

UTT/18/0750/OP – THAXTED.

(reason for referral: more than five dwellings).

PROPOSAL: Outline application for the demolition of the existing buildings and the erection of fifteen dwellings with all matters reserved except layout and access.

LOCATION: Land at Claypits Farm, Bardfield Road, Thaxted, CM6 3PU.

APPLICANT: Salacia Limited.

AGENT: Mrs Hazel Izod, Sworders.

EXPIRY DATE: 30 September 2018.

CASE OFFICER: Peter McEvoy.

1. NOTATION:

1.1 NOTATION:

The following planning constraints apply to the application site:

- Thaxted conservation area.
- partly inside and partly outside Thaxted's development limits.
- TPO on site.
- archaeological site.
- general aerodrome directions.

2. DESCRIPTION OF SITE:

- 2.1 The application site lies towards the east of the centre of Thaxted, and to the south of the ribbon development of Bardfield Road. For ease of reference, the site is behind Thaxted's fire station.
- 2.2 The application site is brownfield: it is a former farm, with associated farm buildings and silos in a poor state of amenity. The land rises in a north to south direction and the applicant states that the development area would be 0.71ha (71 000m²).

3. PROPOSAL:

- 3.1 The applicant originally requested outline planning permission for the demolition of the existing buildings on site and the erection of up to sixteen dwellings. All other matters, apart from access, were reserved and would have been determined at a later application.

The entrance would be from the existing access point at Bardfield Road, though with modifications to comply with highway safety. The road would then follow the rise of the land, leading to the housing development that would be arranged along the road and a 'T' shaped cul-de-sac.

Following consultee comments regarding the number of dwellings and the general arrangement of the development, amongst other factors, the applicant revised the

proposal and the amendments can be summarised as follows:

- the proposed number of dwellings has been reduced from sixteen to fifteen of the following house types:

5	two bed
7	three bed
3	four bed

- additional planting to soften the buffer between the development and the heritage asset as well as the entrance site.
- parking layout reduced to lessen the prominence of on street parking. The applicant is required.
- outline consent is now sought for layout as well as access.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

4.1 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:

The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE:

5.1 The applicant company has included the following documents as part of its submission:

- bat survey report and outline bat mitigation strategy.
- design and access statement.
- drainage strategy (revised).
- planning statement (including subsequent additional information).
- transport statement.
- tree survey.
- National Planning Policy Framework (NPPF) update.
- sustainable drainage checklist (revised).
- biodiversity checklist and preliminary ecological appraisal report.

6. RELEVANT SITE HISTORY:

6.1 There is no relevant planning history for this site, but the applicant did seek pre-application advice from the LPA (ref: UTT/17/1497/PA) where the Council indicated that the scheme would be broadly acceptable.

7. POLICIES:

7.1 National Policies:

- National Planning Policy Framework (2018).

7.2 Supplementary Planning Documents/Guidance:

- SPD Parking Standards Design and Good Practice.
- SPD Accessible Homes and Playspace.
- Essex Design Guide (2018).
- Strategic Market Housing Assessment.

7.3 Local Plan Policies (2005):

- Policy S3 – Other Development Limits.
- Policy S7 – The Countryside.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy ENV1 – Design of Development within Conservation Areas.
- Policy ENV2 – Development affecting Listed Buildings.
- Policy ENV12 – Protection of Water Resources.
- Policy ENV14 – Contaminated Land.
- Policy H10 – Housing Mix.
- Policy H9 – Affordable Housing.

7.4 Other considerations:

- Thaxted Conservation Area Appraisal.

7.5 Thaxted Neighbourhood Plan:

The Thaxted Neighbourhood Plan has now been submitted for examination, with an initial report expected in the next couple of weeks. Paragraph 48 of the NPPF (2018) states that the weight given an emerging plan depends on a number of factors:

- the stage of preparation of the emerging plan;
- its consistency to the Framework's policies; and
- whether there are any unresolved objections to relevant policies.

The Plan has not been adopted ('made') yet and so it cannot be used as a basis for planning policy, a view confirmed by a Planning Inspector in the recent appeal case at Little Maypole in Thaxted (APP/C1570/W/17/3187821). The applicant is not required to meet the policies of the Thaxted Neighbourhood Plan and its associated documents.

