

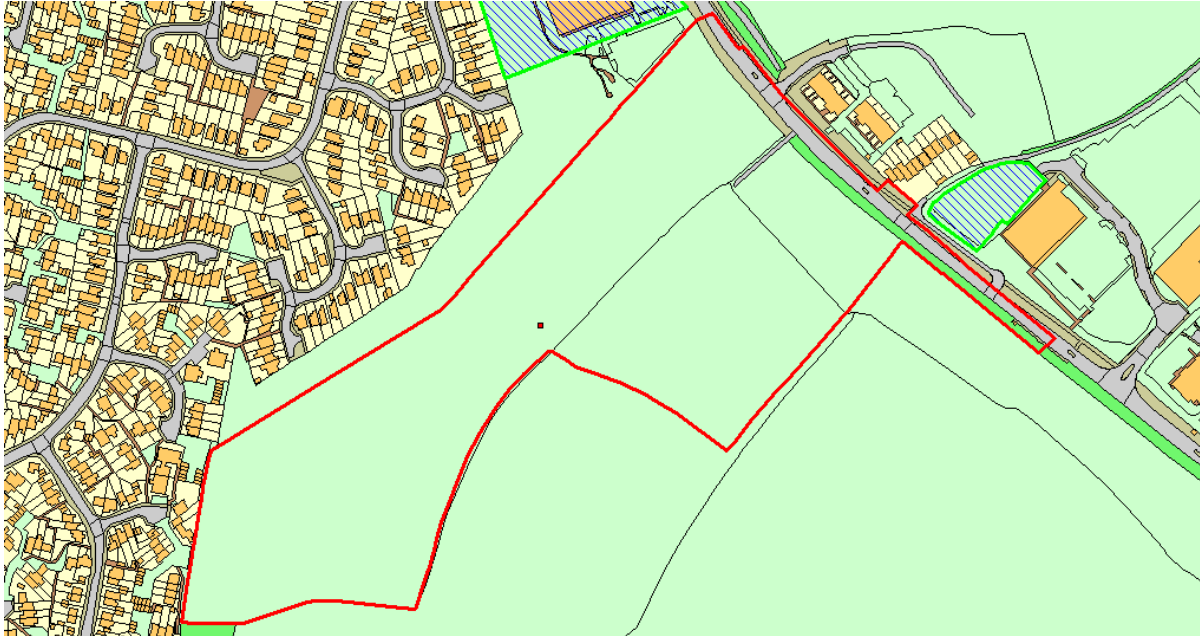
ITEM NUMBER:

PLANNING COMMITTEE DATE: 11/1/2023

REFERENCE NUMBER: UTT/22/3258/PINS

LOCATION: Land To The West Of, Thaxted Road, Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date:19/12/2022**

PROPOSAL: Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road

APPLICANT: Kier Ventures Ltd

AGENT: Mr S Brown, Woolf Bond Planning

DATE CONSULTATION RESPONSE DUE: 17th January 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: This is a report in relation to a major (full) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1 RECOMMENDATION

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

2 SITE LOCATION AND DESCRIPTION:

2.1 The proposed application site is located to the south west of Thaxted Road on the edge of the town of Saffron Walden. The site is approximately 7.8 hectares in size and its topography consists of a modest slope falling from the rear western boundary to the front eastern boundary.

- 2.2** The site is formed by three distinct fields currently in arable production and free of any established built form. Mature vegetation in the form of established hedgerows and medium size trees are located along the boundaries of the site and internally splitting the fields.
- 2.3** Immediately adjacent to the northern boundary is a small area of public open space with residential housing, a community skate park, and the Lord Butler Leisure Centre. To the west lies further residential housing and a primary school. New development in the form of a retail park consisting of commercial premises, restaurants and a hotel, along with new residential housing is located on the opposite side of Thaxted Road to the east.
- 2.4** In terms of local designations, the site is defined as being outside of the settlement boundary of the Town of Saffron Walden and thereby located in the countryside. The Environmental Agency Flood Risk Maps identifies a site to be located within 'Flood Zone 1'. The site does not fall within or abuts a conservation area, although a grade two listed building known as 'The Granary' lies to the south west of the site. There are no local landscape designations within or abutting the site.

