. Furthermore, details including appearance, scale, layout and landscaping are yet to be agreed and have the potential to be subject to change.

- 14.6.5** It has been concluded by the conservation officer that the application site positively contributes to the setting of 'Malmesbury Cottage', plus the proposed development would sever the last link between the asset and its original setting thus raising the level of harm. Therefore, given the harmful urbanisation of the proposed development, the sensitivities of the site and the unknown aspects of the development, the conservation officer concludes that the level of harm to be within the low-medium level of the spectrum of 'less than substantial harm'.
- 14.6.6** The applicant submits that public benefits that the scheme includes the provision of new housing of varying types including affordable housing, community shop and new public open space.
- 14.6.7** Furthermore, the applicant has identified a list of heritage benefits within the Heritage Impact Assessment resulting from the development that should be considered as part of the planning balance. These are listed below:
- 14.6.8**
- The formation of a higher quality landscape buffer to the rear of the listed cottage.
 - The opening up of the site for community use thus allowing public access to the field where none presently exists.
 - The formation of new views and vistas of the village from the northeast.
 - Enhancement of the landscape setting of the site – which is covered in detail in the Landscape DAS.
- 14.6.9** It should be noted that these are not considered to be 'heritage benefits' contrary to the suggestions within the submitted Heritage Impact Assessment and in part are local policy requirements expected of such a proposal or mitigation measures.
- 14.6.10** Planning Policy Guidance notes some examples of heritage benefits including - sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long term conservation (Paragraph: 020 Reference ID: 18a-020-20190723).
- 14.6.11** It is the officer's view that there are no heritage benefits arising from the proposed development for 'Malmesbury Cottage' as per Planning Policy Guidance. The proposed development does not make a positive contribution to local character and distinctiveness, nor does it enhance or better reveal the significance of the heritage asset.
- 14.6.12** It was concluded that the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of Malmesbury Cottage contrary to Paragraph 202 of the NPPF. Thereby it would result in less than substantial harm to the setting and significance of Malmesbury Cottage, which concurs with the assessment of the

submitted Heritage Statement. Furthermore, the proposals would result in the urbanisation of the rural locality, thus failing to make a positive contribution to local character and distinctiveness as per Paragraph 197.c.

14.6.13 With regards to the NPPF, the level of harm is considered less than substantial. As such the Council, should weigh this harm against any public benefits of the proposal including where appropriate. The proposals offer some public benefits in the form of new housing; however, it is considered that these benefits would not outweigh the harm to the heritages assets as outlined above.

14.6.14 The development of this site for mixed use purposes would result in conflict with policy ENV2 of the adopted Local Plan and the NPPF.

14.7 F) Housing mix and Tenure

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.7.2 On 24th May 2021, the Government published a Written Ministerial Statement¹ that set out plans for delivery of a new type of affordable home ownership product called First Homes. First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

14.7.3 Uttlesford District Council requires the provision of 40% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 15 or more residential units or a site of 0.5 hectares and above.

14.7.4 To meet housing need the 40% affordable housing policy requirement must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable shared home ownership. The First Homes Requirement (25%) can be accounted for within the 30% affordable home ownership element of the contribution. As such, the following affordable housing contribution will be considered policy compliant:

- 70% of the affordable units will be required as affordable housing for rent.
- 25% of the affordable units on new residential developments will be required as First Homes.

- 5% of the affordable units on new residential developments will be required as Shared Ownership Housing.

14.7.5 The application is proposing that 13 of the 27 properties are affordable which equates to just over 48%. This is beyond policy compliant and can be regarded to be a material benefit to the scheme. However, the Council require that 70% of the affordable provision is for affordable rent which would equate to 9 of the 13 affordable new homes upon this proposed development. The remaining 4 affordable homes will need to be made up of First Home and Shared Ownership Housing. No clarification has been provided from the applicant in respect of their intended affordable tenure mix for the proposed development at this stage.

