



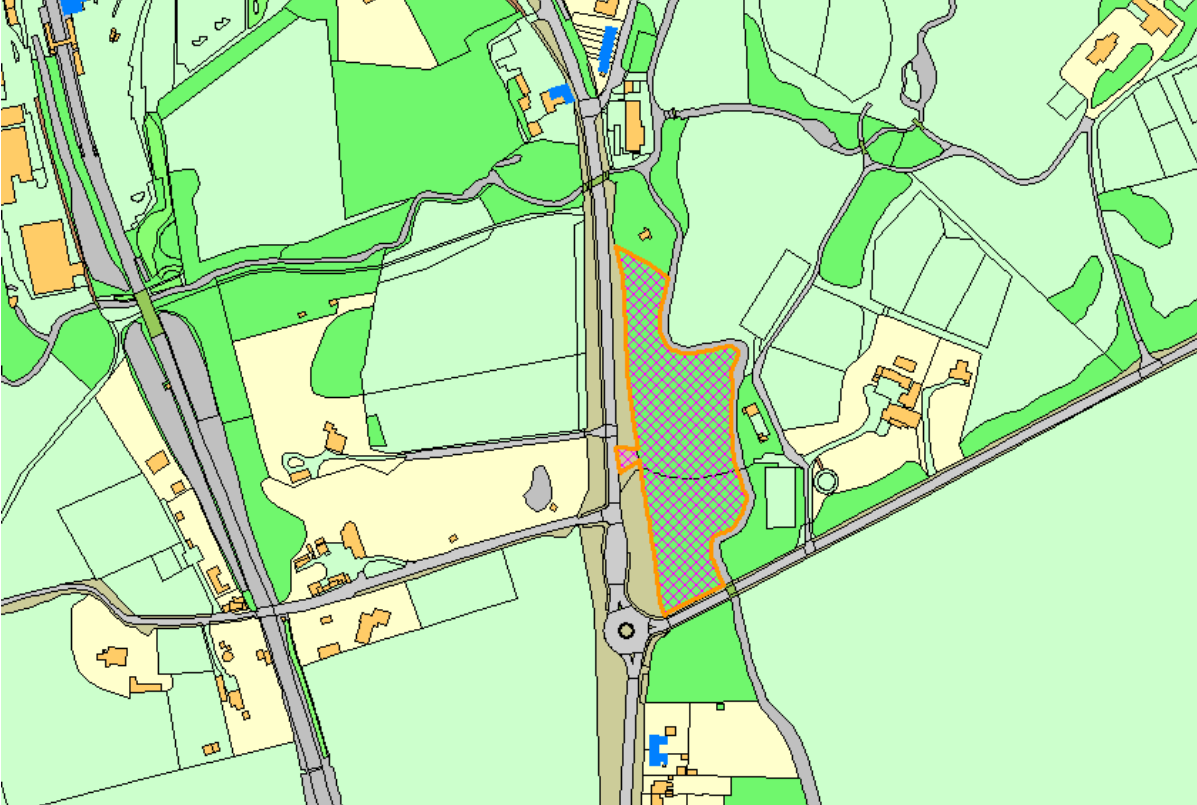
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 10th January 2024

REFERENCE NUMBER: UTT/23/2575/FUL

LOCATION: Cricket Willow Field Sparrows End, London Road, Newport

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 18th December 2023

PROPOSAL: Erection of 10 no. dwellings with garages and storage buildings (including 4 no. affordable homes) with access off London Road, sustainable drainage system and 2 no. wildlife areas.

APPLICANT: Mr P Rowe

AGENT: Mrs R Kelsey

EXPIRY DATE: 17.01.2024

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Within 200m of Parish Boundary
Contaminated Land Hist Land Use Point - Reference: s541100002358 (Description: Arealiabletooflood)
Groundwater Protection Zone - Zone: Within Groundwater Source Protection Zone 1
Within Flood Plain Zone 2 - Flood Plain Zone: Flood Zone 2
Within Flood Plain Zone 3 - Flood Plain Zone: Flood Zone 3
Floodzone Centre Lines - Watercourse Name: CAM/TRIBS
Within Floodzone 3a + Climate Change
Within Floodzone 3b
Within 2km of S.S.S.I
Mineral Safeguarding Area - Description: Sand/Gravel

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 This full planning application is for the erection of 10 no. new dwellings with associated garages and storage buildings.

1.2 It comprises of an irregular shaped approximately 1.2-hectare parcel of land located outside the development envelope situated to the north of Newport and to the west of Saffron Walden.

1.3 This proposal would make use of previously undeveloped land and contribute 10-no. new dwellings (4-no. to be affordable) towards the Local Planning Authority's Five-Year Land Supply.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **REFUSE** for the reasons set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The application relates to Land East of London Road, located outside the development limits of Newport and Saffron Walden.
- 3.2 It comprises an irregular shaped approximately 1.2-hectare parcel of land.
- 3.3 The land in question is classified as grade 3 in the context of agricultural land classification and it is surrounded by established hedgerow with the river cam running to the eastern boundary of the site.
- 3.4 The majority of the proposed site is located within flood zone 1, which has a low probability of flooding from rivers and the sea, however the very rear of the site against the river cam falls within flood plains 2 & 3.
- 3.5 The application is accompanied by a SuDS Drainage Report due to the proximity of the river cam and the size of the proposal.
- 3.6 The site is not subject to any trees with preservation orders on them.