3. PROPOSAL

- 3.1** This applications seeks outline planning permission with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with a new access from Thaxted Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/12/6004/SCO	Request for screening opinion in respect of proposed residential development (225 dwellings) including extension to Stake Park	Refused,3/6/2016al lowed at appeal
UTT/13/2060/OP	Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site.	Application Refused 2nd May 2014). (Dismissed at Appeal Ref: APP/C1570/A/2221 494 2nd June 2015).

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 6.1** The LPA has engaged in pre application discussion with the planning agent concluding that in light of the above appraisal and for the reasons highlighted, it is officers' opinion that the principle of the development of the site could be considered appropriate when one applies the tilted balance.

However, this would involve the applicant to provide substantial evidence as part of the submission to clearly demonstrate that the benefits of the proposals would outweigh the potential harm that the proposals may cause.

At this stage, it is understood that further work is being undertaken in the background in the preparation of the supporting documentation to help illustrate that any perceived/potential negative harm is avoided, reduced, or offset as well as the benefits that the scheme will manufacture.

As such, officers are not in the position as to the potential recommendation as all final information and documentation would need to be viewed individually and collectively so that a full and quality assessment can be carried out.

- 6.2** It is confirmed a statement of community involvement has been submitted with the application advising the engagement with the community via electronic feedback between the 28th October and 13th November 2022. 1110 people in total provided feedback, the majority of the comments received were focused on the following:

Increase traffic congestion,
The impact on the local infrastructure,
Environmental concerns,
Support and opposition to the development,

Kier Ventures has undertaken consultation to make sure local residents, and the wider community have been engaged ahead of the submission of the planning application.

7. STATUTORY CONSULTEES

- 7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 30th December 2022.

- 7.2** Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

- 7.3** **The Health & Safety Executive**

7.4 The site is not within the consultation distance of a major hazard site or major hazard pipeline.

8 PARISH COUNCIL

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 30th December 2022.

No comments have been received from Saffron Walden Town Council.

9 CONSULTEE RESPONSES

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 30th December 2022. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report.

Notwithstanding, the following comments have been received: -

9.2 UDC Housing Enabling Officer

9.2.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 170 units. This amounts to 68 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The tenure split of the affordable housing provision needs to be 70% for affordable rent, 25% for First Homes and 5% for shared ownership. The mix of the affordable housing can be agreed if outline planning approval is granted for the development.

The First Homes will need to be delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.

9.3 Place Services - Heritage

9.3.1 No objections,

The closest designated heritage asset is the Barn at Herberts Farm, there is a large field gap between this asset and the proposals. The proposals will change the setting of the listed building however given the distance between the site due to the existing fields, plus mitigation through landscaping, I do not consider the proposals to result in harm to the significance of the listed building. I also do not consider the proposals to result in harm to the significance of the Saffron Walden Conservation Area.

9.4 Place Services Archaeology

9.4.1 No objections subject to conditions for the submission and approval of a programme of archaeological investigation has been submitted and approved by the LPA.

9.5 Essex Police

9.5.1 No Objection, we would require the finer detail such as the proposed lighting, landscaping, boundary treatments and physical security measures.

9.6 Cadent Gas

9.6.1 No objection.

9.7 UK Power Networks

9.7.1 No Objection.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending 9th January 2023.

UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

Notwithstanding the above, PINS has granted Uttlesford District Council an extension until 17 January 2022 to submit comments due to the Council's scheduled timetable for Planning Committee meetings.

11. MATERIAL CONSIDERATIONS

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

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

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

(a) 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.