14.7.6 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

14.7.7 The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of 2, 3 and 4 bedroom dwellings, no accommodation schedule has been provided.

14.7.8 As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refer to the above accommodate needs.

14.7.9 It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed alms house type properties could well meet this objective, however, this should be explored further by the applicant under a reserved matters application.

14.8 G) Loss of Agricultural Land

14.8.1 Paragraph 174(b) of the Framework states "Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".

14.8.2 Annex 2 of The Framework defines "best and most versatile land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".

14.8.3 Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

14.8.4 Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.

14.8.5 There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.

14.8.6 As the site for development is 2 hectares in size, and although it is acknowledged to be as 'best and most versatile' agricultural land, it is considered that the proposed development would not result in disproportionate loss of BMV land or lead to unnecessary loss of arable land in terms of providing food security. The proposals would not result in harm to soil, air, water or noise pollution or land instability from the new development. It is considered that the development is in accordance with Local Policy ENV5.

14.9 H) Neighbouring Amenity

14.9.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.9.2 The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.9.3 However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

14.10 I) Parking and Access

14.10.1 Access:

- 14.10.2** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and encourage movement by means other than a vehicle.
- 14.10.2** Access is provided via the realignment of Parsonage Farm Lane creating a new priority junction towards the western part of the application site. In addition, it is proposed to widen the existing highway to 5.5m along Parsonage Farm Lane to allow for 2-way vehicle movements including a new 2m wide pedestrian footway.
- 14.10.3** The application was consulted to Essex County Council who are the lead locally Highway Authority who confirmed in their response dated 23rd January 2023 that from a highway and transportation perspective, the impact of the proposal is unacceptable to the highway authority.
- 14.10.4** The Authority acknowledge that the applicant has proposed a scheme of highway improvements works to address the intensification of traffic movements both along Parsonage Farm Lane and its junction with the B1053 and to improve accessibility and safety for all users.
- 14.10.5** However, the Highway Authority concluded that the proposed improvement works have not demonstrated that they are acceptable in terms of highway safety and efficiency. A lack of information has been provided to ensure appropriate visibility splays, swept path analysis for to demonstrate that opposing vehicles along the altered section of the B1053, including large and agricultural vehicles can be accommodated, and a lack of a 'Safety Audit' has been submitted.
- 14.10.6** Furthermore, it was concluded that the applicant has not demonstrated to the satisfaction of the Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved.
- 14.10.7** These reasons include the lack of appropriate pedestrian visibility splays at crossing points, details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, and the applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership because of widening of the existing bell mouth which serves Monks Corner Bungalows
- 14.10.8** Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

14.10.9 Parking:

14.10.10 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.10.11 The adopted Council parking standards recommended for at least 1 vehicle space for each 1 bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.10.12 As the final mix of housing has not been refined as this is a reserved matters application whereby layout is reserved, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.

14.10.13 In respect to the community shop, the maximum standards require 1 space per 14sqm. The proposals confirm that the intention of the community shop would be 200sqm and thereby it would be expected that 14 spaces be provided including provision for disable parking.

14.10.14 Notwithstanding the above, concerns are raised in respect to some of the location of the parking. Although the indicative plans show most of the properties having parking to the side of the dwelling houses, concerns are raised with regards to the remote parking for units 4 to 8 in that these are no ideal in terms of accessibility. Furthermore, the large parking court to the side of unit 3 is not ideal in respect to place making resulting in a poor sense of place when one enters the development.