8. PARISH COUNCIL COMMENTS:

8.1 The Parish Council is supportive of the development on the site and considers that the scale of development proposed is reasonable, but they object to the proposal for the following reasons:

- sight lines are over land that is outside the applicant's control, in other words, Essex County Council and Thaxted Parish Council. The Parish Council is not prepared to allow its land to be used in this way as it may prejudice future council aspirations.
- the site is within the conservation area, and they consider that any planning application should be for detailed consent and they do not believe that Uttlesford District Council can determine this outline application and indeed must refuse it.

- impact on the setting of Claypitts Farmhouse, a listed building.
- pressure to lop or even fell the sycamore tree which is subject to a preservation order that is on the island in the middle of the junction.
- the applicant did not work closely with those directly affected by the proposal, or take into account the important role in facilitating social interaction and creating healthy and inclusive communities, contrary to the NPPF.
- the Parish Council would want the development to incorporate safe and accessible developments, with legible pedestrian routes and high quality public space which encourages the active and continual use of public areas.
- no affordable housing.
- no community green space.
- concerns about access routes, especially as the proposed entrance is opposite a school and runs in front of a listed building.

9. CONSULTATIONS:

9.1 The Local Highways Authority (Essex County Council):

- 'Pre-app consultation took place on this application and as a result a safety audit and swept path analysis were requested. The proposed accesses have the required visibility, it has been demonstrated that a large refuse vehicle can enter the site via the improved eastern access. Although this access is opposite Magdalen Green, the low number of vehicles likely to use the development access means this is unlikely to be an issue and it was not raised in the safety audit.
- 'It is understood that the access road will remain a private road and not be offered for adoption. Adequate visibility has been demonstrated along the private road and the proposed road markings and signage make clear that pedestrians will be using it. A footway is to be provided to connect the western access road to the existing footway on the southern side of Bradfield Road.
- 'Therefore it is considered that the proposal is not detrimental to highway safety.'

9.2 Environmental Health (Uttlesford District Council)

This consultee raised two points:

(a) noise attenuation:

The proposal site is located in an area which will be subject to noticeable aircraft noise. Noise exposure contours published by CAA indicate the site lies within the 48 dB LA_{eq} contour for night noise, and the development therefore has the potential to be adversely affected by unacceptable levels of noise pollution. A condition should be attached to any planning permission requiring a scheme of noise mitigation has been submitted and approved in writing by the local planning authority before work begins on the scheme.

(b) site contamination:

The proposal site has previously been used as a vehicle workshop and storage barn. A Phase 1 desk top study accompanies the application, and it recommends further investigation to evaluate the risk to human health and other receptors. A

condition should be attached to any planning permission requiring an acceptable remedial scheme to remove any contamination on site before work begins on the development.

9.3 Anglian Water:

The company does not object to the proposal, subject to a condition attached to any planning permission requiring a surface water management stratagem has been submitted to and approved in writing by the local planning authority to address any issues arising from flooding. The applicant has submitted a revised drainage plan, but the LPA had not received the water company's response by the time this report was written.

9.4 Ecology (Essex County Council – Place Services):

There was an initial holding objection, but after further consultation between the applicant's agent and Place Services, the scheme is now considered to be broadly acceptable.

9.5 Conservation Officer (Uttlesford District Council):

The Conservation Officer had concerns regarding the original indicative layout would be unlikely to result in a high quality development. It implies a standard unremarkable grouping of houses of untraditional wide spans, car dominated street scene and predicted close boarded fencing facing open countryside. To overcome these problems, the number of units would have to be reduced.

Subsequent to the revised application, the officer made the following comment: The revised indicative layout represents some improvement to the previous one. However I still foresee design issues which will have to be overcome at full application stage. The applicant should consider the use of units of much more traditional narrower span and steeply pitched roofs. Seven parking spaces should not form an entrance to the site and the road should be terminated in a dwelling forming a visual stop rather than perceived access to a potential further development of the agricultural land. It should be made clear that only highest quality of natural materials including hand made plain clay tiles and painted timber external joinery would be acceptable.

9.6 Sustainable drainage (Essex County Council, Development and Flood Risk)

There was an initial holding objection, but after the applicant provided further information and a revised drainage scheme, the scheme is now considered to be broadly acceptable, subject to conditions.

9.7 Crime Prevention Officer:

We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development in accordance with Local Plan Policy GEN2(d). From experience pre-planning consultation is always preferable in order that security, environmental, and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document 'Q' compliance.

9.8 Aerodrome Safeguarding Response (MAG London Stansted Airport):

The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted

Airport has no safeguarding objections to the proposal.