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

11.4 The Development Plan

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

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV1 – Design of Development within Conservation Areas

ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing Development
H9 – Affordable Housing
H10 – Housing Mix

12.3 Supplementary Planning Document or Guidance

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

13 CONSIDERATIONS AND ASSESSMENT

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

- 13.2**
- A) Principle Of Development**
 - B) Highways Considerations**
 - C) Design, Landscape and Heritage**
 - D) Housing Mix and Tenure**
 - E) Flooding**
 - F) Energy And Sustainability**
 - G) Air Quality and Pollution**
 - H) Ecology**
 - I) Planning Obligations**
 - J) Other matters**
 - K) Planning Balance and Conclusion**

13.3 (A) Principle of development

13.3.1 The application site is located outside the town of Saffron Walden where the principle of development would not generally supported as outlined in Policy S7 of the Uttlesford Local Plan.

13.3.2 However, regard must be given the fact that the Uttlesford Local Plan is not up to date and significantly pre – dates the National Planning Policy Framework 2021.

13.3.3 Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS). Both of the

aforementioned factors are cited in paragraph 11 of the NPPF as grounds to grant planning permission unless:

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

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

13.3.4 With regard to (i) above Guidance is given in the NPPF re the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change

13.3.5 The application site is not located within an area that is specifically protected as outlined in (i) above.

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

13.3.7 The proposal seeks outline planning permission for up to 170 residential units. This quantum of development would make a valuable contribution to the district's housing supply. In principle the proposal may be acceptable subject to an assessment of sustainability.

13.3.8 There are three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application.

13.3.9 Economic:

The NPPF identifies this is contributing to building a strong, responsive and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

The NPPF identifies this is contributing to building a strong, responsive and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure. In economic terms the proposal would have short – term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of local support of services and infrastructure provision arising from the proposed residential development.

13.3.10 Social:

The NPPF identifies this is supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing. In social terms, the proposal would make a reasonable contribution to local/regional/national housing supply in an area that has a reasonable level of public transport accessibility. The proposal would also make a suitable contribution to the provision of affordable housing. Additional social benefits include the provision of public open space/play/recreation areas.

13.3.12 Environmental:

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.

13.3.13 The site is currently undeveloped, and the proposal will therefore result in the loss of land that is in agricultural use. The proposal seeks to compensate for this loss with an indicative housing density of 39 dwellings per hectare providing a variety of landscape features both within the site and around its perimeters; together with the provision of a SUDS, indicative internal roads are wide, and include planted areas for landscape enhancement.

13.3.14 The proposed development will included landscaping edge to the boundaries of the site, in particular the eastern boundary that will further enclose the development in conjunction with the ancient woodland to the south. The scheme secures high quality residential environment together with extensive areas of open space, a children's play park, cycle path and walking routes.

13.3.15 It is acknowledged that the site is situated outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and would normally preclude the location of this form of development in this location.

13.3.16 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

- 13.3.17** The landscape of the site itself is not particularly unusual and contains features which are present within the wider area. This does not mean however, that the site has no value, and that it is regarded as having a medium to high sensitivity to change.
- 13.3.18** The proposal would introduce built form onto an area of open countryside. The application would elongate development into the open countryside where it is currently devoid of buildings.
- 13.3.19** The development of the site will impact upon the cross-valley views and characteristic views across the meadow fields in the locality that would be widely seen from public vantage points including the Public Rights of Way (PRoW) to the south and north of the site, residential receptors to the north and west, and nearby highways
- 13.3.20** The proposals will inevitably cause some level of harm upon the character and openness of this part of the countryside due to the changing nature of the site from arable fields to one consisting of new built form of a substantial size.
- 13.3.21** The application includes the submission of a Landscape and Visual Appraisal (FPCR Environment and Design Ltd- Nov 2022) and confirms that the proposal would be similar in character to the existing residential development to the west, and the retention of the existing woodlands and trees will further mitigate the appearance of the scheme. The Landscape and Visual Appraisal concludes that the receiving landscape is one that can accommodate change (given the context provide by existing built form), with the consequential effects of the proposed development it is considered that the site and the immediate landscape is one that could accommodate change as presented by the proposed development and the consequential effects would not result in any unacceptable level harm to landscape character or visual resources.
- 13.3.22** As proposed a well-designed residential development situated to the west of Thaxted Road can be accommodated within the local landscape with minimal adverse impact upon the wider landscape character and visual resources. Within the site proposed built development would create a high quality scheme that relates well to the adjacent settlement and does not harm Saffron Walden's character. A cohesive green infrastructure framework is proposed, providing an attractive setting to the proposed development. Vegetation cover would be increased along retained field hedgerow boundaries, ensuring that the proposed built development could be well integrated within the local landscape.
- 13.3.23** ULP policy ENV5 considers the protection of agricultural land and advises development of best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required,

developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

13.3.24 The application site comprises of Grade 2 land which is considered good quality agricultural land. In terms of policy ENV5, this policy is only partly consistent with the Framework and the requirement to undertake in effect a sequential approach is not consistent with the Framework, however the Framework does provide significant weight to the protection of the best and most versatile agricultural land. Although the proposal will include the permanent loss of the agricultural land the benefits arising from the proposed development could be substantial and the benefits of housing delivery, affordable housing and the other benefits set out in section K of this report could all individually carry substantial weight.

13.3.25 Having regard to the details set out in the submitted Landscape and Visual Appraisal, location of the application site to nearby services and the lack of a 5YHLS, the proposal is considered likely to be acceptable in principle.

13.4. (B) Highways Considerations.

13.4.1 Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network

c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.

e) The development encourages movement by means other than driving a car.

13.4.2 The means of access is considered in this outline planning application. Vehicular access to the proposed dwellings will be provided by a single means of access from Thaxted Road. The proposed arrangements for vehicular access to the Site that is proposed to take the form of a giveway controlled priority junction off the B184 Thaxted Road sited opposite The Kilns and 60 metres (centre to centre) south-east of the recently constructed traffic signals junction serving the development to the east of Thaxted Road.

13.4.3 The proposed vehicular access involves widening of the B184 Thaxted Road within publicly maintainable highway land, adjacent to the Site to

enable a ghosted right turn lane into the Site to be accommodated as well as maintaining the existing ghosted right turn lane into The Kilns. These works will also require the removal and replacement of the existing traffic island to the north-west of The Kilns.

13.4.4 The proposal which seeks consent for 170 residential units will, cumulatively lead to an increase in traffic movements within the locality. The submitted Transport Assessment advises the proposal could be expected to generate 621 daily vehicle movements. However, in mitigation the applicants suggest that the application site, within walking and distance from the facilities available within Saffron Walden, gives a real opportunity for the majority of trips to be made on foot and by bicycle thereby contributing towards sustainable modes of transport and corresponding reduction in traffic emissions. At this stage however, as no comments are available from Essex County Council as Highway Authority it is not possible to assess whether vehicular movements associated with this proposed development is acceptable.

13.4.5 There will be a need to comply with the Council's parking standards as outlined in the Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009). There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling. These are matters that will be considered further at detailed stage.

13.4.6 The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development. Details regarding the parking provision for this scheme will be considered at reserved matters stage when detailed layouts have been provided.

13.5 C) Design, Landscape and Heritage.

13.5.1 This application seeks consent for the principle of the development and the access only at this stage; with scale, layout, external appearance and landscape considerations being reserved for future consideration.

13.5.2 The guidance set out in Section 12 of National Planning Policy Framework outlines that proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

- 13.5.3** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 13.5.4** The wider landscape to the south of the site is characterised by gently undulating agricultural fields along the Cam Valley. Vegetation cover along field boundaries, lanes and track varies, typically including hedgerows, with occasional copses, tree belts and woodland. Providing an appropriate relationship with the existing settlement edge and wider rural character can be achieved by respecting the framework of established streets, public open space and field hedgerows and by setting development back from site boundaries to minimise the visual impact.
- 13.5.5** A cohesive green infrastructure framework is proposed, providing an attractive setting to the proposed development. Vegetation cover would be increased along retained field hedgerow boundaries, ensuring that the proposed built development would be well integrated within the local landscape.
- 13.5.6** The application has been submitted with an illustrative masterplan and land use parameter plan and green infrastructure parameter plan demonstrating potentially how this development form could be accommodated on the site. The extent to which these aspirations have been achieved cannot be assessed at this stage, due to the lack of detailed information including comments from the Council's Landscape Officer.
- 13.5.7** The illustrative plans indicates that there is a potential to provide the number of units proposed; with buildings generally at two storeys. However, the Illustrative Masterplan does provide an opportunity for two and a half storey houses in the eastern part of the site. All of the dwellings proposed in the western part of the site are proposed as a maximum of two storeys in height, with some bungalows proposed to the higher parts of the site to the south-west. Apartment buildings are to be designed as three storey focal buildings; and placed in key locations where they can act as visual markers to streets and spaces.
- 13.5.8** The Illustrative Site Plan provides for up to 170 dwellings which equates to a gross density of 39dph. However further consideration is required of the overall layout details including pedestrian connectivity to the site and surrounding area. It's also considered that and aspects of the landscape features of the proposals may need further consideration. However, these are matters that would be considered in future submissions, should consent be granted.

- 13.5.9** In regards to heritage, the application site lies within the setting the grade two listed building known as 'The Granary'. Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 13.5.10** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 13.5.11** A Heritage Statement has been submitted with the application and advises the scheme will not result in any harm to the setting of any listed buildings and as such, heritage is not a footnote 7 consideration that could otherwise disengage the presumption in favour of sustainable development. The Council's Heritage Consultant has reviewed the proposal and advises the proposals will change the setting of the listed building however given the distance between the site due to the existing fields, plus mitigation through landscaping, it is not considered the proposals to result in harm to the significance of the listed building. I also do not consider the proposals to result in harm to the significance of the Saffron Walden Conservation Area.
- 13.5.12** Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. Place Services (Archaeology) have provided comments advising the Historic Environment Record shows that the proposed development lies in an area of potential archaeological deposits directly southwest of Thaxted, southeast of the historic settlement of Saffron Walden. As such a condition for trial trenching is recommended in line with the National Planning Policy Framework paragraph 205.

13.6 D) Housing Mix and Tenure

- 13.6.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market

Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Paragraph 62 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

13.6.2 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 170 dwellings. This amounts to up to 68 affordable homes. The applicant is aware of this requirement. This weighs in favour of the scheme.

13.6.3 Layout is not being considered at this stage and as such there will be further opportunity to ensure that an appropriate housing mix is secured. Notwithstanding it is the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). A condition requiring this will be suggested if the Inspector is mindful of granting consent.

13.7 E) Flooding

13.7.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

13.7.2 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

13.7.3 The application is supported by an outline Flood Risk Assessment and Drainage Strategy. This outlines that the proposed development will follow best practice regarding site drainage to ensure that surface water runoff from the development is managed. The surface water run-off from the site will be directed towards and drained by areas of permeable paving, under drained swales, attenuation ponds and an infiltration basin. It is also proposed that during the detailed design, raingardens and tree pits are considered, to increase the benefits to the site. It is proposed that foul water should be disposed of by connecting to the extended sewer in agreement with the relevant asset owner.

13.7.4 The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs.

13.8 F) Energy And Sustainability

- 13.8.1** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' requires new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.
- 13.8.2** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures.
- 13.8.3** However, given the outline nature of the application under consideration which is seeking consent for access only at this stage; it is not possible to provide a detailed analysis of this aspect of the scheme at this stage.

13.9 G) Air Quality and Pollution

- 13.9.1** Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.
- 13.9.2** The Air Quality Assessment ("AQA") considers the potential of the Proposed Development to cause impacts at sensitive locations. These may include fugitive dust emissions associated with construction works and road traffic exhaust emissions from vehicles travelling to and from the Proposed Development during the operational phase.
- 13.9.3** The submitted Air Quality Assessment advice the proposed development has the potential to expose future users to elevated pollution levels in the vicinity of the Site during operation. Model results indicates that future users are unlikely to be exposed to pollutant concentrations that exceed Air Quality Objectives (AQOs).
- 13.9.4** The use of Electric Vehicle Charging Points will help mitigate against climate change and harmful impacts to air quality.
- 13.9.5** Policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users. Given the previous use of the site and the nearby uses, there may be the potential that the site contains contaminated deposits. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. It I noted no contamination assessment has been submitted with the application.
- 13.9.6** The application has been submitted with an Acoustic Assessment which seeks to demonstrate that the proposed residential development can be provided in this location without harm to residential amenity. It concludes the assessment has demonstrated that incident ambient noise levels

around the proposed residential development should not be viewed as a constraint for the planning application.