14.11 **J) Landscaping, open space**

14.11.1 Landscaping:

14.11.2 Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

- 14.11.3** It is understood that the proposals would include where possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.
- 14.11.4** However, the indicative site plan shows that the belt of trees/hedgerow along the eastern and southern boundaries is shown to be incorporated into the rear garden areas of proposed dwellings. There is concern that the proximity of the trees to the south facing facades of dwellings and garages would give rise to pressure for these trees to be reduced, or removed, to allow full use of the gardens and to overcome issues of shading and thereby reducing the natural screening from PROW and the wider views to the south of the site.
- 14.11.6** Open Space:
- 14.11.7** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development. The proposed development retains 30% of the site as open space for the public to enjoy.
- 14.11.8** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. A play area must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.
- 14.11.9** It is acknowledged that Local Equipped Area of Play (LEAP) is to be potentially situated to the south of the community shop to the west of the site with the potential of a natural play area, pavilion, and a gazebo. Although the size of these areas is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future formal and informal play areas should accord with the guidance set out in the 'Fields of Trust'.
- 14.12** **K) Nature Conservation**
- 14.12.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.12.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.
- 14.12.3** A Preliminary Ecological Appraisal (Skilled Ecology Consultancy Ltd., July 2021) was submitted in support of the proposals. The Appraisal identified that all the hedgerows abutting the site, apart from the leylandii cypress hedgerow, as priority habitats. It also identifies that the hedgerow along the southern boundary is also considered to be 'important' for biodiversity under the Hedgerow Regulations 1997.
- 14.12.4** As such, The Preliminary Ecological Appraisal recommends that the hedgerows, particularly along the southern and eastern boundaries of the site, are excluded from new gardens by fencing in order to prevent new owners from unnecessarily reducing or removing them.
- 14.12.5** The proposed Site Plan, drawing number 108819_03 does not include fencing between the proposed gardens and retained hedgerows, but instead recommends new additional planting to screen the dwellings.
- 14.12.6** The ecologist at Place Services has confirmed that they do not consider that the additional planting will prevent new homeowners from removing or unfavourably managing the retained hedgerows and so it is considered necessary to include fences within the design.
- 14.12.7** The ecologist recommends that the inclusion of details of the fencing (preferably close-boarded) between the retained hedgerow and proposed gardens is required to ensure there are no impacts upon the retained hedgerows, priority habitat and that this information should be provided prior to determination of the application. This concern can be resolved by an appropriately worded planning condition requesting details of all boundary treatments be provided at the time of the submission of reserve matter application to ensure the protection of established hedgerows.
- 14.12.8** The ecologist also noted that 36m of Priority habitat (hedgerow) is to be removed along Parsonage Farm Lane to facilitate the development. As this priority habitat is due to be impacted by the proposed development, it is recommended that Defra's Biodiversity Offsetting Metric 3.1 (or any successor) should be used to demonstrate how impacts will be offset.
- 14.12.9** Any retained or proposed habitats should be managed for the benefit of wildlife. Proposed management prescriptions should be outlined within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent concurrent with reserved matters.
- 14.12.10** Subject to the above requirements, we support the proposed reasonable biodiversity enhancements including one bird and bat box per dwelling, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy

Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

14.12.11 The above recommendations to secure a Biodiversity Enhancement Strategy and a Landscape and Ecological Management Plan (LEMP), could be secured by way of imposing appropriately worded planning conditions if outline permission were to be granted.

14.13 L) Contamination

14.13.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

14.14 M) Flooding & Drainage

14.14.1 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.

14.14.2 A check of the Environmental Agency's website and the Council's policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

14.14.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.14.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the flood risk from other sources is considered to be low and the flood risk from surface water to be medium, but appropriate mitigation measure has been provided to overcome this.

14.14.5 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision if permission is granted.

14.14.6 The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

14.15 N) Community Shop

14.15.1 Policy LC3 of the adopted Local Plan stipulates that community facilities will be permitted on a site outside settlement boundary limits subject that there is a demonstrated need for the facility, the need of the facility cannot be met on a site within the settlement boundary and that the site is well related to the settlement.

14.15.2 Community shops are an effective mechanism for safeguarding essential retail outlets in rural areas, but they can also have wider social, economic, and environmental benefits. However sometimes, these facilities can struggle to stay open, fall into disrepair or could just become too expensive to run.