4. PROPOSAL

- 4.1 This full application proposal relates to the erection of 10-no. dwellings with associated garaging and storage buildings. The creation of access off London Road, a sustainable drainage system and the provision of 4 no. affordable homes.
- 4.2 The proposal also proposes 2-no. wildlife areas.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
SWR/0047/64	Erection of overhead electric line.	
UTT/1244/08/FUL	Removal of condition C.90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside	Refusal

	in the adjacent dwelling known as 'Sparrows End Farm') on planning permission reference UTT/0677/96/FUL.	
UTT/0424/09/FUL	Removal of condition C90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside in the adjacent dwelling known as Sparrows End Farm), planning permission UTT/0677/96/FUL refers.	Withdrawn
UTT/0422/09/CLE	Certificate of Lawful Use for occupation of a dwelling restricted by condition to someone employed or last employed in agriculture, but actually occupied from 1985-2005 (20 years) by Mrs Nellie Rutherford who had no connection with agriculture, either personally or by marriage.	Withdrawn
UTT/0836/10/FUL	Removal of condition C90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside in the adjacent dwelling known as Sparrows End Farm), planning permission UTT/0677/96/FUL refers.	Approval

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Pre-Application advice has not been sought with the Local Planning Authority, however the applicant has carried out a Statement of Community Involvement.

7.2 **STAGE 1 – 18th July 2023**

Letters via email with a copy of the draft layout plan were sent on the 18th Jul 23 to:

Newton Council (sic) as per Appendix 3 of Applicant's Planning Statement
Wendens Ambo Parish Council

7.3 **STAGE 2 – 21st JULY 2023**

Further emails were sent out on the 21st July to local residents and businesses.

- 7.4 STAGE 3 – 26th JULY 2023**
Further emails were sent out on the 24th July to business in the immediate area.
- 7.5 STAGE 4 – 5th AUGUST 2023**
In response to feed back further emails were sent to other interested parties.
- 7.6 STAGE 5 – 7th AUG 2023**
Following the email on the 18th July. Phillip Rowe (PR) the applicant and R Kelsey of Winthrop Planning (RK) were invited to attended the Newport Parish meeting on the 7th of August, the Parish Council asked PR & RK to explain proposal to committee and public (10 people).
- 7.7 STAGE 6 – PARISH MEETING FOLLOW UP**
Following the Committee meeting Emails requesting copies of meeting minutes and feedback were sent on 4 occasions (31st August, 1st September, 11th September and 2nd October 2023) to the Parish Clerk. On the 4th October the clerk emailed the preliminary thoughts from the Parish Council.
- 7.8 STAGE 7 – 6th SEPT 2023**
A site meeting with residents from Mill Lane.
Rona Kelsey of Winthrop Planning and Phillip Rowe explained the concept of the scheme, the extent of the site and the location of access and open wildlife areas.
- 7.9 STAGE 8 – 12th SEPTEMBER 2023**
A copy of the meeting note was emailed to all residents in Mill Lane that had provided contact details.
- 7.10 STAGE 9 – 22nd SEPTEMBER 2023**
A letter with a copy of the draft layout plan was hand delivered to all surrounding residential properties.
- 7.11** The consultation period lasted 12 weeks from 20 July 2023 to 9th October 2023 and resulted in responses from both Parish Councils, attending the Newport Parish Council meeting and meeting residents on site.
- 8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**
- 8.1 Highway Authority – Objection**
- 8.1.1** The Highway Authorities consultee response can be found in Appendix 1 of this report.
- 8.2 Local Flood Authority - No Objection subject to conditions**
- 8.2.1** The Lead Local Flood Authorities (SuDS) consultee response can be found in Appendix 2 of this report.

8.3 Historic England - No Objection

8.3.1 Historic England's consultee response can be found in Appendix 3 of this report.

8.4 Environment Agency

8.4.1 No comments received at the time of writing this report.

9. PARISH COUNCIL COMMENTS

Wenden's Ambo Parish Council:

- 9.1**
- Outside Development Limits
 - Rural location
 - Proximity to Chalk Stream
 - Flood Risks of the Site
 - Loss of Habitat and Green Corridor
 - Too great a Density
 - Design not Appropriate for the Location
 - Pollution of River Cam
 - Loss of High Value Heritage Landscape
 - Traffic Speeds
 - Heavily Car Dependant Development

Newport Parish Council:

- 9.2**
- Adjacent Site recently refused for a smaller scheme
 - LPA benefits from a Five-Year Land Supply
 - Heritage Impacts
 - Parking not Compliant with The Uttlesford Adopted Parking Standards
 - Limited Bus services
 - Not Considered to be Infill
 - Loss of Habitat
 - Flooding
 - Ecological Impact
 - Design and Materials
 - Access and Construction Management Plan
 - Impact to Landscape
 - Inaccuracies in the Landscaping Assessment
 - NPC Welcome the provision of Affordable housing
 - Foul sewage must not impact the river