- 9.9 The LPA also sought the views of the Council's landscaping officer, Affinity Water, amongst others but had not received an response at the time this report was prepared.

10. REPRESENTATIONS:

- 10.1 The LPA advertised the proposal by way of a site notice and notifying forty four neighbouring occupiers. The responses, which includes additional comments made following the reconsultation may be summarised as follows:

- road safety concerns.
- traffic generation.
- 'line of sight' which passes through our drive.
- access may have to be widened and likely to provide detrimental to the setting of the farmhouse and possible risk to a large sycamore tree.
- possible right of way easement crosses the application site.
- the extension of the existing footpath require major infrastructure works which would involve significant road traffic confusion with consequent danger to school children attending the nearby school.
- loss of view.
- over intensive development against the Thaxted Historic Character Assessment.
- commonplace design with little architectural merit.
- visually intrusive development on the edge of the historic core of the village and it would be adjacent to the Grade II listed property, Claypitts Farmhouse.
- design concerns, for example the buildings should be limited to one and a half story given the elevation of the site compared to its surroundings.
- given the sensitivities of the site, it is inappropriate for the application to be for outline permission only.
- no guarantee of that housing mix would be carried through to the full application.
- no provision for low cost housing.
- part of the site is within the conservation area and any development must enhance the special character of the site, including the setting of Claypitts Farmhouse.
- views of the house from the road and the views from it by its occupants from should be protected at all costs to preserve the site's heritage.
- vague plans.
- no consultation.
- concerns about flood risk and drainage plans.
- cramped and overbearing on the Bardfield Road streetscene
- loss of privacy to occupiers of 'Swallows', Bardfield Road
- any attempt to excavate the ground near boundary walls would require

underpinning to prevent subsidence, in addition to relocating Victorian sewerage pipes (with two inspection covers), gas, electricity and other infrastructure.

Note: these comments include those submitted by The Thaxted Society and the Thaxted Neighbourhood Plan Steering Group.

- 10.2 The following planning matters are considered in the report:
- highway access
 - sustainable drainage.
 - impact on the conservation area.
 - impact on the setting of a listed building.
- 10.3 The following issues will be considered when the applicant submits an application for the reserved matters:
- design, properties' scale, appearance, and the proposal's relation to the general streetscene.
 - impact on residential amenity, such as a neighbouring occupier's loss of privacy.
- 10.4 The following points are not material planning considerations:
- loss of a view over land under the control of a third party.
 - damage to third party property during construction works would be resolved between the relevant parties, through legal action if necessary.
 - the possible existence or establishment of easement rights is a matter for the parties concerned and it is not a determining factor in whether or not to grant consent. In any event, planning permission would be subject to any such rights.
- 10.5 Other comments:
- the plans are detailed enough to determine an outline application, though they would not be sufficient to assess a full planning application.
 - the LPA would encourage consultation between the applicant and neighbours, but there is no requirement for the applicant to do so for schemes of this size.

11. APPRAISAL:

- 11.1 This application is for outline permission only. The applicant is requesting outline planning permission to determine if the principle of the proposed development can be established on this particular site, the proposed layout is satisfactory and if the local highways authority consider that the intended access is acceptable.
- 11.2 Certain other planning matters naturally arise when deciding the principle of development, such as whether the site is contaminated, and if it is, whether the proposed mitigation measures are sufficient to ensure that the site would be suitable for residential housing. Considering these matters now – known as 'front loading' – provides the applicant with some certainty about the proposal. They are listed below.

11.3 Other planning matters, though they are important, are not considered at this stage. They include visual and residential amenity, impact on the street scene and so on. The applicant will need to make a further and more detailed application for these reserved matters and neighbouring occupiers and other consultees will have the opportunity to comment further on the application. The grant of outline permission does not guarantee that the Planning Committee would approve any subsequent proposal for the reserved matters.

11.4 On this basis, then the planning considerations are:

- A The principle of development (NPPF, Local Plan Policies S3 and S7).
- B Access (Local Plan Policy GEN1).
- C Biodiversity (Local Plan Policy GEN7).
- D Drainage (Local Plan Policy GEN3).
- E Impact on the conservation area (NPPF, Local Plan Policy ENV1, Thaxted Conservation Area Appraisal).
- F Impact on the setting of the nearby listed building (NPPF, Local Plan Policy ENV2).
- G Noise sensitive development (Local Plan Policy ENV10).
- H Layout (Local Plan Policy GEN2).
- I Housing Mix (SMAA, SPD, Local Plan Policy H10).
- J Affordable Housing (Policy H9).