14.15.3 No information has been submitted in support of the proposals to establish or gauge the level of support whether the local community within the village are willing to invest in the project. It is acknowledged that an on-line community engagement forum took place however no information was provided as to the public response regarding the need for such a shop. The Parish Council have suggested within their formal response that there is no appetite from the community to operate its own shop or meet any ongoing costs associated with it.

14.15.4 In respect to the operations of the shop, no information has been provided as to whether the shop will be managed or leased, establish any terms or parameters for how the business will be run, consider what the shop will stock and sell and what other services it will offer.

14.15.5 Further potential concerns of the community shop may relate to funds such as which groups will be engaged in setting up a community shop and who will be faced with raising funds for it to start.

14.15.6 Usually, long operational hours are often required for most community shops which open early in the morning, then close late at night to meet the needs of their local customers. This may lead to staffing challenges for a store that is independently owned and operated. Trying to find employees to work specific shift hours that are early in the morning, or during the overnight, could lead to difficulties and the operations of the community shop.

14.15.7 Although a community shop is proposed as part of the proposals, there is a considerable lack of information in respect to demonstrating the need for such a facility in the first place, how this will function and be secured, or why it can't be positioned within the settlement boundaries of the village has not been appropriately demonstrated. Thereby it is regarded that no to limited weight can be given to this aspect of the proposals in the overall balance as the shop can't be guaranteed in being constructed and thereafter remain open.

15.16 O) Planning Obligations

14.16.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.16.2**
- Affordable Housing: 48% affordable housing (split across the affordable rent, intermediate tenures and first homes).
 - Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trail. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
 - The provision of an on-site building to contain a village shop and its future management.
 - Payment of the council's reasonable legal costs.
 - Payment of monitoring fee.

14.16.3 No legal mechanism exists by the way of a Section 106 agreement or by way of a unilateral undertaking to secure affordable housing for the proposed scheme has been submitted in support of the application. The proposed development thereby is contrary to Policies H9, LC3, ENV3 and GEN6 of the Uttlesford Local Plan (Adopted 2005).

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby it still carries reasonable weight.

16.3 In respect to addressing the benefits of the proposed development, the provision of 27 dwellings including 13 of these being affordable housing would represent a reasonable boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The proposed affordable housing provides more than required by policy which is also a material benefit to the scheme.

- 16.4** The development would provide economic benefits in terms of the construction of the dwellings and the operation of the local community shop and the investment into the local economy. The additional of a local play area and public open space areas and the provision of a community shop would also provide social benefits. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** Thus, taken these together, moderate weight to the benefits of the development have been considered.
- 16.6** Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects.
- 16.7** Although the applicant has proposed a scheme of highway improvement works as part of the proposals, it has not been demonstrated to the satisfaction of the highway authority that the proposed works would be acceptable in terms of highway safety, accessibility and efficiency for all highway users, and that they conform with the Essex Design Guide in that they are in fact deliverable.
- 16.8** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of 'Malmesbury Cottage' contrary to Paragraph 202 of the NPPF. Thereby it would result in less than substantial harm to the setting and significance of heritage asset.
- 18.9** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.
- 16.10** For the reasons given above, the proposals would be contrary to policies S7, GEN1, GEN6, H9, LC3, ENV2 and ENV3 of the adopted Local Plan and the NPPF. The application is therefore recommended for refusal.

17. REASONS FOR REFUSAL

- 1** The proposal would introduce 27 no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Local services within the village are limited and thereby future occupiers would need to access facilities and amenities beyond reasonable walking/cycling distance of the

site in other settlements to meet their needs. The development in this location would undoubtedly place reliance upon travel by car and would not encourage sustainable transport options to be made.

The proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with policy GEN1 of the Adopted Local Plan which amongst other things, requires development to encourage movement by means other than the private car and the National Planning Policy Framework.

- 2** The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension to the village of Great Sampford. The location of the site and the topography of the land are such that any development on the site would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the National Planning Policy Framework.