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 *“The proposed affordable housing mix within the application would provide a good range of size and type of property to assist those in housing need. Each of the proposed properties exceed NDSS and have sizeable private amenity space. The bespoke design for the proposed scheme is to be commended.”*

10.2 UDC Environmental Health

10.2.1 No objections subject to the imposition of conditions regarding:

- Submission of a Phase 1 Desk Study Report
- Submission of a Noise Mitigation Scheme
- Submission of a Construction Method Statement
- External Lighting
- Electric Vehicle Charging

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received

10.4 Place Services (Conservation and Heritage)

10.4.1 *“It is not possible to fully assess the proposals as insufficient information has been provided, and it is recommended that the applicant/agent submit a heritage statement.”*

10.5 Place Services (Ecology)

10.5.1 Ecology have placed a holding objection, due to insufficient ecological information on European Protected Species (bats), protected species (reptiles) and Priority habitats (Chalk Stream and Wet Woodland) being supplied.

10.6 UDC Principal Ecologist

10.6.1 Alongside the consultation response from Place Services Ecology, Uttlesford District Councils Principal Ecologist wanted to raise several issues that, although they may not currently require mandatory mitigation, have implications for nature recovery in the district and within the broader landscape.

10.7 Place Services (Archaeology)

10.7.1 No objections subject to the imposition of conditions regarding:

- The submission of a desk based assessment
- If required by the desk-based assessment, the undertaking of Archaeological programme of trial trenching and excavation.

10.8 Crime Prevention Officer

10.8.1 Whilst there are no apparent concerns with the layout. In order to provide further comments the CPS would require additional details such as:

- Proposed Lighting
- Boundary Treatments
- Physical Security Measures

10.9 Affinity Water

- 10.9.1**
- You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (Debden Road).
 - The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution.
 - If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
 - Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided.
 - Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions.
 - They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens.
 - There are potentially water mains running through or near to part of proposed development site.

10.10 Anglia Water

10.10.1 Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 31 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

11.2 Support

11.2.1 Not Applicable

11.3 Object

- 11.3.1**
- Noise
 - Impact on Trade during Construction
 - Flooding
 - Potential loss of Local Business
 - S.S.S.I box not ticked on the Biodiversity Checklist
 - Removal of Green Corridor
 - Impact on Protected Species
 - Risk of Pollution to Affinity Waters abstraction plant
 - Isolated Housing Estate
 - Not in keeping with existing cottages
 - Dependency on Private Moter Vehicle
 - Poor Design
 - No requirement for new housing
 - Outside Development Limits
 - Sets a Precedent
 - Archaeological implications
 - Density of Development
 - Proximity to Chalk Stream
 - Potential for Sewage to be discharged into Stream
 - Risk of Pollution to Drinking Water
 - Loss of Trees
 - Increased Traffic
 - Highway Safety Concerns

11.4 Comment

- 11.4.1**
- The required statutory consultations have been made
 - The material consideration will be considered in the following report

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 February 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 July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)
 Ashdon Neighbourhood Plan (made December 2022)
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	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
	H1	Housing development
	H9	Affordable Housing

H10	Housing Mix
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV10	Noise Sensitive Development
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 The Newport Quendon & Rickling Neighbourhood Plan

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Supplementary Planning Document – Developer’s contributions
 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:

- 14.2**
- A) Principle of Development**
 - B) Design, Layout, Scale and Appearance**
 - C) Heritage**
 - D) Impact on Neighbours and Amenity**
 - E) Highways Authority and Parking Standards**
 - F) Flood Protection**
 - G) Environmental Health**
 - H) Ecology**
 - I) Accessibility**
 - J) Landscaping**
 - K) Planning Balance**

14.3 A) Principle of Development

14.3.1 The site is located outside the defined Development Limits of Newport and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the National Planning Policy Framework (NPPF) which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

14.3.2 The National Planning Policy Framework (NPPF 2023) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.3 In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.4 The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or 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:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

14.3.5 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, however taking into account the updated NPPF (Dec 2023) it is noted that as Uttlesford District Councils Adopted Local Plan is over 5 years old this figure does not include the necessary 20% buffer.

14.3.6 The Local Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.7 Paragraph 14 of the NPPF states that: *“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.”*

14.3.8 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.

14.3.9 *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

14.3.10 *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. Policy S7 of the Uttlesford Local Plan states that the countryside will be ‘protected for its own sake’, that ‘development in the countryside will be strictly controlled’, and that ‘permission will only be given for development that needs to take place

there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

14.3.11 Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80).

14.3.12 Uttlesford Local Plan Policy H10 seeks to ensure all new developments of 3 or more dwellings include a significant proportion of market housing comprising small properties.

14.3.13 The Newport Quendon & Rickling Neighbourhood Plan Neighbourhood Plan was made on the 28th June 2021, this plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

14.3.14 The appropriate sections of this Neighbourhood Plan to take into consideration are listed below:

NQRGSE1 - Surface water discharges into watercourses

NQRHA1 - Coherence of the villages

NQRHA2 - Connection with the countryside

NQRHA3 - Building in the countryside

NQRHD1 - Parking Standards

NQRHD2 - Housing Design

NQRHD3 - Use of Specimen Trees

NQRHD4 - House sizes

NQRHD5 - Densities

NQRHD6 - Affordable housing

NQRTR1 - Extension of footways

14.3.15 NQRGSE1 - Surface water discharges into watercourses

Developments resulting in increases in surface water run-off, which will enter watercourses in the parishes will not be supported unless there is clear evidence that the effect of mitigating measures will be to reduce, or at worst not increase, the risk of flooding.