A The principle of development:

11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being partly outside any settlement limits, that is, within the open countryside and so both Policy S3 (other development limits) Local Plan Policy S7 (the countryside) apply to the proposal.

11.2 Policy S3 permits village extensions at Thaxted if the development is compatible with the settlement's character and countryside setting. A full assessment of the development in these terms would be more properly assessed in the reserved matters stage, but if the development is sympathetically design then there is no reason to suppose that the proposal would not meet Policy S3's requirements. In any event, only a very small part of the site to the north lies within the settlement boundary.

11.3 Policy S7 recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot. However, policy S7 cannot solely be used in the determination of the application for the following reasons:

- (a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework in March 2012, which was subsequently revised in July 2018. The Framework obliged planning authorities to take a more flexible approach to sustainable development; and
- (b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.

11.4 (a) *The introduction of NPPF:*

The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it took a too restrictive to sustainable development in the countryside.

11.5 (b) *A five year supply of housing:*

The NPPF requires the Council to identify at least five years' supply of housing land.

11.6 The Council's most recent housing projection was in August 2018 and it identified that the housing land supply for Uttlesford was less than the five year requirement. In such circumstances, the LPA must apply paragraph eleven of the Framework and grant planning permission if:

- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and
- any harm arising from the proposal's harm does not *significantly* and demonstrably outweigh any benefit created by the development, which would be assessed on whether the proposal meets all other relevant planning policies.

11.7 *NPPF sustainability criteria:*

Economic role: a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

The application site is within easy reach of town's services and facilities and adjacent to existing residential units. The development would address, albeit in a small way the Council's shortfall of housing supply. Any economic benefit created by the construction of the development would be limited and temporary in nature, and so would carry limited weight. The new occupants would support Thaxted's services. Against this benefit, the LPA notes that there are limited employment opportunities in Thaxted.

Social role: supply the required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Future occupants could readily access Thaxted's centre. Future occupiers would have the opportunity to take part in the town's social activities and to support the local community. The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

Environmental Role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site is currently in a poor state of repair and the conversion of redundant and unremarkable farm buildings to a modern and potentially attractive development would improve the local environment. Furthermore there is an additional benefit from the dwelling units being energy efficient with features to ensure low carbon usage, as required by building regulations.

- 11.8 To conclude, without a current five year supply of housing, the LPA must assess the proposal against the NPPF's sustainability criteria, rather than just Policies S3 and S7. Developments should be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy all three criteria. The principle of the development on the site is acceptable – providing the proposal meets all other relevant planning policies.

B Access:

- 11.9 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1).
- 11.10 Essex County Council, who act as the local highways authority, have examined the plans and they are satisfied that the proposal would not compromise the general safety of the highway. The applicant undertook pre-application advice with the highways authority and was able to demonstrate that the visibility splays met the authority's required standards, emergency vehicles would be able to access all parts of the site and the limited traffic generation created by a relatively small scheme would not be material to justify a reason for refusal on safety grounds. In relation to pedestrians, additional footpaths would be provided with proposed road marking and signage to make drivers aware of the presence of non-vehicular highway issues.
- 11.11 Overall the officers consider the proposal to be acceptable in terms of highway safety and traffic generation, subject to the conditions.
- 11.12 There appears to be some disagreement over the ownership of land that would provide the necessary visibility splays for the site entrance. This is not a planning consideration and the LPA does not have the necessary capacity to adjudicate on such matters. The applicant is responsible for ensuring that visibility splays are both achievable and can be maintained, otherwise any permission could not be implemented.
- 11.13 Parking requirements will be decided at the reserved matters stage.

C Biodiversity and Protection of Natural Environment:

- 11.14 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat' (p33) and the NPPF emphasises the need for the planning system to enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The application site is not subject of any statutory nature conservation designation.
- 11.15 Policy GEN2(b) applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 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.
- 11.16 Place Services considered the applicant's initial biodiversity documentation to be

unsatisfactory as the report did not clarify the proposed mitigation and enhancement measures for bats, a protected species. Following Place Service's holding objection, the applicant provided the additional information to address these concerns and the LPA has received an email from the officers confirming that they were happy with the proposal, subject to conditions.