- 3** The application lies to the east of the grade two listed building known as Malmesbury Cottage. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The proposals by way of the sitting and size would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of Malmesbury Cottage and thereby resulting is in less than substantial harm to the setting and significance of the heritage asset.

Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby contrary to policy ENV2 of the Adopted Local Plan and the National Planning Policy Framework.

- 4** The proposal would intensify the use of the Parsonage Farm Lane / B1053 junction, which is currently deficient in width and forward visibility. The main function of the B1053 (Secondary Distributor) is that of carrying traffic freely and safely between centres of population. An increase in movements at a substandard junction would be detrimental to highway safety and efficiency, and therefore appropriate improvements are required. The applicant has proposed a scheme of improvement works; however, it has not been demonstrated to the satisfaction of this Authority

that the proposed 'highway works scheme' to B1053 is acceptable in terms of highway safety and efficiency, and therefore, that safe and suitable for all highway users can be achieved contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework

5 The applicant has not demonstrated to the satisfaction of this Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved, for the following reasons.

- a) The proposal does not provide appropriate pedestrian visibility splays at all crossing points to connect the development site to existing footway network and local facilities, and with having regard to the highway boundary.
- b) Details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, including visibility splays, and proximity to proposed bell-mouth.
- c) The proposal shows widening of the existing bell mouth which serves Monks Corner Bungalows. The applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership.
- d) A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

An inadequate highway works proposal would be detrimental to highway safety, and the lack of pedestrian facilities would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework

6 The proposed development would trigger the requirement for:

- Affordable Housing: 48% affordable housing (split across the affordable rent, intermediate tenures and first homes).
- Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, and play areas. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
- The provision of an on-site building to contain a village shop and its future management.
- Payment of the council's reasonable legal costs.
- Payment of monitoring fee.

This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals are contrary to Policies

H9, LC3, ENV3 and GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

Appendix 1 – Statutory Consultee Responses

Lead Local Highway Authority

Your Ref: UTT/22/1275/OP
Our Ref: 51035
Date: 23rd January 2023



CC: (by email) *DM, SMO2, Chelmsford
Cllr Martin Foley*

Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1275/OP

Applicant Ms Celine Bird Cityshape Investments Ltd

Site Location Land At Parsonage Farm Parsonage Farm Lane Great Sampford

Proposal Proposed residential and community development including 27 dwellings (14 private and 13 affordable) a community shop, a play area, shared gardens and public green space and associated parking.

SUPERSEDES PREVIOUS RECOMMENDATION DATED 6TH OCTOBER 2022

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

Parsonage Farm Lane with B1053

1. The proposal would intensify the use of the Parsonage Farm Lane / B1053 junction, which is currently deficient in width and forward visibility. The main function of the B1053 (Secondary Distributor) is that of carrying traffic freely and safely between centres of population. An increase in movements at a substandard junction would be detrimental to highway safety and efficiency, and therefore appropriate improvements are required. The applicant has proposed a scheme of improvement works; however, it has not been demonstrated to the satisfaction of this Authority that the proposed 'highway works scheme' to B1053 is acceptable in terms of highway safety and efficiency, and therefore, that safe and suitable for all highway users can be achieved.

Further consideration would be given to the application upon receipt of the following information:

- a. Clarification of the 85th percentile speed of vehicles travelling along B1053 near Parsonage Farm Lane / Spare Penny Lane, to ensure that demonstrated forward visibility splays are appropriate. (As per Table 2.1, the 85th percentile speeds are slower than the average).
- b. Swept path analysis demonstrating:

- Opposing vehicle travelling along altered section of B1053, including a large vehicle.
 - Agricultural vehicle travelling along the altered section of B1053.
- c. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

The existence of the junction at this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier and would be detrimental to highway safety. Furthermore, if any alterations to B1053 and Parsonage Lane with B1053 must not impact upon the safety of vehicles travelling on B1053.