14.3.16 NQRHA1 - Coherence of the villages

Development of sites within the Development Limits will be supported if of a scale and setting relating well to the villages, with good vehicle access and where safe, convenient pedestrian and cycle access is in place

providing good connectivity from residential areas to the village centres and bus stops and, in Newport, the railway station

Further development outside of the development limits shown in the Development Limits maps, will not be supported other than:

- Development appropriate for a countryside location, defined as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside.
- Small scale infill development within existing clusters of development.
- Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes.
- Residential conversion of redundant or disused rural buildings, which will enhance their setting.
- Subdivision of an existing dwelling.
- Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF.
- Conversion of existing buildings and the erection of well- designed new buildings for business uses.

14.3.17 NQRHA2 - Connection with the countryside

Proposed development must be sensitive to the setting of Newport within the surrounding countryside. The design and layout of any new development must take into account existing views into and from the countryside and ensure that the visual connection to the countryside is not lost.

14.3.18 NQRHA3 - Building in the countryside

Development will be permitted provided that:

- Cross-valley views in the river valleys are maintained with development on valley sides respecting the historic linear Newport settlement pattern, form and building materials of the locality;
- Panoramic views of the plateaux and uplands are maintained especially open views to historic buildings and landmarks such as the churches of St Mary's Newport and All Saints Rickling;
- The development protects and enhances the historic settlement pattern, especially scale and density, and that it uses materials and colours that complement the landscape setting and landscape character. Such development should be well integrated with the surrounding landscape;
- The development protects and enhances the landscape pattern and structure of woodland areas, hedgerows and individual trees and does not diminish the role they play in views across the landscape;

- The development protects and enhances the historic landscape character of field patterns and field size, greens, commons and verges;
- It preserves and enhances the landscape significance and better reveals cultural heritage links.

14.3.19 NQRHD1 - Parking Standards

Parking arrangements must be in compliance with up to date relevant parking standards currently in force in Uttlesford district.

In addition, in-line parking, or other similar inaccessible arrangements, above two spaces will not count towards the number of parking spaces required by the adopted policies.

Provision of electric charging points will be encouraged.

14.3.20 NQRHD2 - Housing Design

To be supported a development proposal will be expected to, through layout, design and materials, and where it is appropriate:

- a. Relate well to its site and its surroundings.
- b. Make a positive contribution towards the distinctive character of the village as a whole.
- c. Contribute to local character by creating a sense of place appropriate to its location.
- d. Be appropriate to the historic context and the Conservation Areas Page 67 of 110.
- e. Maintain visual connections with the countryside.

Design and Access Statements will be expected to show how the scheme has had regard to the Essex Design Guide. Other applications are also encouraged to show how they also have had regard to the principles set out in the Guide.

14.3.21 NQRHD3 - Use of Specimen Trees

New developments will be expected, wherever possible, and appropriate having regard to the nature, form and layout of the development, to incorporate adequate space for the planting of specimen trees, and to plant such trees, for example in amenity areas and on perimeters.

14.3.22 NQRHD4 - House sizes

New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole.

In order to contribute towards the balancing of the housing stock, the mix of house sizes in applications for ten or more houses is expected to have

regard to local housing need and indications of market demand. They will also be expected to demonstrate how the house sizes are meeting that need and demand.

14.3.23 NQRHD5 - Densities

Within the development limits, and adjacent to the settlement boundaries, housing density should be in the range of 30 – 50 dwellings per hectare. Outside of development limits a maximum of 20 per hectare will be supported, unless a departure is justified on the basis of the particular characteristics of the scheme.

14.3.24 NQRHD6 - Affordable housing

Developments on sites of 10 dwellings, or where the site has an area of 0.5 hectares or more, will be required to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development.

Provision of social housing, which is purely for rent, and at rates significantly lower than market rents, will be supported.

Developers may not circumvent this policy by artificially subdividing sites. Where sites are subdivided, the Council will normally expect a subdivision or smaller development to contribute proportionately towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.

14.3.25 NQRTR1 - Extension of footways

Where development outside development limits is considered acceptable, the development will be expected to provide or fund where it is justified, appropriate and deliverable, safe footways connecting to the nearest settlement. These may be alongside roads, or preferably on the inside of developments, connecting to existing footways.

14.3.26 ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF:***

14.3.27 Economic objective:

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

14.3.28 Social objective:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located to the North of Newport and to

the West of Saffron Walden, there is a linear line of residential development to the south of the site and as such, although not ideally positioned, it is not isolated.

14.3.29 Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore paragraph 80 is not applicable on this occasion.

14.3.30 For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within the village of Newport and the Town of Saffron Walden. Although the new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:

14.3.31 2 no. Bus stops (Wendens Ambo, Sparrowsend Hill) approximately 50m away.