D Drainage:

- 11.17 The site lies within flood risk zone 1 (as identified by the Environment Agency's flood map) which means that it is at the lowest risk of flooding. Local Plan Policy GEN3 states that development in such locations must not increase the risk of flooding through surface water run-off onto land owned by third parties, or the highway. A properly designed drainage scheme should minimise the risk. Sustainable drainage should also be considered as an appropriate flood mitigation measure in the first instance. The representations from Anglian Water are noted.
- 11.18 In relation to drainage, the applicant's original proposals were deemed to be unsatisfactory because the original documentation did not comply with the County Council's requirements. The applicant then submitted further and more detailed information and on the basis of those documents, the consultants withdrew their holding objection, subject to the applicant.
- 11.19 The applicant has indicated a willingness to enter into a s106 agreement with the LPA to provide a sustainable drainage plan.

E Impact on the conservation area:

- 11.20 Policy ENV1 is concerned about the design of a development within a conservation area. A proposal would comply with this policy, if it would preserve or enhance the character and appearance of the conservation area, which is set out in the Thaxted Conservation Area Appraisal.
- 11.21 Based on the Council's proposal map, only the far top left north western corner, including the access point and a small part of the access road is within Thaxted's conservation area. The majority of the proposal lies outside the conservation area and so any detrimental impact would not be material.

F Impact on the setting of the listed building:

- 11.22 Policy ENV2 requires any development that has the potential affecting a listed building should be in keeping with the asset's scale, character and surroundings. The development is considered to be a sufficient distance away from the listed building to ensure that any impact would not be enough to justify a refusal on these grounds.

G Noise sensitive development and disturbance from aircraft:

- 11.23 Policy ENV10 states that noise sensitive development, such as housing, would not be permitted if the occupants would experience significant noise disturbance, based on the appropriate noise contour for the type of development and the proposed design and sound proofing features.
- 11.24 Aircraft movements are a major source of noise in Uttlesford. The site is close to Stansted Airport and so there is a potential for future occupiers of the development to experience excessive noise from aircraft approaching and leaving the airport.

- 11.25 The Council's Environmental Health Officer has identified the site as being in area which would be subject to noticeable aircraft noise and so the development has the potential to be adversely affected by unacceptable levels of noise pollution. The Officer therefore recommends a noise mitigation scheme as a condition of planning permission to ensure the estate's future occupiers have an element of protection against elevated noise levels. The LPA considers that such a requirement is reasonable under the circumstances.

H Layout:

- 11.26 Policy GEN2 provides guidance on the layout of a development, which includes how the development is arranged and whether it makes a positive contribution to the immediate area in terms of visual and residential amenity and to future occupiers as well. The Essex Design Guide also provides considerable guidance and suggestions.

- 11.27 In terms of the development the following points apply:

- the applicant has stated that the Council's guidelines on private amenity space will be met, that is an area of 50m² for the two bedroom dwelling and 100m² for houses with three or more bedrooms. These guidelines ensure that the dwellings are a sufficient distance apart to prevent a crowded overdevelopment.
- the dwellings are orientated in an east to west direction, like the properties along Bardfield Road with the dwellings along the turning circle providing an element of the closing off of the development and making a clear demarcation with the countryside beyond.
- the Conservation Officer's comments relating to the visible car parking and gaps in the buildings are noted, but these could be overcome to a large extent by sympathetic planning to provide an element of screening.
- the local highways authority has not expressed any concern about access for emergency vehicles across the site.
- the LPA is unable to give a definitive guide about residential amenity, such as the potential for overlooking, as this will depend on final design details, which would be determined at the subsequent reserved matters stage. Nevertheless, there is no reason to suppose that the proposal would create a detrimental impact on amenity, providing it was carefully designed.

- 11.28 Overall, the proposal's layout is considered acceptable.

I Housing mix:

- 11.29 Local Plan Policy H10 states that residential development on sites of 0.1ha or are proposing three or more dwellings should include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, the Council has adopted the Strategic Housing Market Housing Assessment (September 2015). The Assessment identified that the market housing needs for Uttlesford had changed since the Local Plan in 2006. The supplementary planning document, Accessible Homes and Play Spaces also requires that residential developments of ten or more should provide bungalows as part of the scheme.

- 11.30 The applicant's proposed housing mix is summarised in the table in paragraph 3.1, and the proposal broadly complies with the requirements of Policy H10 and the Strategic Housing Market Assessment.