13.9.7 An assessment of air quality, noise pollution and land contamination cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS.

13.10 H) Ecology

13.10.1 The application has been accompanied by an Ecological Assessment and supplementary supporting documents which indicates the impact to habitat and protected species primarily comprise the minor loss of hedgerow, which is suitable habitat for reptile, GCN, and bats, and the loss of the arable land, which comprises suitable breeding habitat for skylark. The loss of what is mostly habitat of negligible ecological importance and the introduction of new areas of more valuable habitat is considered to provide an overall long-term benefit to biodiversity and protected species on the site. The proposals demonstrate that a 10% BNG is achievable on-site. This assessment is based on the loss of predominantly arable land and a minor removal of hedgerow, replaced by the proposed planting areas of grassland, mixed scrub, and SuDS features.

13.10.2 Due to the nature of the application process; wherein consultee have not been obtained (and will be submitted directly to the Planning Inspectorate); it is not possible for the Local Planning Authority to provide further details on this aspect of the development.

13.10.3 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations.

13.10.4 Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

On-site provision

- On-site provision of affordable housing (40%),
- On-site public open space, including ongoing maintenance,
- Travel Plan,
- Provision of a Green Orbital Route through the Site,
- Car club.

Off-site provision

- Provision of public open space,

- Healthcare care,
- Education (early years and primary),
- Off-site highway works, including the provision of a shared footway and cycleway improvements on the B184 Thaxted Road.
- New bus stops on the B184 Thaxted Road, to include passenger facilities, step-free access, seating and real-time passenger information)

13.11 J) Other matters

13.11.1 From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

13.11.2 The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

13.11.3 The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

13.11.4 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by the 29th of December 2022. However, due to the planning committee falling on the 11th January 2023, an extension of time was sought and agreed with the planning inspectorate until the 17th January 2023. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

13.11.5 The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

13.12 K) Planning Balance and Conclusion

13.12.1 The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply (although the position is improving). Additionally, the Uttlesford Local Plan significantly predates National Planning Policy

Framework 2021; meaning that some (not all) policies do not fully comply with it.

13.12.2 As a result of both of these factor's paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

13.12.3 In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

13.12.4 **Benefits:**

- Sustainable location of the site that linked to the existing main settlement.
- Provision of up to 170 dwellings would represent a boost to the district's housing supply. The provision would also provide economic gains in the form of additional local use of services.
- The proposal would provide additional housing to the locality including much needed affordable housing at 40%. This would equate to 68 affordable homes.
- Proposed indicative/illustrative layout indicates an intention to make efficient use of the land available with proposed development that is commensurate with the surrounding locality. 39 (DPH) dwellings per hectare.
- This site represents a location where there would be no significant impact upon the landscape, historic environment nor on the amenity of neighbouring properties.
- The scheme secures high quality residential environment together with extensive areas of open space, a children's play park and walking routes.

13.12.5 **Adverse impacts:**

- In environmental terms the proposal will result in the loss of agricultural land.
- Potential to affect the setting of the Grade II listed building 'The Granary'
- Potential impact upon the character and openness of this part of the countryside due to the changing nature of the site from arable fields to one consisting of new built form.

- Potential decline in air quality and increase in noise pollution arising from additional traffic.
- Increase in traffic movements

13.12.6 Neutral:

- Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- Proposed travel plan to promote sustainable travel options including improved localised cycle/ pedestrian infrastructure.
- Indicative plans indicate an intention to provide landscape features at the site to compensate for the loss of green space.
- Proposed SuDs features on site.
- Proposed biodiversity net gain.

13.12.7 Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, ecology, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

13.12.8 All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.

13.12.9 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.