There are regular hourly bus services between Saffron Walden – Bishop's Stortford as of (1st Aug 2022) running Monday-Sunday.

The (319 service) demonstrates five buses a day between Haverhill – Audley End as of (1st Aug 2022) running Monday-Sunday.

The (320 service) demonstrates five buses a day between Haverhill – Audley End as of (1st Aug 2022) running Monday-Sunday.

The (321 service) demonstrates a limited service that includes school buses between Haverhill – Audley End as of (1st Aug 2022) running Monday-Sunday.

The (441 service) demonstrates a limited school service between Takeley – Saffron Walden High School as of (2nd Sept 2018) running Monday-Friday.

The (444 service) demonstrates a limited school service between Barley – Saffron Walden High School as of (21st Nov 2016) running Monday-Friday.

14.3.32 The site is also walking distance from the Cambridge to London Mainline which offers regular train services into London, Cambridge, Stansted Airport and other connections.

14.3.33 Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).

Environmental objective:

The proposal seeks to make more efficient use of the land and provide housing both market value and affordable.

14.3.34 *The Newport Quendon & Rickling Neighbourhood Plan:*

14.3.35 ***Applying Policy NQRGSE1 tests:***

The Lead Local Flood Authority have been consulted, they do not have any objections towards the proposal with regards to flooding subject to conditions on any forthcoming application.

14.3.36 ***Applying Policy NQRHA1 tests:***

The proposal is outside the development limits.

Criterion i): Does not meet the criteria.

Criterion ii): Not small-scale infill.

Criterion iii): Not demonstrated to be a rural exception site, however the proposal does demonstrate affordable housing.

Criterion iv): Not Applicable.

Criterion v): Not Applicable.

Criterion vi): Does not meet the criteria.

Criterion vii): Not Applicable.

14.3.37 ***Applying Policy NQRHA2 tests:***

The proposal is visible from outside the site and it can be argued that residential development within this location would impact the visual connection to the countryside is lost.

14.3.38 ***Applying Policy NQRHA3 tests:***

Criterion i): Not Applicable

Criterion ii): Not Applicable

Criterion iii): Does not meet the criteria.

Criterion iv): Does not meet the criteria.

Criterion v): Does not meet the criteria.

Criterion vi): Does not meet the criteria.

14.3.39 ***Applying Policy NQRHD1 tests:***

Criterion i): The proposal does not meet the Uttlesford Adopted Parking Standards (2013), visitor parking is not provided.

Criterion ii): Not Applicable

Criterion iii): This can be secured by condition under ENV13 of the Uttlesford Local Plan (2005).

14.3.40 ***Applying Policy NQRHD2 tests:***

Criterion i): Does not meet the criteria.

Criterion ii): Does not meet the criteria.
Criterion iii): Does not meet the criteria.
Criterion iv): Not Applicable.
Criterion v): Does not meet the criteria.

14.3.41 Applying Policy NQRHD3 tests:

Criterion i): This can be secured by condition under ENV3 of the Uttlesford Local Plan (2005).

14.3.42 Applying Policy NQRHD4 tests:

The proposal demonstrates an appropriate housing mix to meet Policy H10 of the Uttlesford Local Plan (2005).

14.3.43 Applying Policy NQRHD5 tests:

Outside the Development Limits the policy limits the maximum number of dwellings to 20 in a given 1 hectare area.

The site is approximately 1.2 Hectares in size and proposes 10 no dwellings, therefore it meets the criteria.

14.3.44 Applying Policy NQRHD6 tests:

Uttlesford District Councils Housing Officer has commented on the proposal and stated the following:

“The affordable housing tenure mix for the 40% affordable housing provision should therefore be 70% for Affordable Rent and 30% Shared Ownership which equates to 3 properties for Affordable Rent and 1 for Shared Ownership.”

Therefore, it meets the criteria.

14.3.45 Applying Policy NQRTR1 tests:

The Highways Authority have requested that the following:

“The access arrangement should include a 2m wide footway from the proposed access to the North for a length of the site’s frontage with a pedestrian crossing, and a 2m wide footway connection from the proposed access to the existing footway to the South.”

The proposal does not include this requested footway at this time, as such it fails to meet the criteria.

14.3.46 Appeal on the adjacent site for 2-no dwellings.

Under application UTT/20/0806/FUL, an application for the erection of two new semi-detached cottages was refused on harm to the Listed Historic Park and its visually intrusive nature of the development.

14.3.47 It was subsequently dismissed at appeal. As part of the Planning Inspectors conclusion, they did not raise any concerns with the location of the site or its proximity to public transport or services.

14.3.48 *“The site is not too distant from a range of facilities and services. It benefits from a bus service that would provide a link to such facilities. There is also a footpath in both directions that would be beneficial especially during daylight hours.*

Given the nature and character of the road and the distances involved, whilst walking and cycling would be practical for some, most journeys are likely to be by private car.

Distances however, to shops and services, may be relatively short. Whilst not an ideal location for new housing, this is not an inaccessible location and as such, it gains some support from the Framework with regard to increasing the provision of housing where these may enhance or maintain the vitality of rural communities.

The building of the houses would also require investment and the new residents would no doubt contribute to the local economy. The proposal therefore gains some support from the social and economic objectives of the Framework.”

14.3.49 The proposal now before the Planning Committee is materially different and concerns a larger development consisting of 10-no. dwellings located outside of the Short Grove Estate.

14.4 B) Design, Layout, Scale and Appearance

14.4.1 Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

14.4.2 Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

14.4.3 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.4.4 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.5

Plot no.	Type	No of Bedrooms	Footprint (m2)	Eaves Height (m)	Ridge Height (m)	Approximate Garden Size (m2)
Unit 1	Semi-Detached	4	GF – 106m2 FF – 79m2	4.5m	7.3m	218m2
Unit 2	Semi-Detached	1	GF – 59m2	2.3m	4.3m	129m2
Unit 3	Detached	4	GF – 108m2 FF – 97m2	4.5m	6.7m	346m2
Unit 4	Semi-Detached	3	GF – 84m2 FF – 83m2	2.3m & 4.5m	7.5m	240m2
Unit 5	Semi-Detached	3	GF – 78m2 FF – 71m2	4.5m	6.7m	205m2
Unit 6	Detached	2	GF – 102m2	2.2 & 2.8m	5.5m	307m2
Unit 7	Semi-Detached	1	GF – 63m2	2.1 & 2.4m	5m	204m2
Unit 8	Semi-Detached	2	GF – 52m2 FF – 51m2	4.6m	6.7m	212m2
Unit 9	Semi-Detached	3	GF – 77m2 FF – 56m2	4.5m	7.3m	193m2
Unit 10	Semi-Detached	3	GF – 77m2 FF – 56m2	4.5m	7.3m	165m2

14.4.6 The residential dwellings proposed would comprise 8 no semi-detached dwellings along with 2 no detached dwellings.

14.4.7 The proposal consists of the following:

Market value dwellings:

- 1-no. One Bedroom Dwelling.
- 1-no. Two Bedroom Dwelling.
- 2-no. Three Bedroom Dwelling.
- 2-no. Four Bedroom Dwelling.

Affordable housing dwellings:

- 1-no. One Bedroom Dwelling.
- 1-no. Two Bedroom Dwelling.
- 2-no. Three Bedroom Dwelling.

14.4.8 The proposal demonstrates a mix of dwellings, with both single storey and two storey form factors,

14.4.9 It is noted that the proposal is substantial in scale, mass, form, height. In addition, given the prominent location, design and appearance of the proposed dwellings, it is considered that when the proposals subject of this application are viewed from the street scene and the wider setting the proposal would be read as an incongruous and discordant addition to the locality.

- 14.4.10** The Essex Design Guide recommends that dwellings with 2-bedrooms should have private amenity spaces of 50m², 3-bedrooms should have 75m² and 4-bedroom and above should provide 100m².
- 14.4.11** Each plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve.
- 14.4.12** There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.
- 14.4.13** The range of materials presented are a mixture of the following:
- Exposed brick
 - Flint detailing
 - Timber weatherboarding
 - For the roofing, natural slate and clay tiles.

Due to the prominence of the site, subject to a condition requiring samples to be submitted prior to Commencement, the proposed materials are considered to be acceptable if the principle of the development is acceptable.

- 14.4.14** It is noted that the trees within the site are not protected, a number of trees will have to be removed in order to accommodate the housing. In any forthcoming grant of permission, a Hard and Soft Landscaping scheme will be required in order to safeguard the environmental features of the site.
- 14.4.15** The proposal is not considered to be of acceptable design, scale, mass and would not be in keeping with the adjacent 'Sparrowsend Cottages'. The proposal would therefore fail to comply with the requirements of Uttlesford Local Plan Policy GEN2.

14.5 C) Heritage

- 14.5.1** Due to the site's proximity to Shortgrove Estate, a number of specialist advisors have been consulted.
- 14.5.2** Archaeological Advice:
The County Archaeologist has recommended that the LPA engage in discussions required with Historic England, and with any grant of planning permission that a desk-based assessment of the site in undertaken and depending on the results further investigation via trial trenching.
- 14.5.3** Historic Environments Team:
Colleagues at the Place Services Historic Environment Team have advised that *"It is not possible to fully assess the proposals as insufficient information has been provided, and it is recommended that the applicant/ agent submit a heritage statement."*

14.5.4 Historic England:
They have advised that the LPA seeks the views of its specialist Conservation and Archaeological advisers.

14.5.5 In terms of archaeological impacts, the Specialist Archaeological Adviser at Place Services, Essex County Council have reported that the application site has the potential for surviving archaeological deposits, subject to the outcome of a desktop assessment further archaeological investigation. Historic England have no objections towards the proposal, however the Historic Environments Team at Place Services have objected on the grounds of insufficient information.

14.5.6 Therefore, and on balance, the proposed development would not comply with the provisions of ULP Policy ENV2 and the NPPF.

14.6 D) Impact on Neighbours and Amenity

14.6.1 Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.6.2 It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.6.3 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:

- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.6.4 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.6.5 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.7 E) Highways Authority and Parking Standards

14.7.1 Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic

generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

14.7.2 In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. They have made the following comments:

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

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety. Due to the location of the proposed access, the close proximity to the Roundabout and the bus stop laybys, it is critical that a Road Safety Audit stage 1 is submitted as part of this application. London Road is a classified B road and a main distributor in Essex County Council’s Development Management Route Hierarchy. The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

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.”

14.7.4 With regards to parking provision, whilst this is demonstrated on the supplied plans, the proposed parking spaces do not meet the adopted Uttlesford parking standards.

14.7.5 There are no visitor parking spaces demonstrated on the plans, visitor parking is 0.25 spaces per dwelling, as the proposal demonstrates 10-no. dwellings the proposal should ideally provide 2.5 parking spaces for visitors to avoid parking on the road.

14.7.6 As such the proposal would fail to meet the adopted minimum parking standards and does as such fails to accord with Uttlesford Local Plan Policy GEN8.

14.7.7 It is therefore concluded that the proposal fails to accord with Uttlesford Local Plan Policies GEN1 and GEN8.

14.8 F) Flood Protection

14.8.1 The site is located within flood zone 1, due to the scale of the proposal a flood risk assessment has been submitted.

14.8.2 The Lead Local Flood Authority have been consulted. They have commented on the application, and they do not have any objection towards the proposal subject to conditions.

14.8.3 As such, the proposal accords with Uttlesford Local Plan Policy GEN3.

14.9 G) Environmental Health

14.9.1 Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions for the following:

- A Phase 1 Desk Study is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site.
- The submission of a noise impact assessment.
- The submission of a Demolitions and Construction Method Statement.
- External Lighting.
- The installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

14.9.2 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with polices GEN4, GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.10 H) Ecology

14.10.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.10.2 Paragraph 180 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

- 14.10.3** Essex County Council Ecology has been consulted on the proposal, they are not satisfied that there is sufficient ecological information available for determination, and as such have placed a holding objection on the proposal.
- 14.10.4** Within the County Ecologist’s response, they go onto state that they “*are not satisfied that there is sufficient ecological information available for determination of this application. This is because further information is required in relation to trees with potential roosting features for bats, potential reptile populations at the site and mitigation in relation to Chalk Stream and Wet Woodland Priority habitats.*”
- 14.10.5** Due to the site being adjacent to the River Cam, with the river running in close proximity to a number of Sites of Special Scientific Interest (S.S.S.I) Ecology would require a number of measures and surveys in order to ensure that a proposal in this location would not harm any protected species, priority habitats, woodlands.
- 14.10.6** Alongside the consultation response from Place Services Ecology, Uttlesford District Councils Principal Ecologist wanted to raise several issues that, although they may not currently require mandatory mitigation, have implications for nature recovery in the district and within the broader landscape.
- 14.10.7** “*The new Uttlesford Local Plan (currently at Regulation 18) has identified Chalk Streams and their supporting habitats as an important biodiversity asset within the district. Chalk Streams are rare and fragile habitats of global significance. The site is bounded along its length to the east by the River Cam Chalk Stream and associated Wet Woodland, both of which have been identified by Natural England as Priority Habitat. River Habitats currently require a mandatory 10m buffer from the riverbank shoulder but our Local Plan will go further by requiring a 15m buffer to ensure protection for Chalk Streams. Although the Local Plan is not yet in place, its draft recommendations should be taken into account.*”
- 14.10.8** “*The emerging Local Nature Recovery Strategy (LNRS) for Essex will highlight the importance of rivers within Essex and their place in the National Nature Recovery Network. A catchment-based approach is widely recognised as the most effective way to deliver nature-scale*

recover for river habitats. The Essex LNRS will identify the River Cam catchment as a key focus for nature recovery for Uttlesford, highlighting opportunities for its enhancement and the expansion of its supporting habitats.”

14.10.9 *“It is therefore important to consider the strategic significance of this site in the context of imminent national and local initiatives for landscape-scale nature recovery. The site is strategically important for Uttlesford biodiversity and its development under the current proposal would be detrimental to achieving LNRS goals.”*

14.10.10 As such, the proposal as submitted would not comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

14.11 I) Accessibility

14.11.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.12 J) Landscaping

14.12.1 Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

14.12.2 In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the commencement of works on site.

14.12.3 There are no landscaping objections towards this proposal as such it accords with ULP Policies GEN2 and ENV3.

14.13 K) Planning Balance

14.13.1 When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Paragraph 11 (d) of the NPPF advises:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or

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

14.13.2 Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause '*significantly and demonstrably*' outweighs the potential positive outcomes of the development as a whole.

14.13.3 The area is covered by the Newport Quendon & Rickling Neighbourhood Plan Neighbourhood Plan was made on the 28th June 2021.

14.13.4 Positives:

- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
- The addition of 10-no. new dwellings in this location it would contribute to the Local Planning Authority land supply.
- Provision of Affordable Housing Units.

14.13.5 Negatives:

- Outside Development Limits.
- Does not comply with the Newport Quendon & Rickling Neighbourhood Plan Policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1.
- Detrimental impact and harm to the rural character of the site.
- Urbanising and domesticating the site unduly.

14.13.6 Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will not outweigh the negatives of the development as a whole.

14.13.7 The principle of development is therefore not considered to be acceptable and would not be in accordance with Uttlesford Local Policies Uttlesford Local Plan Policy S7, Policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1 of the Newport Quendon & Rickling Neighbourhood Plan and the National Planning Policy Framework (2023)

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. CONCLUSION

- 16.1** The following is a summary of the main reasons for the recommendation:
- 16.2** The principle of the development is not acceptable to the Local Planning Authority It also fails to accord with the made the Newport Quendon & Rickling Neighbourhood Plan.
- 16.3** The proposed design and scale of the development are not considered to be appropriate for this location.
- 16.4** No objections raised by Archaeology (subject to conditions) or Historic England. The Conservation Officer has objected on the grounds that a Heritage Statement has not been submitted.
- 16.5** No objections have been raised with regard to the impact on neighbouring dwellings.

- 16.6** The Highways Authority have objected towards the proposal on the grounds of Highways Safety. The proposal also fails to provide visitor parking.
- 16.7** The Lead Local Flood Authority (SuDS) have no objections towards the proposal.
- 16.8** No objections have been raised by Environmental Health.
- 16.9** Insufficient ecological information has been supplied with the application for determination. UDC's Principal Ecologist has raised concerns about the impact of the proposal due to the proximity to the Chalk Stream. As such it would fail to comply with Uttlesford Local Plan Policy GEN7.
- 16.10** The proposals would be constructed to Part M4(2) standards.
- 16.11** No landscaping objections have been raised.
- 16.12** On balance, when the proposal is weighed against the public benefits provided, the tilted balance would not be engaged. The proposal would not secure its optimum viable use.

17. REASONS FOR REFUSAL

- 17.1** The proposed development would, by virtue of its scale and design result in an incongruous form of development; detrimental to the character and appearance of the area and countryside setting in conflict with Policies S7, GEN2 of the Uttlesford Local Plan (2005), policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1 of the Newport Quendon & Rickling Neighbourhood Plan and the National Planning Policy Framework (2023).
- 17.2** Insufficient information has been submitted with this application to enable the Local Planning Authority to assess the impacts of the proposal on European Protected Species (Bats), Protected Species (Reptiles) and Priority Habitats (Chalk Stream and Wet Woodland). In the absence of this information, the proposal would conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023.
- 17.3** Insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of highway safety. Based on the information supplied, the Highways Authority concluded that a Road Safety Audit would be required to ensure that the proposal is not to the detriment of highway safety.

Therefore, the proposed development would be contrary to Policy GEN1 of the adopted Uttlesford Local Plan (2005), Policy DM1 of the Essex County Council Supplementary Guidance - Development Management (Feb 2011), and the National Planning Policy Framework (2023).

17.4 The substandard parking provision for both residents and visitors would be insufficient and would not meet the adopted standards required for the number of dwellings proposed. This would result in on-street parking to the detriment of highway and public safety contrary to the requirements of Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the Uttlesford Local Residential Parking Standards (adopted February 2013).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/23/2575/FUL
Our Ref: 55497
Date: 15th December 2023



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/23/2575/FUL
Applicant Mr P Rowe
Site Location Cricket Willow Field Sparrows End London Road Newport Essex
Proposal Erection of 10 no. dwellings with garages and storage buildings (including 4 no. affordable homes) with access off London Road, sustainable drainage system and 2 no. wildlife areas

The Highway Authority has reviewed the supporting information and plans submitted with the application, however further detailed plans/details are still missing before we can determine that a safe and suitable access can be achieved. Therefore:

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

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety.

Due to the location of the proposed access, the close proximity to the Roundabout and the bus stop laybys, it is critical that a Road Safety Audit stage 1 is submitted as part of this application.

London Road is a classified B road and a main distributor in Essex County Council's Development Management Route Hierarchy. The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

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. *Should the applicant be able to submit an RSA that indicates that the proposed access can be provided without detriment to highway safety, the Highway Authority may be able to reconsider its position.*
- ii. *The access arrangement should include a 2m wide footway from the proposed access to the North for a length of the site's frontage with a pedestrian crossing, and a 2m wide footway connection from the proposed access to the existing footway to the South. These details should be included in any drawings submitted for an RSA evaluation.*

F. Massie

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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 9th November 2023
Our Ref: SUDS-007106
Your Ref: UTT/23/2575/FUL

Dear Mr Sawyers,

Consultation Response – UTT/23/2575/FUL – Cricket Willow Field Sparrows End London Road Newport Essex

Thank you for your email received on 07/11/2023 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

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. Please address how foul water from the site will be managed.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

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.

Condition 5

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance 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.

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,

Anna Murphy
Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@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 3 – HISTORIC ENGLAND COMMENTS



Historic England

Mr Mark Sawyers
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582784

Our ref: **W:** P01568153

14 November 2023

Dear Mr Sawyers

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**CRICKET WILLOW FIELD, SPARROWS END, LONDON ROAD, NEWPORT,
ESSEX**

Application No. UTT/23/2575/FUL

Thank you for your letter of 2 November 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Rosa Teira Paz

Inspector of Historic Buildings and Areas
E-mail: rosa.teirapaz@historicengland.org.uk



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