Parsonage Farm Lane

2. The applicant has not demonstrated to the satisfaction of this Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved, for the following reasons.
- a. The proposal does not provide appropriate pedestrian visibility splays at all crossing points to connect the development site to existing footway network and local facilities, and with having regard to the highway boundary.
 - b. Details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, including visibility splays, and proximity to proposed bell-mouth.
 - c. The proposal shows widening of the existing bell mouth which serves Monks Corner Bungalows. The applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership.
 - d. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

An inadequate highway works proposal would be detrimental to highway safety, and the lack of pedestrian facilities would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

- i. Planning application UTT/22/0618/OP was submitted, prior to the submission of this application. The application utilises the junction of B1053 with Spare Penny Lane and Parsonage Farm Lane. The applications should take account of each other, with particular reference to highway alterations at the junction.
- ii. The proposed bell-mouth to serve the development is considered excessive in width, and consideration should be given to provide a more conventional symmetrical bell mouth.

- iii. To be considered for adoption by the Highway Authority, the proposed development should accord with the Essex Design Guide.
- iv. Should these matters be resolved, a TRO would need to be secured for the 30mph speed limit for Parsonage Farm Lane.
- v. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org or follow link – <https://www.essexhighways.org/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries>
- vi. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme.
- vii. It is noted that the junction of Parsonage Farm Lane and B1053 is recorded as an Area Susceptible to Surface Water Flooding and the applicant should have due regard to this within their proposal.

Informative:

- i. B1053 is a secondary distributor, part of Essex County Council's Development Management Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas.

The location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.



.....
pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Emma Barral
Tendring District Council
Planning Services

Date: 11 August 2022
Our Ref: SUDS-006119
Your Ref: UTT/22/1275/OP

Dear Ms Barral,

Consultation Response – UTT/22/1275/OP- Land At Parsonage Farm Parsonage Farm Lane Great Sampford Essex

Thank you for your email received on 11 July 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on 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 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Please note we do not accept QBar.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

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

Reason

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

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

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

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The

applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Environment, Climate & Customer Services
Essex County Council

Internet: www.essex.gov.uk
Email: surb@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications ["Preparing for Floods"](#) and ["Improving the flood performance of new buildings"](#).

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Appendix 2 – Appeal Decision



Appeal Decision

Site visit made on 4 July 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th August 2017

Appeal Ref: APP/C1570/W/17/3171477

**Land rear of Watsons Close, Sparepenny Lane South, Great Sampford,
Saffron Walden, Essex CB10 2RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Harrison against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2555/OP, dated 9 August 2016, was refused by notice dated 20 December 2016.
 - The development proposed is erection of 18 dwellings and garages, extension to Council car parking and new vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved except for access. I have had regard to the proposed site plan (drawing number 2_REV 3) but have considered all elements of this plan as indicative apart from details of the access points.
3. The Council has clarified in its appeal statement that the fourth reason for refusal should only relate to the provision of affordable housing. The Council is not seeking any financial contribution towards education facilities.

Main Issues

4. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) whether the location would provide a suitable site for housing having regard to the accessibility of services and facilities;
 - (c) the effect of the development on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - (d) whether the development would make provision for affordable housing.