J The provision of affordable housing.

- 11.31 The affordability of housing is a particular concern in the district with many residents unable to purchase their own home due to the high price of property. Local Plan Policy H9 recognises this issue and residential developments are expected to provide a number of affordable dwellings: the exact amount depends upon the size of the development, amongst other factors.
- 11.32 Despite the provisions of Policy H9, however, the Government has issued several guidance notes relating to affordable housing, including the vacant building credit ('VBC') which the Government believes can encourage the redevelopment of small brownfield sites, which often require disproportionate remedial costs. The applicant has asked the LPA to apply the VBC criteria to this proposal. The VBC is now part of the NPPF (paragraph 63).
- 11.33 Where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building, in certain circumstances developers are given an allowance – the credit – which can be offset against their requirement to provide affordable housing (or a financial contribution to provide affordable housing elsewhere).
- 11.34 Only vacant buildings which have not been abandoned can count towards the credit (NPPF, page 17) This requirement prevents an applicant deliberately making buildings vacant for the sole purposes of re-development, such as determining a lease to remove tenants.
- 11.35 The amount of credit is based on the difference in the floor spaces of the site's vacant buildings and the new development, expressed as a fraction against the floor space of the new development. Affordable housing contributions may be required for any *increase* in floor space.
- 11.36 By way of an example, where a vacant building with a gross floor space of 16 000m² is to be demolished as part of a proposed development with a gross floor space of 20 000 m², then any affordable housing contribution should be a fifth (ie 4 000 ÷ 20 000) of the level that would normally be sought.
- 11.37 The applicant's justifications and calculations are set out in the accompanying planning statement and so are not reproduced here, but the applicant argues that as the development would result in a *reduction* of floor space, then the LPA cannot require the applicant to contribute to affordable housing. Officers have assessed the document and have to concur with the applicant's analysis.

12 CONCLUSION:

- 12.1 The proposal is in accordance with national and local planning policies and so it is a satisfactory form of development for the following reasons:

- A** The site is considered to be in a sustainable location and so the principle of a residential development at this location has been established.

- B** The Local Highways Authority is satisfied that the proposal's access would not compromise the safety of the highway and so are acceptable.
- C** Place Services is satisfied that the proposal would not have an adverse effect on the biodiversity of the site, subject to conditions.
- D** Essex County Council is satisfied that the drainage arrangements are sufficient for the site's intended use.
- E** There are no material impacts on either Thaxted's conservation area, or the setting of the nearby heritage asset.
- F** Future occupiers of the site could be adversely affected by aircraft noise, but sufficient counter measures could be introduced to minimise such an impact. A noise impact assessment is therefore required to ensure that the risk is addressed.
- G** The layout, whilst perhaps not the best possible for the site, is still nevertheless considered to be acceptable, subject to later design detailing.
- K** The proposed housing mix is acceptable.
- L** There is no requirement for the applicant to provide affordable housing or a financial contribution in lieu of affordable housing on site.

RECOMMENDATION – APPROVE WITH CONDITIONS, SUBJECT TO A SECTION 106 AGREEMENT TO SECURE A MANAGEMENT PLAN RELATING TO SUSTAINABLE DRAINAGE.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Parking, storage facilities and wheel cleaning facilities to be provided on site from commencement and throughout the period of construction.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Uttlesford Local Plan Policy GEN1.

- 3 Prior to first occupation, the eastern access shall be provided as shown in principle on drawing number IT143/SK/04 with a minimum width of 5.5m and associated visibility splays of 2.4 by 43m in both directions. The visibility splays for both the eastern and western accesses and the access road shown on the drawing, shall be provided before the first use by vehicular traffic associated with the development and retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

and Uttlesford Local Plan Policy GEN1.

- 4 Prior to first occupation a footway of minimum width 1.5m shall be provided to link the western access with the existing footway on the southern side of Barfield Road

Reason: To increase the accessibility for pedestrian in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 5 The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

Reason: To ensure that appropriate parking for vehicles and cyclists are provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policies GEN1 and GEN8.

- 6 No development shall commence until a scheme of noise mitigation has been submitted and approved in writing by the local planning authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00)	30 dB LA _{eq} and 45 dB LA _{max} .
Living Rooms (07.00-23.00)	35 dB LA _{eq}

The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

Reason: in the interests of the amenity of future occupiers and in accordance with Uttlesford Local Plan Policy ENV10.

