

UTT/17/2868/OP – (NEWPORT)

(More than five dwellings)

PROPOSAL: Outline planning application for the development of up to 150 dwellings (Use Class C3), provision of land for community allotments, associated strategic landscaping, open space, and associated highways, drainage and other infrastructure works, with all matters reserved for subsequent approval apart from the primary means of access, on land to the South of Wicken Road, Newport

LOCATION: Land to the South of Wicken Road, Newport

APPLICANT: Countryside Properties (UK) Ltd

AGENT: Savills (UK) Ltd

EXPIRY DATE: 14 May 2018

CASE OFFICER: Maria Shoesmith

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located to the south of Wicken Road and to the west of the built-up area of Newport. It comprises 10.11 ha of undeveloped land, with mature trees lining the north-western and western boundaries as well as a public footpath that runs east-west across the middle of the site.

2.2 To the north of the site is Wicken Road and undeveloped fields beyond. Moving clockwise, the site is surrounded by allotments, housing on Frambury Lane, Newport County Primary School, a recreation ground, agricultural land and the M11 motorway.

3. PROPOSAL

3.1 The application is for outline planning permission, with all matters reserved except the primary means of access, for the erection of up to 150 dwellings and the provision of land for community allotments. Associated works include strategic landscaping, open space and highways, drainage and other infrastructure works.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development constitutes 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as confirmed in the screening opinion issued by the Council on 3 March 2017 (UTT/17/0329/SCO). The scope of the environmental impact assessment was established through the Council's issue of a scoping opinion on 14 June 2017 (UTT/17/1315/SO).

4.2 It is noted that the 2011 Regulations apply, rather than the 2017 Regulations, because the applicant requested a scoping opinion before the new legislation came into force on 16 May 2017.

4.3 The application includes an Environmental Statement, which contains the following chapters:

1. Introduction
2. Site description and development proposal
3. Environmental issues and methodology
4. Air quality
5. Archaeology
6. Community and social effects
7. Landscape and visual effects
8. Traffic and transport
9. Cumulative effects
10. Summary

4.4 The Environmental Statement has been amended during the determination period to reflect the removal of an early years centre from the proposal and to include additional information regarding air quality and transport impacts.

4.5 The environmental effects of the development are assessed in this report alongside other material planning considerations, with distinct conclusions drawn where necessary.

5. APPLICANT'S CASE

5.1 The application includes the abovementioned Environmental Statement, as well as the following documents:

- Planning Statement
- Arboricultural Impact Assessment and Tree Condition Survey
- Construction Environment Management Plan
- Design & Access Statement
- Reptile Survey
- Updated Extended Phase 1 Habitat Survey
- Breeding Bird Survey
- GCN Reasonable Avoidance Measures Method Statement
- Biodiversity Validation Checklist
- Flood Risk Assessment and Surface Water Drainage Strategy
- Geo-Environmental Desk Study Report
- Noise Impact Assessment
- Statement of Community Involvement
- Utilities and Servicing Statement
- Health Impact Assessment
- Built Heritage Statement

6. RELEVANT SITE HISTORY

6.1 There is no recent, relevant planning history for the site.

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below. It is noted that a Newport, Quendon & Rickling Neighbourhood Plan is being prepared, although a draft document is not yet available so no weight may be afforded to its future policies. Furthermore, the District Council's Regulation 18 Local Plan represents an early stage of plan preparation, such that no significant weight may be given to its policies.

Uttlesford Local Plan (2005)

- 7.4 S7 – The Countryside
- GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - 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 and Disturbance from Aircraft
 - ENV12 – Protection of Water Resources
 - ENV13 – Exposure to Poor Air Quality
 - ENV14 – Contaminated Land
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.5 SPD – Accessible Homes and Playspace (2005)
SPD – Energy Efficiency and Renewable Energy (2007)
The Essex Design Guide (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 32-39, 41, 47-49, 55, 58, 75, 95-96, 100-104, 112, 113, 118, 120-125 & 128-135
- Planning Practice Guidance (PPG)
- Air quality
 - Climate change
 - Conserving and enhancing the historic environment
 - Design
 - Environmental Impact Assessment
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Land affected by contamination
 - Light pollution
 - Natural environment
 - Noise
 - Open space, sports and recreation facilities, public rights of way and local green space
 - Planning obligations
 - Rural housing
 - Transport evidence bases in plan making and decision taking
 - Travel Plans, Transport Assessments and Statements
 - Water supply, wastewater and water quality
- House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
- Planning Update: Written statement (HCWS488) (2015)
- Rights of Way Circular 1/09 (Circular 1/09)
- The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 ('Safeguarding Direction')

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
- Housing Trajectory 1 April 2017 (August 2017)
- Landscape Character Assessment (LCA) (2006)
- Newport Conservation Area Appraisal and Management Proposals (2007)
- Newport Village Plan (2010)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection, on the following grounds:
- The proposed development is not in the Newport Village Plan (2010)
 - The proposed development is not in the Uttlesford Local Plan (2005)
 - The proposed development is not in the Uttlesford Regulation 18 Local Plan (2017)
 - The proposed development is not in the draft Newport Quendon Rickling Neighbourhood Plan (2017)
 - The site is outside the village development limits
 - Increased traffic
 - Unsafe road access

- Harmful effect on the character and appearance of the area
- Overstated economic and other benefits
- Air and noise pollution
- Loss of best and most versatile agricultural land
- Inadequate community engagement
- Insufficient benefit from contribution to housing land supply
- Misleading Planning Statement

8.2 The Parish Council's comprehensive letter of objection incorporates a number of detailed assessments. A further Transport Report and an Air Quality & Noise Pollution Assessment were submitted following amendments to the applicant's Environmental Statement.

8.3 Wicken Bonhunt and Arkesden Parish Councils have raised concerns regarding traffic impacts and road safety.

8.4 It should be noted that Newport Parish Council have commissioned an independent assessment of the transport implications.