Reasons

Character and appearance

5. Great Sampford is a small village surrounded by fields and open countryside. Sparepenny Lane South forms the eastern edge of the village, where the majority of housing faces onto the road in a linear pattern. This includes Watsons Close, a row of semi-detached bungalows immediately adjacent to the appeal site. There is no further housing to the north-west of Watsons Close on the same side of the road. Sparepenny Lane South becomes increasingly more secluded beyond Watsons Close with boundary planting on the north-east side of the lane. According to historical maps provided by the appellant, Watsons Close was developed along the south-western edge of a much larger historic field. At my site visit, this encroachment is less apparent on the ground as the rear boundaries for Watsons Close have become established as part of the linear development along Sparepenny Lane South.
6. The appeal site forms approximately half of the remaining historic field. The field is readily apparent from the rear of Watsons Close and the public footpath that runs along the field's eastern boundary. It rises from south-east to north-west and is enclosed by thick boundary planting on all sides with the exception of its boundary with Watsons Close where the rear elevations and gardens of the bungalows are clearly visible. There are glimpses of the field from Sparepenny Lane South between the bungalows of Watsons Close.
7. Although the boundary planting prevents views of the wider countryside beyond the field, the appeal site and the remaining field nevertheless form a rural and green backdrop to this part of Great Sampford. It thus makes a positive contribution to the character and appearance of the area as part of the attractive countryside that surrounds the village.
8. As an outline application with all matters reserved except for access, it is not possible to be certain of the precise effects of 18 dwellings. It is clear that ample space exists within the appeal site for landscaping to help screen and soften the development. However, the development would result in a significant encroachment of built development into the field. The view from the public footpath would alter considerably with the proximity of housing and gardens, especially given the change in levels. The approach into the countryside from Sparepenny Lane South would diminish.
9. The proposed site plan shows an access onto Sparepenny Lane South to the north-west of Watsons Close which would potentially open up views of development from the more secluded part of the lane. The green and rural backdrop would be eroded, including the glimpses seen between the bungalows of Watsons Close, and part of the attractive countryside would be lost. As a consequence, there would be a significant negative effect on the character and appearance of the area.
10. The existing Watsons Close development only makes a minor encroachment into the historic field and follows a linear pattern along Sparepenny Lane South. Its effect on the adjoining countryside is limited. The appeal site is much larger than Watsons Close, and covers much more of the historic field. Thus, the Watsons Close development does not justify a much larger

encroachment into the countryside and a more harmful effect on the character and appearance of the area.

11. I am aware that a housing development known as Willets Field was built around twenty years ago on the southern edge of Great Sampford. I do not know the full planning history of this development and what existed on site before it was built. Thus, in terms of this main issue, I can give it little weight and have assessed the proposed development on its own merits.
12. Concluding on this main issue, the proposed development would result in significant harm to the character and appearance of the area. Therefore, it would not accord with Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan'). This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area, only permitting development if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The development would also conflict with the National Planning Policy Framework (NPPF) which requires schemes to respond to local character.

Accessibility to services and facilities

13. The range of services and facilities in Great Sampford is largely limited to the primary school, public house, church and village hall. They are all accessible by foot or bicycle from the appeal site along pavements and 30mph roads. The bus service is limited to an on-demand service that is not regular and a school bus for secondary school in term time only. As a consequence, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking or cycling distance along roads that contain national speed limits and lack pavements or lighting.
14. As such, there is likely to be a reliance on the private motor car for occupiers of the development. The NPPF highlights that transport solutions will vary from urban to rural areas. However, a development of 18 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private car. Thus, there would be significant negative effects in terms of the use of natural resources and the lack of accessible local services. It would also conflict with the aim of the NPPF to promote sustainable transport modes.
15. The NPPF in paragraph 55 and the Planning Practice Guidance (PPG) make it clear that development in one village could support facilities in another village. The proposed development would help to support the existing village facilities such as the primary school, notwithstanding arguments about the capacity of the school. However, there is little evidence before me that the proposed development would result in additional services and facilities being provided in the village or that it would have an appreciable effect on services and facilities in nearby settlements. I note that the Willets Field development has similar accessibility to services and facilities, but on its own this does not justify the provision of further housing.
16. Concluding on this main issue, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan

which, amongst other things, requires development to encourage movement by means other than the private car.