Justification: a pre-commencement condition is necessary to ensure that the applicant's proposed mitigation measures to safeguard the amenity of future occupiers will be sufficient to guard against noise, as far as possible, before building work begins.

- 7 No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination, based on the findings of the ground conditions report prepared by Herts and Essex Site Investigations dated October 2017, has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

If found to be necessary as a result of the above, then a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within three days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of the above paragraphs, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph three.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters or harm to human health, and in the wider interests of safety and residential amenity, in accordance with Uttlesford Local Plan Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 8 No works shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The Scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems Design Guide and should include but not be limited to:

- Limiting discharge rates from the site to 2l.s^{-1} as indicated within the Revised Drainage Strategy
- Provide sufficient surface water storage so that the runoff volume not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 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 scheme shall subsequently be implemented prior to occupation.

Reason: to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, 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 and in accordance with Uttlesford Local Plan Policy GEN3.

Justification: 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.

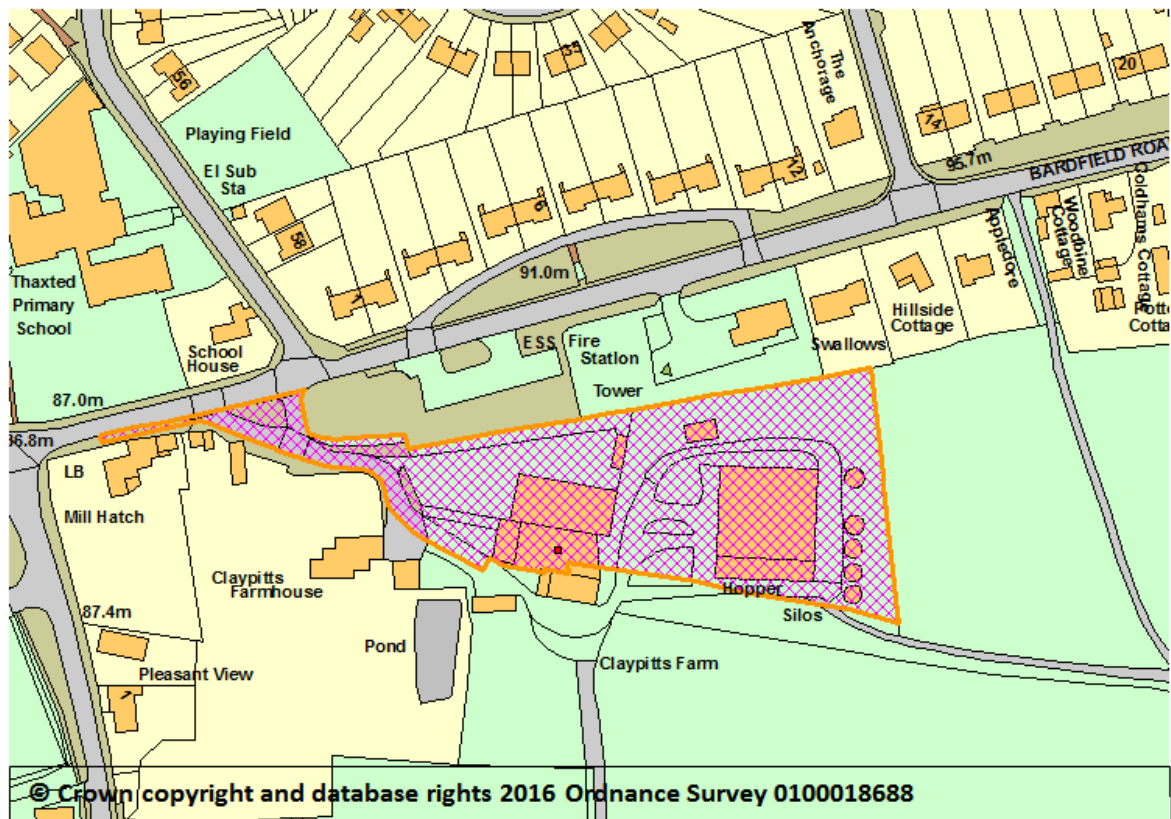
- 9 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities and frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 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 and in accordance with Uttlesford Local Plan Policy GEN3.

Justification: 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.

- 10 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 and in accordance with Uttlesford Local Plan Policy GEN3.



Organisation: Uttlesford District Council

Department: Planning

Date: 18 September 2018