9. CONSULTATIONS

Councillor Neil Hargreaves

9.1 Objection. Concerns include:

- Lack of sustainable transport options
- Increased traffic congestion
- Dangerous site access
- Harmful 'rat-running' would be encouraged
- Harmful reduction in air quality, breaching UK and EU limits
- Adverse effect on the character of the area
- Harmful noise levels for the future residents
- Lack of need in Newport for additional housing
- Inadequate contributions to local infrastructure
- The site has not been included in the Council's draft Local Plan

Landscape Officer

9.2 "The application site falls within the broad character designation 'Cam River Valley' as described in the Landscape character Assessment (Chris Blandford Associate 2009), however, the site is on the valley slopes of the tributary Wicken Water which sets it apart from much of the existing settlement pattern of Newport. The illustrative masterplan shows the proposed housing concentrated on the lower valley slopes. Whilst this disposition would reduce the development's potential impact on the valley ridge line, it increases the sense of separation between the development and the existing settlement.

For the greater part the proposals included dwellings with a ridge height of up to 11m (two and a half storeys), and in the south-western part of the site ridge heights up to 12.5m (three storeys). The provision of multiple dwellings with heights above 10m (two storeys) is not considered to be appropriate in the context of a surrounding rural landscape.

The existing broad tree belt running along the north edge of the site, and the woodland belts to the western edge provide a level of enclosure and screening of

much of the site. The existing tree belt bisecting the site would serve to soften to some extent the built form of parts of the development.

The proposed new access off the Wicken Road would necessitate the removal of a number of trees. Whilst individually these trees are not considered to be of significant amenity value, their loss would have a detrimental impact on the integrity of the tree belt that runs along this section of the Wicken Road, although this in itself is not considered to be highly significant. The loss of other trees indicated to be removed on the site to accommodate the internal road network is considered to have limited impact.”

Conservation Officer

9.3 Extract:

“Although the site itself does not contain any designated or non-designated heritage assets, nor is it situated within a conservation area boundary, number of listed buildings can be found in the wider locality and within nearby Newport Conservation Area. The site itself is topographically interesting with land sloping down towards Wicken valley and areas of mature vegetations. From certain vantage points the tower of Church of St Mary the Virgin, grade I listed building can be seen from within it. As the local designated heritage assets are some considerable distance from the development site it has to be said that a potential development is unlikely to result in harm or loss to the significance of the setting of listed buildings in the locality.

However, by and large Newport is a linear historic village. This proposal would further exacerbate the departure from this historic concept. It is outside defined development limits and therefore within the open countryside for planning policy purposes, which should be protected for its own sake. Additionally it is on one of the principle entry routes into the settlement either by vehicle or foot as well as it can be crossed by a public foot path. Clearly the change from an open field to built-form would intrinsically alter its character in terms of openness and visual character which would be very noticeable to users of these routes.

Should on balance any possible public benefits outweigh the concerns any detailed design with most rigorous mitigating scheme leading to the reduction of harm must be negotiated.”

Highway Authority (Essex County Council)

9.4 No objections. Extract from response dated 13/02/2018 (received 27/03/2018):

“Essex County Council in their capacity as Highway Authority has thoroughly assessed the highways and transportation information submitted in support of the above planning application. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework and in particular paragraph 32, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The Transport Assessment accompanying the planning application has been considered in detail and the Highway Authority is satisfied that, whilst there may be some short-term delay in the vicinity of the Wicken Road and the High Street at peak times, the number of trips generated by the proposed residential development

will not have a severe impact and can be accommodated safely and efficiently on the local highway network.”

Additional comments regarding Newport Parish Council’s Railton report have been received and will be addressed in the main report.

Education Authority (Essex County Council)

9.5 Requests the use of a S106 agreement to secure financial contributions to mitigate the impacts of the proposal on the provision of childcare, primary education and secondary education. The contributions would be finalised on the basis of the final housing mix, although the estimated costs are as follows (April 2017 figures):

- Early years and childcare: £196,007
- Primary education: £573,030
- Secondary education: £580,350

West Essex Clinical Commissioning Group (NHS)

9.6 No objections, subject to the securement through a S106 agreement of £59,133 to mitigate the impacts of the proposal on primary healthcare provision in the area.

Housing Enabling Officer

9.7 No objections, subject to suitable affordable housing provision. Extract:

“The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.”

Name of Scheme	Land to the South of Wicken RD, Newport UTT-17-2868-OP				Totals
	1 bed	2 bed	3 bed	4 bed	
Affordable Rent	4	17	16	3	40
Shared Ownership	2	6	7	1	16
Sub Total	6	22	23	5	56
Affordable Rent (bungalows)	1	1			2
Shared Ownership (bungalows)	0	2			2
Sub Total	1	3	0	0	4
Grand Total	7	25	23	5	60
Market Bungalows					4

Environmental Health Officer

9.8 Recommends approval, subject to conditions. An initial consultation response raised no objections regarding contamination or noise, although concerns were raised about the air quality information. Following the applicant’s submission of further information, the below comments were provided to update the position on air

quality (26/02/2018):

“This response addresses the comments made to date and changes to the air quality assessment and the results of these comments and other communication.

The UDC Officers comments in a memo dated 5th December 2017 raised a number of issues some of which were addressed in an email dated 18th December 2017. An updated air quality assessment was submitted dated February 2018. This report had some changes within it including using 2016 data for background and baseline year.

The updated air quality assessment predicts lower levels around the most affected area (the junction of Wicken Road and High Street) represented by R10 and R11 in the report. The impact is similarly reduced in the report and is considered to have a ‘slight’ impact (both alone and with committed development) as compared to a ‘moderate’ impact in the earlier report. I have tried to contact the author of the reports for further clarification on this matter but have been unable to do so given the short timescale I was afforded.

Since the first report was submitted and assessed, the issue of air quality exceeding national objectives for NO₂ was considered by UDC and a diffusion tube site was deployed at the Wicken Road/High Street junction to measure levels at this location. This tube site started in September 2017 and so the results obtained so far are only indicative, however, monthly averages have been: September 36.3, October 35.4, November 40, December 40.5 ug/m³, Mean for 4 months: 38.05 ug/m³. This only represents 33% of a year and so too early to draw any definite conclusions. However, with the corrections of summer time monitoring (lower NO₂ levels normally prevail in the summer months), bias correction and distance attenuation corrections the annual mean is almost certainly to be lower than this. This would mean that the objective for NO₂ would not be breached. It also corresponds with the conclusions drawn in the updated air quality assessment.

With these matters in mind, air quality needs to be addressed: the construction phase could give rise to impacts on neighbouring properties and this can be dealt with through the Construction Environmental Management Plan and, for the operational phase, the report concludes that mitigation should be provided in this development.”

Further comments, dated 11/04/2018, stated as follows:

“Further to my comments dated 5th December 2017, a revised air quality assessment (AQA) dated February 2018 has been prepared.

This latest assessment has some changes in modelling inputs, and has taken account of traffic to be generated by the committed development west of London Road (UTT/15/1869/OP) recently allowed on appeal, and omission of land for an early year’s centre which will be the subject of a further application. These comments are in relation to air quality matters raised by this new assessment, and to submissions on noise and air quality by Newport Parish Council. Previous comments on noise and land contamination remain valid.

Air Quality

The updated air quality assessment predicts raised levels of emissions at all receptors modelled, with and without the development. The exception is two receptors close to the junction of Wicken Road and High Street, represented by

R10 and R11 in the report. The levels predicted in the opening year taking account of committed development at these two locations are 30.6 ug/m³ and 34.1 ug/m³ respectively, the latter being the location where levels are predicted to be highest of all receptors.

These lowered figures are due to treating the location of the receptors in the previous assessment as a street canyon. A canyon is where tall buildings are located either side of a narrow road, potentially trapping pollutants, and would have produced an overly conservative scenario at this location. The latest predictions are more consistent with nearby receptors, and with indicative monitoring at the location by UDC. In all, 9 receptors have predicted levels within the range from 30 to 34.1 ug/m³.

When considering the significance of the impact on the receptors, available guidance requires account to be taken of the magnitude of change in terms of the percentage change in concentration relative to the air quality objectives and how close it will be to the objective. At the revised AQA places the overall impact as "slight".

The Transport Report dated March 2018 prepared by Railton on behalf of Newport PC has been considered. Concern is raised at the risk of emissions breaching the air quality objective level related to the annual mean, and the risk of short term exposure by pedestrians.

Para 3.4 states:

"It is understood that the junction currently experiences concentrations of nitrogen dioxide that exceed the EU and UK limit value of 40 micro-grammes per cubic metre. Given the close proximity of dwellings and the use of the junction by numerous pedestrians including many of those who would be walking to and from the proposed development, this exceedance significantly increases the sensitivity of the junction to increased levels of traffic, and in particular, queuing traffic."

There is currently insufficient monitoring data to substantiate this comment. UDC has deployed a diffusion tube to monitor levels of nitrogen dioxide (NO₂) levels at a receptor close to the junction the Wicken Road/High Street junction since September 2017. The results obtained so far can only be indicative, and it is too early to draw any definite conclusions about the annual mean. The mean for the four months to the end of the year is 38.05 ug/m³. Lower NO₂ levels normally prevail in the summer months producing a lower annual mean. In addition, diffusion tube results are always adjusted against more accurate automatic station data. In the last 7 years, this has resulted in a further lowering.

As an illustration, tube no UT001 in Saffron Walden recorded a mean of 45 ug/m³ for the months Sept – Dec 2016, producing an annual mean of 40 ug/m³, equal to annual mean air quality objective. The annual mean at the Wicken Road site will almost certainly be lower than 38 and would mean that the objective for NO₂ would not be breached. It also corresponds with the conclusions drawn in the revised AQA.

With regard to the exposure of pedestrians using the junction, the short term objective states that 200 ug/m³ when measured as an hourly mean, should not be exceeded more than 18 times each year. Research has shown that the hourly objective is unlikely to be exceeded where the annual mean is less than 60 ug/m³.

The Air Quality and Noise Pollution assessment by Newport Parish Council dated March 2018 has been considered, and the following comments are made:

Para 1(d) : Reference is made to an increase in traffic on Wicken Road and High Street. Applying a lineal increase to UDC diffusion tube readings from Sept-January to extrapolate an annual mean is inappropriate. A recognised dispersion model must be used for this purpose, using a ratified annual mean, and taking account of many other factors including background NO₂ levels, fleet make up and future vehicle emissions.

Para 1(f) : Reference is made to lack of validation of the modelling in the AQA. The validation process is set out and utilises monitored data from the UDC diffusion tube close to the M11, which is acceptable.

In conclusion, the AQA recommends mitigation, and the impact on air quality with mitigation is unlikely to be grounds for refusal. Nevertheless, the proposal will be contributing to an upward trend in emissions. Conditions are therefore requested to be addressed at the detailed stage and prior to first occupation, to minimise the impact of the operational phase by encouraging the use of low emission vehicles and non- car travel, by provision of the following:

- an electric vehicle charge point at any garage or allocated parking space associated with a dwelling
- Secure, convenient, covered storage for motorised and non motorised cycles at each dwelling to be provided prior to occupation
- Safe pedestrian access along Wicken Road east and Frambury Lane to link with village amenities

Noise

The comments in the Air Quality and Noise Pollution assessment by Newport Parish Council relating to outside amenity areas are valid.

NPPF states that planning policies and decisions should “aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”. Guidance on the impact of a noisy environment is set out in WHO Guidelines for Community Noise, which recommends the level in outdoor living areas should not exceed 55 dB LAeq,T to protect the majority of people from being seriously annoyed by noise during the daytime.

The noise impact assessment carried out by Ardent demonstrates that the area of the site closest to the M11 will experience levels slightly in excess of the outdoor amenity guideline level. At this outline stage it is not possible to determine how many dwellings will be located within the area, and it will be possible through design and layout to minimise the area. The provision of protected external amenity space for the sole use of a group of residents should be considered. The proposal to provide solid boundary treatment alone is unlikely to be sufficient.

A condition is therefore recommended to require the submission of a scheme prior to occupation for mitigation of noise in outdoor amenity areas to meet the guideline level of 55 dB LAeq 07.00 hrs to 23.00 hrs.”

Lead Local Flood Authority (Essex County Council)

9.9 No objections, subject to conditions.

Historic Environment Advisor (Place Services)

9.10 No objections, subject to conditions. Extract:

“The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially sensitive area of heritage assets. The desk based assessment has failed to identify the presence of an extensive Saxon and early medieval cemetery associated with St Helens Chapel to the west of the development area which is known to extend beneath the M11. The HER shows that the development area contains at least one windmill site (EHER 21265), with the geophysical survey, submitted with the application, indicating the presence of a further small circular enclosure within a much larger enclosure interpreted as a second windmill. The definition of the Uttlesford historic environment characterisation submitted with the desk based assessment identifies the application area as having potential high significance for surviving archaeological deposits.”

Highways England

9.11 No objections.

Ecological Consultant (Place Services)

9.12 No objections, subject to conditions. Extract:

“The mitigation and enhancement measures identified in the extended Phase 1 Habitat report (James Blake Associates, July 2017) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly bats, reptiles and breeding birds.

Once updated surveys have been completed, a revised Construction Ecological Management Plan should be prepared to highlight precautionary working practices, suitable timings for works and monitoring requirements. An additional farmland bird’s mitigation strategy and lighting design strategy should also be provided. This will ensure that all protected and priority species are safeguarded during the construction process and that appropriate mitigation measures have been provided. An Ecological Design Strategy should also be provided to address ecological enhancements identified in the extended Phase 1 Habitat report (James Blake Associates, July 2017).

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed are reasonable and will contribute to this aim.”

Natural England

9.13 No objections regarding statutory conservation sites. Extract:

“Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Debden Water SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”

Environment Agency

- 9.14 No objections, subject to a condition to secure the submission of a foul water disposal scheme. Advisory comments are made in relation to waste and water resources.

Anglian Water

- 9.15 No objections, subject to a condition to secure the approval of a foul water strategy.

Affinity Water

- 9.16 No objections.

Stansted Airport

- 9.17 No objections, subject to a condition. Extract:

“The proposed development has been examined for aerodrome safeguarding in particular, birdstrike avoidance. We request that we are consulted should this development proceed to a full planning application and full details of the SUDs storage basins are known.”

NATS Safeguarding

- 9.18 No objections.

Essex Police

- 9.19 Would like the development to achieve a ‘Secure by Design’ award.

UK Power Networks

- 9.20 Advisory comments regarding electricity apparatus.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press.

The following concerns have been raised among the submitted representations:

- 1) Inadequate road capacity e.g. Wicken Road/ B1383 junction
- 2) Adverse effect on road safety
- 3) Reliance on car travel
- 4) Lack of sustainable transport opportunities
- 5) Unsuitable parking provision
- 6) Rear access to the properties on the western side of Frambury Lane should be preserved
- 7) Harm to the character and appearance of the area
- 8) Light pollution
- 9) Air pollution
- 10) Inadequate amenity for existing and future occupiers due to noise pollution
- 11) Loss of biodiversity value
- 12) Loss of agricultural land

- 13) Loss of a public footpath
- 14) Increased risk of flooding
- 15) Increased energy demand
- 16) Risk of crime
- 17) Insufficient affordable housing provision
- 18) Inadequate infrastructure e.g. education, healthcare, drainage, water and sewerage
- 19) Increased burden on emergency services
- 20) Lack of local employment opportunities
- 21) No local need for new housing
- 22) Cumulative impacts associated with other approved developments
- 23) Nuisance during construction
- 24) Social impacts associated with significant increase in population
- 25) Inadequate community engagement
- 26) Other locations would be better suited to the proposed development
- 27) Reduction in nearby property values

Most of the above numbered points relate to issues which are addressed in the below appraisal. However, it should be noted in respect of point 26 that the application must be assessed on its own merits and that a preference for alternative locations is not in itself a ground for refusal. Furthermore, the perceived effect on property values (point 27) is not a material planning consideration.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, 17, 58, 113, 125, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39, 41, 75, PPG, HCWS488, Circular 1/09 & Safeguarding Direction)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Energy and water (GEN2, 95-96 & PPG)
- G Amenity (GEN2, GEN4, ENV10, 17, 123 & PPG)
- H Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- I Infrastructure (GEN6)
- J Biodiversity (GEN7, ENV7, ENV8, 118 & PPG)
- K Archaeology (ENV4, 128-135 & PPG)
- L Agricultural land (ENV5 & 112)
- M Contamination (ENV12, ENV14, 120-122 & PPG)
- N Air quality (ENV13, 124 & PPG)
- O Affordable housing (H9 & PPG)
- P Housing mix (H10 & SHMA)
- Q Housing land supply (47-49)

A Location of housing (S7, H1, 55 & PPG)

- 11.1 The site's location beyond the Development Limits for Newport ensures that residential development does not accord with Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village ensures compliance with paragraph 55 of the NPPF, which supports the growth of existing settlements.

B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, 17, 58, 113, 125, 128-134 & PPG)

- 11.2 The proposed development involves residential development on open and undeveloped agricultural fields, which form part of the rural landscape surrounding Newport. Such a change is inherently harmful to the character of the area, although it is necessary to establish the degree of harm.
- 11.3 The Council's Landscape Character Assessment (2006) provides an assessment of landscape character in the area, and the applicant has assessed the development's impact in various documents including the Arboricultural Impact Assessment, Design & Access Statement and Chapters 7 and 9 of the Environmental Statement.
- 11.4 The submitted details have been fully assessed by the Council's Landscape Officer, who has identified that the erection of multi-storey housing on the site would have a detrimental effect on landscape character. It has also been suggested that the proposed open space would separate the development from the rest of the village. However, the consultation response confirms that retained tree belts would serve to mitigate the effect of the development.
- 11.5 The site's relatively large area in the context of Newport and the visibility of the site ensure that there would be more than a limited effect on landscape character. However, retained mature vegetation on the northern and western boundaries would have a significant screening effect, while a suitable landscaping scheme along the southern boundary could also have a mitigating impact. Furthermore, the position of the site adjacent the existing settlement serves to contain the urban area, with the integral open space considered an appropriate feature serving both the development and the village. The site is not in an area protected for its landscape value within the meaning of NPPF paragraph 113 so the weight given to its importance must be consistent with this status. It is concluded that the adverse effect would be moderate, not substantial.
- 11.6 In drawing the above conclusion, regard has been had to the visibility of the site from the M11 motorway. Views would be possible, but they would be fleeting given the high speeds travelled by motorists and not so significant as to cause a substantial adverse effect overall.
- 11.7 Within the vicinity of the site are the Newport conservation area and various listed buildings, including the Grade I listed St Mary's Church. Taking into account the comments of the Conservation Officer, it is considered that there would be no significant adverse effects on heritage assets or their settings. The observations regarding the historic settlement pattern are noted, although it is considered that this does not represent significant harm to a heritage asset.
- 11.8 In assessing the proposal's effect on listed buildings and conservation areas, regard has been had to the Council's statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8, 32-39, 41, 75, PPG, HCWS488, Circular 1/09 & Safeguarding Direction)

- 11.9 The site is located within a relatively large village, which possesses a range of services and facilities that include a primary school, secondary school, doctor's surgery, pubs and shops. Easy pedestrian and cycle access to the village centre would be possible via Frambury Lane. Newport is also well-served by public

transport, with regular bus and train services offering access to Saffron Walden, Bishops Stortford, Cambridge and London. It is therefore concluded that the sustainable transport objectives of the above policies would be met.

- 11.10 The submitted Environmental Statement includes a detailed assessment of the development's impact on road safety, capacity, sustainable transport opportunities and mitigation measures. The highway authority has carefully considered the submitted information, which addresses cumulative impacts. In its response, regard is had to the likelihood of some short-term delays in the vicinity of the Wicken Road and High Street junction at peak times, although it is concluded that the proposal would not have a severe impact on the local highway network.
- 11.11 In addition to an assessment of the application documents, the highway authority has considered in detail the comments of Newport Parish Council and its transport consultant, Railton Ltd.
- 11.12 A report has been undertaken by Railton Ltd on behalf of Newport Parish Council. This report outlined the level of visibility splays that would be required as a result of 150m hedgerow and trees being removed. The speed along Wicken Road was discussed in the report and highway safety implications. The number of vehicles trips and the suitability of the ghost island as opposed to a priority junction. An argument was made that the junction would need to be designed as a result which would have further landscaping and a new highway risk to pedestrians.
- 11.13 The sensitivity regarding the Wicken Road/High Street junction was discussed and stated would be further compounded by the proposed development in terms of queuing and vehicles turning into the road.
- 11.14 The methodology used for the trip distribution and the modelling was also disputed.
- 11.15 A response by the agent was received addressing the points made.
- 11.16 ECC Highways have also be consulted on the report and have stated the following;

“Proposed access arrangements

The application proposes the development will be served by a simple priority junction onto Wicken Road. Wicken Road is a single carriageway and is subject to a national speed limit (60mph); this limit reduces to 30mph adjacent property no. 85 Wicken Road.

Speed surveys were carried out by the applicant on Wicken Road using Automatic Traffic Counts (ATC's) in July 2016. Given that the recorded speeds were lower than the legal speed limit of Wicken Road, the visibility splays presented in the Transport Assessment is considered compliant. Table 4.1 Wicken Road ATC Results details the 85%ile results, as shown below:

*-2.4m x 120m Westbound 85%ile speed of 38.5mph
-2.4m x 140m Eastbound 85%ile speed 42.7mph*

The distribution of development traffic indicates that predominantly vehicles will exit the development in an eastbound direction and return in a westbound direction. Only a small proportion of vehicles are expected to exit the development in a westbound direction and return in an eastbound direction. The Highway Authority are satisfied that this would accurately reflect the distribution of development traffic given the proximity of the main road network to the east. On this basis whilst in

terms of total traffic flows generated by the development and using Wicken Road consideration could be given to a ghost island right turn lane this is marginal and when account is taken of low occurrence of right turning vehicles the Highway Authority do not consider a ghost island to be necessary.

The Highway Authority concur that a simple priority junction could adequately serve the proposed development.

The provision of a footway fronting the development has been addressed by condition included within our recommendation submitted to Uttlesford District Council. This provision and the internal footway connections will allow pedestrians a choice of route to local services and facilities and the public rights of way network.

The matter of tree/hedgerow removal is not a consideration for the Highway Authority. This matter would be considered by Uttlesford District Council as part of the planning balance. The Highway Authority would of course be prepared to work with the applicant and Uttlesford District Council to review any specimen trees that may be identified and whether they could remain within the visibility splay.

Impact on local highway network

With regards to traffic flows, Railton suggest that taking an average of 4 days traffic flows is an unorthodox approach. This is correct, but only because one day's data is normally all that is available. Taking the average of four days in fact provides a reasonable level of confidence that the observed flows are relatively typical. Furthermore, the survey dates were in January and February. Traffic flows in the winter months are often higher than the rest of the year as the weather is less conducive to walking, cycling etc. Consequently, the Highway Authority is satisfied that a robust assessment has been completed of the Wicken Road / B1383 junction.

Additionally, Railton have questioned the number of development trips being assigned to Wicken Road west of the proposed development site. However, only 11 trips have been assigned to this route in the AM peak and only 6 in the PM peak. Whilst it may therefore be possible to question a handful of these trips, the numbers are negligible in highway capacity terms and would not cause a significant change to the indicated performance of the Wicken Road / B1383 junction.

Further points have been raised regarding queueing traffic conflicting with parked vehicles and the frequency of larger vehicles conflicting with pedestrians. Residential developments are unlikely to increase the frequency of larger vehicles; there may be a bin lorry once a week and the occasional supermarket delivery vehicle. However these are often at off-peak times."

- 11.17 Highways England was consulted due to the proximity of the site to the M11 motorway. Its response raises no objections.
- 11.18 The Council's minimum residential parking standards apply to the proposed development. However, compliance would be assessed at the Reserved Matters stage.
- 11.19 Public Footpath 11 crosses the site in an approximately east-west direction, joining Byway 10 at the western edge of the site. Bridleway 16 extends beyond the southern end of Frambury Lane. The application does not propose the removal or diversion of the public rights of way, although it is clear that at least one crossing of the footpath would be necessary. Taking into account the comments of the highway

authority, it is considered that there would be no adverse effects in principle and that appropriate design details could be agreed at the Reserved Matters stage.

- 11.20 Stansted Airport, in its capacity as Aerodrome Safeguarding Authority, has not raised any objections to the proposal. However, it has highlighted the potential for landscape and drainage features to increase the likelihood of birds using the site, thereby increasing the risk of birdstrike. Full details of the landscaping would be submitted at the Reserved Matters stage, at which point Stansted Airport would be consulted.

D Accessibility (GEN2, 58 & PPG)

- 11.21 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. Should planning permission be granted, a condition could be used to ensure that 5% of the dwellings are built in accordance with Requirement M4(3) of the Building Regulations, and the remainder with Requirement M4(2).

E Crime (GEN2, 58 & PPG)

- 11.22 Essex Police has commented on the application, suggesting that it would be desirable for the developer to seek to achieve a Secure by Design award. The development's contribution to crime prevention would be assessed at the Reserved Matters stage, when a detailed design could be evaluated.

F Energy and water (GEN2, 95-96 & PPG)

- 11.23 For a residential development of the proposed scale, the SPD entitled 'Energy Efficiency and Renewable Energy' aims to achieve a six star rating by reference to the Code for Sustainable Homes, secure 10% of the development's energy requirements from on-site renewable/low-carbon technology and incorporate a combined heat and power (CHP) system. However, the dated standards used by this 2007 document and the stricter mandatory Building Regulations that now apply to residential developments ensure that the Council takes the position not to enforce the requirements of the SPD.

G Amenity (GEN2, GEN4, ENV10, 17, 123 & PPG)

- 11.24 The detailed design would be assessed at the Reserved Matters stage to ensure that the dwellings are provided with sufficient private amenity space, and to protect existing and future occupants from adverse effects with respect to privacy and daylight.
- 11.25 As for the known effects at this outline stage, it is necessary to consider whether amenity levels would be acceptable with respect to noise. While the primary access position would not give rise to significant nuisance to existing residents, the M11 motorway has the potential to cause nuisance to the occupants of the proposed dwellings. Taking into account the comments of the Environmental Health Officer, it is considered that appropriate noise mitigation measures could be secured using a condition. A further condition could also protect existing residents from the noise associated with construction activities.

H Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)

- 11.26 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding but, as the proposal is a 'major development', HCWS161 requires the use of a sustainable drainage system. Taking into account the comments of the lead local flood authority, it is considered that an appropriate system could be secured using conditions.

I Infrastructure (GEN6)

- 11.27 The education authority, Essex County Council, has identified that the development would give rise to a significant increase in demand for early years and childcare provision, and primary and secondary education. The necessary financial contributions towards increasing capacity could be secured using a S106 agreement.
- 11.28 It has been confirmed within the planning submission that 40% affordable housing would be provided on site in accordance with Local Plan Policy H9.
- 11.29 It should be noted that the early years facility initially forming part of the application has been removed from the scheme as this did not comply with CIL Regulations and had unfavourably contributed to other impacts.
- 11.30 Taking into account the comments of the primary healthcare commissioner, West Essex CCG, it is considered that the existing primary healthcare service at Newport Surgery would be unable to absorb the extra demand from the proposed development. It is therefore considered that a financial contribution would be necessary to fund increased healthcare capacity.
- 11.31 Anglian Water has acknowledged its obligation to increase wastewater treatment capacity, and raised no objections to the development subject to the use of a condition to address the risk of flooding from foul sewerage.
- 11.32 Affinity Water and UK Power Networks were consulted with respect to water supply and energy infrastructure, with both organisations responding with no objections or requests for conditions or contributions.

J Biodiversity (GEN7, ENV7, ENV8, 118 & PPG)

- 11.33 The application includes various ecological surveys to establish the potential impact of the development on biodiversity, and it is noted that the site is located within 2 km of the Debden Water Site of Special Scientific Interest (SSSI). Taking into account the comments of the Council's ecological consultant, it is considered that there would be no significant adverse effects on biodiversity provided that conditions would be used to secure appropriate mitigation and enhancement measures. Furthermore, Natural England has raised no objections on the basis that the development would not damage or destroy the interest features for which the Debden Water SSSI has been notified.
- 11.34 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2017 requires Local Planning Authorities to have regard to the

requirements of the Habitats Directive and Birds Directive when exercising its functions. These statutory requirements have been met in undertaking the above assessment of biodiversity impact.

K Archaeology (ENV4, 128-135 & PPG)

- 11.35 The Historic Environment Advisor has identified that the development has the potential to affect significant archaeological remains. In accordance with the recommendation, it is considered that conditions would be necessary to secure an appropriate programme of archaeological investigation of all areas of proposed ground disturbance, should planning permission be granted.

L Agricultural land (ENV5 & 112)

- 11.36 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 of the NPPF has a similar objective. While the site is classified as Grades 2 and 3, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is small in agricultural terms and the high quality of farmland across the majority of the District means that some loss, to particularly meet housing need, is inevitable.

M Contamination (ENV12, ENV14, 120-122 & PPG)

- 11.37 The application includes a Geo-Environmental Desk Study Report, which assesses the potential contamination risks associated with the development. Taking into account the comments of the Environmental Health Officer, it is considered that the risk of contamination is low due to the historic agricultural use of the site. Subject to a condition to ensure that any unexpected contamination is appropriately investigated, should planning permission be granted, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

N Air quality (ENV13, 124 & PPG)

- 11.38 The site is adjacent the M11 Poor Air Quality Zone, although the centre of the village also suffers from poor air quality due to high levels of nitrogen dioxide (NO₂). The Council's Environmental Health Officer has scrutinised the information submitted within the Environmental Statement and concluded that the development is not likely to cause NO₂ levels to breach the National Air Quality Objective of 40 micrograms per cubic metre, as set out in the Air Quality Standards Regulations 2010.
- 11.39 Further comments have been received from Environmental Health following the amended Air Quality Assessment and comments received from Newport Parish Council. These were fully considered by the EHO, as outlined in paragraph 9.8. As a result no objections have been raised subject to conditions to help minimise effects on air quality, it is concluded that the proposal accords with the above policies.

O Affordable housing (H9 & PPG)

- 11.40 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that 40% of the dwellings should be affordable homes. It has been confirmed within the application submission that 40% affordable housing will be provided on site. The

Housing Enabling Officer has suggested how these should be delivered, although the mix would be finalised at the Reserved Matters stage.

P Housing mix (H10 & SHMA)

11.41 Policy H10 requires that a significant proportion of market dwellings are provided as small units of two or three bedrooms. The mix of the proposed development would be determined at the Reserved Matters stage.

Q Housing land supply (47-49)

11.42 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

12. CONCLUSION

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

A The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and the protection of agricultural land.

B Notwithstanding the above, it is necessary to consider whether the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 14 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the following positive and adverse effects have been identified:

Positive effects:

- Enhancement to the vitality of a rural community (moderate weight)
- Contribution towards housing land supply (moderate weight)

Adverse effects:

- Harm to countryside character (moderate weight)
- Loss of best and most versatile agricultural land (negligible/limited weight)
- Reduction in air quality (negligible weight)

Therefore, it is concluded that the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits, such that the proposal represents 'sustainable development' that is supported by the NPPF. It should be noted that adverse effects that can be mitigated by conditions or planning obligations, as described in the above appraisal, are not included in this balancing exercise.

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

In making the above recommendation, full regard has been had to the likely significant effects of the development upon consideration of the submitted

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 13 June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance, in which case he shall be authorised to conclude such an obligation to secure the following:
- (i) On-site provision of affordable housing, amounting to 40% of the total number of dwellings
 - (ii) Payment of a financial contribution towards early years and childcare provision
 - (iii) Payment of a financial contribution towards primary education provision
 - (iv) Payment of a financial contribution towards secondary education provision
 - (v) Payment of a financial contribution towards primary healthcare provision
 - (vi) Payment of the Council's reasonable legal costs
 - (vii) Payment of Monitoring costs
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
- (i) Failure to provide affordable housing provision
 - (ii) Lack of provision of early years and childcare contribution
 - (iii) Lack of provision of primary education contribution
 - (iv) Lack of provision of secondary education contribution
 - (v) Lack of provision of primary healthcare contribution

Conditions

1. Approval of the details of layout, access (other than the primary means of access), scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the local planning authority in writing before development commences and the development must be carried out as approved.

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

2. Application for approval of the Reserved Matters must be made to the local planning authority not later than the expiration of three years from the date of this

permission.

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

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

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

4. The following works must be carried out prior to occupation of any dwelling:
 - a. The proposed site access junction must be provided with bellmouth radii of 10 metres and the new site access road must be provided with a minimum road width of 5.5 metres with 2 metre wide pedestrian footways on each side. The developer must provide pedestrian dropped kerbs and appropriate tactile paving on either side of the site access bellmouth junction.
 - b. The site access and associated visibility splays must be formed in accordance with Drawing No. 16081-01-103 A, contained within the submitted Transport Assessment (Markides Associates, August 2017). The area within each splay must be kept clear of any obstruction exceeding 600mm in height at all times
 - c. A footway to be provided along the entire site frontage on Wicken Road, to tie into the existing footway to the east, measured at a maximum 2m wide where achievable based on the availability of highway land.
 - d. Provision of a shared use pedestrian/cycle access onto Frambury Lane, to be of minimum width 3 metres and with provided with appropriate signage and any required Traffic Regulation Orders entirely at the developer's expense.
 - e. Any new boundary planting must be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by sustainable modes of transport, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Prior to commencement of the development, a written scheme of investigation including a programme of archaeological trial trenching must be submitted to and approved in writing by the local planning authority. The archaeological trial trenching must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

6. Following completion of the archaeological trial trenching required by Condition 5 and prior to the approval of any Reserved Matters, a mitigation strategy detailing the excavation/preservation strategy must be submitted to and approved in writing by the local planning authority. The works detailed in the mitigation strategy must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

7. Within three months of the completion of the works required by Condition 6, a post-excavation assessment (including the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report) must be submitted to and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. Prior to commencement of the development, a revised Construction Environmental Management Plan (CEMP: Biodiversity) must be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity must include:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Thereafter the development must be carried out in accordance with the approved CEMP: Biodiversity.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

9. Prior to commencement of the development, an Ecological Design Strategy (EDS) must be submitted to and approved in writing by the local planning authority. The EDS must address the recommendations in the submitted extended Phase 1 Habitat report (James Blake Associates, July 2017), and must include:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate e.g. native species of local provenance
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Persons responsible for implementing the works
- h) Details of initial aftercare and long-term maintenance
- i) Details for monitoring and remedial measures
- j) Details for disposal of any wastes arising from works

The EDS must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

10. Prior to commencement of the development, a farmland bird mitigation strategy must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved strategy.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under s40 of the NERC Act (Priority habitats and species). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

11. Prior to the installation of any external lighting, a lighting design scheme sensitive to biodiversity must be submitted to and approved in writing by the local planning authority. The scheme must:

- identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)

No external lighting shall be installed other than in accordance with the approved scheme.

REASON: To ensure that the development would not disturb bats or prevent bats using their territory, in accordance with the local planning authority's duties under s40 of the NERC Act 2006 (Priority habitats & species).

12. Within three months of commencement of the development, a Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The LEMP must include:

- a) A description and evaluation of the features to be managed

- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

The LEMP must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

13. Prior to commencement of the development, a scheme for the improvement of the existing foul and surface water drainage system must be submitted to and approved in writing by the local planning authority. The scheme must be completed either prior to occupation of any dwelling or in accordance with a phasing schedule contained within the scheme.

REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment or general amenity arising from flooding, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

14. Prior to commencement of the development, a detailed surface water drainage scheme must be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to equivalent rates (1 in 1, 1 in 30, 1 in 100) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage with the inclusion of long term 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
- 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 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 approved scheme must be completed prior to occupation of any dwelling, or in accordance with a phasing schedule contained within the scheme.

REASON: In accordance with House of Commons Written Statement 161:

Sustainable drainage systems and the National Planning Policy Framework, and specifically:

- 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.

And, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

15. Prior to commencement of the development, a scheme to minimise the risk of off-site flooding and prevent pollution during construction must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved scheme.

REASON: To ensure that the development would not increase flood risk elsewhere or cause water pollution, in accordance with the National Planning Policy Framework. And, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

16. Prior to commencement of the development, a detailed Maintenance Plan for the surface water drainage scheme must be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must thereafter be maintained in accordance with the approved Plan.

REASON: To ensure the long-term effectiveness of the surface water drainage scheme, in accordance with House of Commons Written Statement 161: Sustainable drainage systems and the National Planning Policy Framework. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the local planning authority and work halted on the part of the site affected by the unexpected contamination.

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, and must assess any contamination on the site, whether or not it originates on the site. It must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to human health, property (existing or proposed), adjoining land, groundwaters and surface waters
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the

Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

18. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Ardent Consulting Engineers report (Ref: S481-02A) dated August 2017. The scheme shall show outdoor amenity areas to meet the guideline level of 55 dB LAeq 07.00 hrs to 23.00 hrs. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of residents, in accordance with Policy GEN4 and Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

19. Prior to commencement of the development, a Construction Environmental Management Plan detailing how nuisance from construction activities will be minimised must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved Plan.

REASON: To protect the amenity of residents, in accordance with Policy GEN4 and Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

20. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) Hours of operation, delivery and storage of materials;
- b) Vehicle parking, turning and loading arrangements;
- c) Management of traffic;

- d) Control of dust and dirt on the public highway and wheel washing;
- e) Waste management proposals;
- f) Mechanisms to deal with environmental impacts such as noise and air quality.

REASON: In the interests of highway safety and the control of environmental impacts in accordance with Policy GEN1 and GEN4 of the Uttlesford Local Plan (adopted 2005).

21. No development hereby approved shall commence until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with the mitigation suggested in the Ardent Consulting Engineers air quality assessment dated February 2018 (ref: S481-04). The development shall be carried out in accordance with the approved scheme prior to the first occupation of the permitted dwellings.

REASON: To prevent pollution of the environment and protect local air quality in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

22. 5% of the dwellings must be built in accordance with Requirement M4(3) (Wheelchair user dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

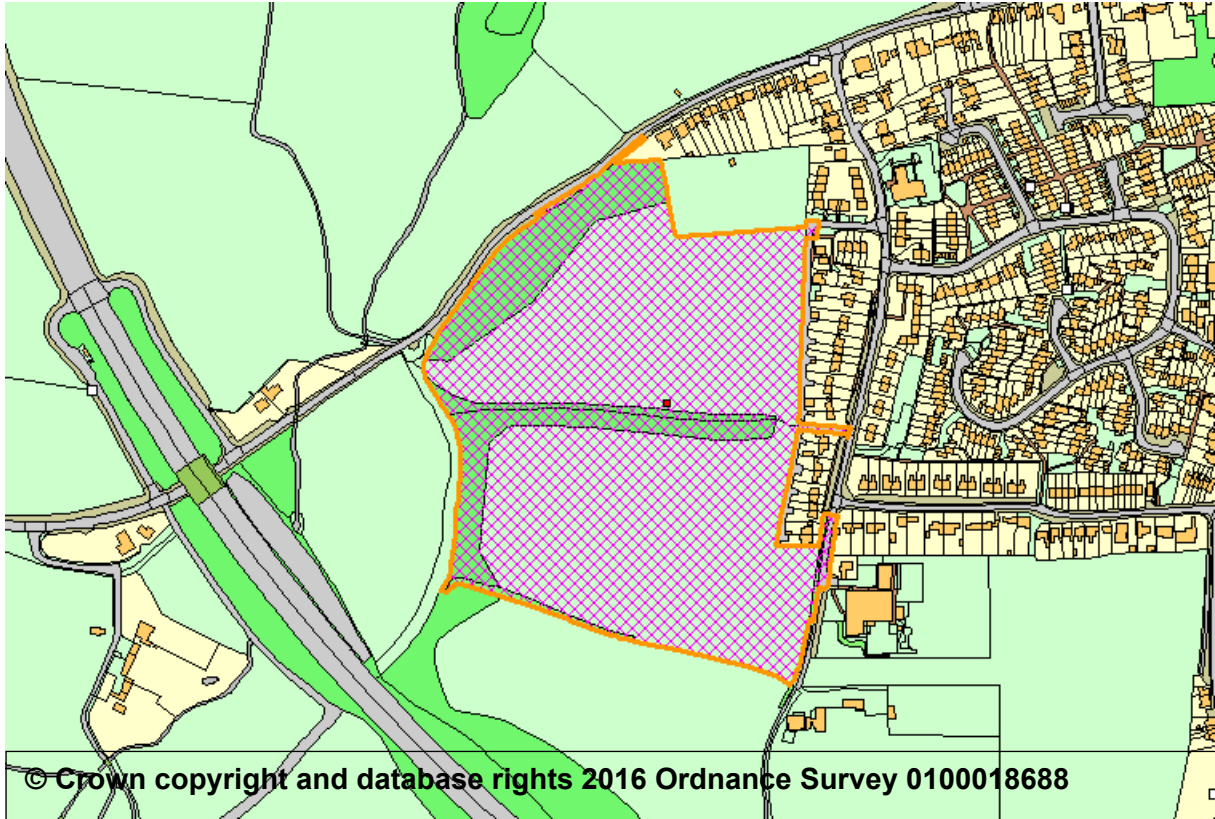
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

23. All dwellings shall have vehicle electric charging points provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the size, scale and location of the development and the number of vehicle movements generated in combination with committed development this will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2868/OP

Address: Land to the South of Wicken Road, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018