Living conditions of neighbouring occupiers

17. The existing public footpath from Sparepenny Lane South is quiet and inconspicuous as it passes between Watsons Close and another bungalow development at Monks Corner. There is little evidence that it is used regularly by motorised vehicles. The proposed southern access would greatly alter the first section of the footpath with a road for vehicles associated with the development. With an outline application it is not possible to tell how many of the 18 dwellings would be served by the access given the second access to the north-west of Watsons Close. However, it seems possible that several dwellings would be served by it, resulting in a number of vehicle movements per day.
18. These movements would be close to the gardens and elevations of properties at 2 Watsons Close and 4-6 Monks Corner. The noise and disturbance generated would be noticeable and would have a negative effect on the living conditions of occupiers of these properties. Although there are existing car parks serving properties at Watsons Close and Monks Corner, their access points are in different locations that do not have the same effect as the proposed southern access would have on specific properties and gardens.
19. I note that the Willets Field development has an access onto the main road which serves a number of properties. However, I do not know what the site conditions were like prior to that development being built and what effects the access has had on the living conditions of occupiers of neighbouring properties.
20. Some of the neighbouring occupiers at Watsons Close and Monks Corner have raised concerns regarding the effect of development on their living conditions in terms of outlook, light and privacy. While the development would undoubtedly change the character and appearance of the field, it is not possible to be certain of the effects on outlook, light and privacy with all matters reserved apart from access. Nevertheless, this does not diminish the harm I have identified in terms of vehicle movements.
21. Concluding on this main issue, the proposed development would have a negative effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance. Therefore, it would not accord with Policy GEN4 of the Local Plan which, amongst other things, seeks to avoid development where noise and vibrations generated would cause material disturbance or nuisance to occupiers of surrounding properties. The development would also conflict with paragraph 17 of the NPPF which seeks a good standard of amenity for all existing occupants of land and buildings.

Affordable housing

22. Policy H9 of the Local Plan and the Developer Contributions Guidance Document 2016 (DCGD), which has been adopted as a material consideration by the Council, seeks 40% affordable housing provision on sites of 15 or more dwellings. The appellant initially indicated that this could be secured by planning condition, but has since pursued the approach of a planning obligation.

23. A planning obligation has been submitted by the appellant as part of the appeal process in the form of a unilateral undertaking. This seeks to provide the required contribution of affordable housing. However, while the planning obligation has been signed and witnessed by the relevant parties, it has not been dated. This is a requirement in order for the planning obligation to be completed and take effect. In these circumstances, I cannot take the submitted planning obligation into account as part of my decision.
24. The provision of 40% affordable housing would represent a benefit in favour of the development, but with an incomplete planning obligation, there would be no provision. Thus, the development would not accord with Policy H9 of the Local Plan or the DCGD which seeks affordable housing provision.

Planning balance

25. The Council confirms in its appeal statement that it cannot currently demonstrate a five year housing land supply and states that it stands at 4.5 years. As a consequence, paragraph 49 of the NPPF applies which states that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
26. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. Policy S7 takes a more restrictive approach to development in the countryside compared to the NPPF which could be affecting the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and so still carries reasonable weight. Policies GEN1, GEN4 and H9 are consistent with the NPPF and so carry substantial weight.
27. Addressing the benefits of the proposed development first, the provision of 18 dwellings would represent a reasonable boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The development would provide economic benefits in terms of the construction of the dwellings and the investment into the local economy. The extension of the Council car parking area would also provide a benefit. However, the moderate amount of housing proposed, and the likely limited effect on the provision of local services and facilities would temper these benefits. Thus, taken together, I afford moderate weight to the benefits of the development. For the avoidance of doubt, even with a completed and effective planning obligation for affordable housing, the provision would have been moderate and so would not have affected the overall weight I have given to the benefits of the development.
28. Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects. The noise and disturbance caused by a number of vehicle movements per day along the proposed southern

access road is important. Finally, the provision of affordable housing has not been secured. Therefore, taken together, I afford significant weight to the adverse impacts of development and the conflict with development plan policies. For the avoidance of doubt, even with a completed planning obligation, the overall weight I have given to the adverse impacts would be the same.

29. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.

Other Matters

30. I note that the site was included in the Council's Strategic Housing Land Availability Assessment as a suitable site for small scale development, but I have not been provided with details of how that assessment was carried out. For the avoidance of doubt, I have assessed the proposed development on its own merits.

Conclusion

31. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR