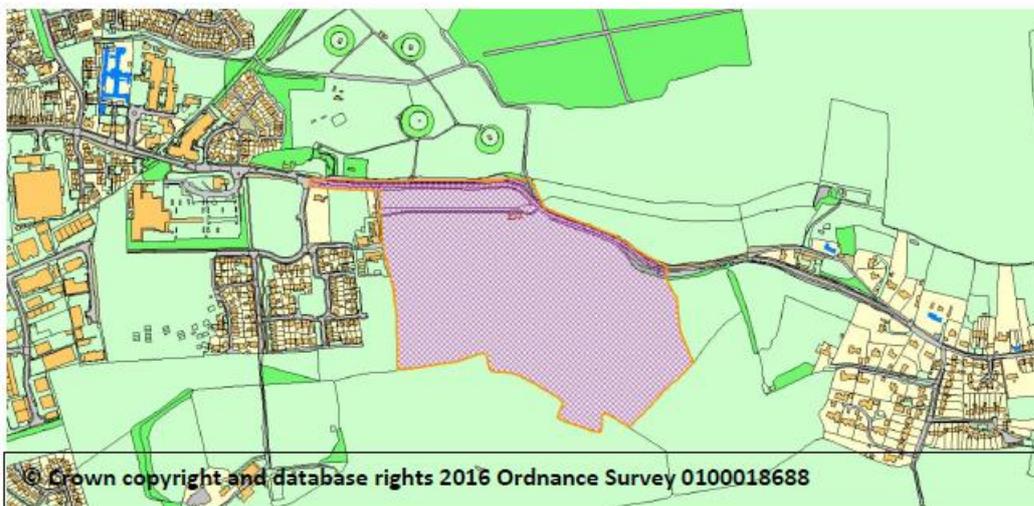


**ITEM NUMBER:**

**REFERENCE NUMBER: UTT/21/2509/OP**

**LOCATION: Land South Of (East Of Griffin Place), Radwinter Road, Swards End, Essex.**

**SITE LOCATION PLAN:**



Organisation: Uttlesford District Council

Department: Planning

Date: 03 march 2022

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Organisation: Uttlesford District Council      Date: 02.03.22

**PROPOSAL:** Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access

**APPLICANT:** Mr D Hatcher

**AGENT:** Peter Frampton of Framptons Town Planning

**EXPIRY DATE:** 28.02.22

**CASE OFFICER:** Henrietta Ashun

**NOTATION:** Outside Development Limits  
Minerals Safeguarding Area

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**1. RECOMMENDATION: REFUSE**

**1.1 REFUSAL REASONS:**

**1.1.1 Capacity**

The proposed development would result in residual and cumulative impact on the road network for the following reasons:

- c. The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
- d. The base case includes committed development and link road which is not the current position.

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

**1.1.1 Accessibility**

The application fails to demonstrate that pedestrian and cycle movement with neighbouring areas have been given priority, for the following reasons:

- a. There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
- b. The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

### 1.1.3

#### Mitigation

The proposed development would not provide deliverable or effective highway mitigation on the following grounds:

- a. It is not clear that the deliverability and cost of the schemes have been considered adequately.
- b. Radwinter Road/Thaxted Road junction:
  - i. Space around this junction is very constricted and there are a number of utilities in the footway
  - ii. The lane width for the head traffic from east to west is does not reflect the future use by HGVs or buses
  - iii. The right turn arrow towards Chaters Hill send traffic into the kerb line
  - iv. The mitigation is to the detriment of pedestrians
- c. Church Street High Street
  - i. The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
  - ii. Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

### 1.1.4

#### Ecology

The applicant has provided insufficient ecological information on European Protected Species (bats). The proposal is therefore considered contrary to the implementation of Policies GEN7 and ENV7 of the adopted Uttlesford Local Plan 2005 and the relevant passages contained within Section 15 of the National Planning Policy Framework 2021.

### 1.1.5

#### Climate Change

The proposed development would fail to provide and facilitate active travel measures and would therefore have a negative impact on the climate, the environment, and the local and national emissions goals. Therefore, the proposed development would be contrary to Policy GEN2, Uttlesford Interim Climate Change Policy and the NPPF 2021.

### 1.1.6

#### General Mitigation

The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development including affordable housing provision, contributions to education and contributions to libraries. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

## **2. DESCRIPTION OF THE SITE :**

- 2.1 The application site comprises a rectangular piece of land measuring 18.3ha to the east of Saffron Walden. The site is currently in arable agricultural use. A track is located to the north of the existing building and runs from east to west. A drainage ditch runs parallel to the track. The site slopes from the south-east to the north, directly adjacent to a residential development approved under UTT/13/3467/OP & UTT/16/1856/DFO, which is being implemented by Linden Homes. The site is within a Minerals Safeguarding Area and outside of development limits in the countryside.

### **PROPOSAL**

- 2.2 Outline planning permission is sought for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters are reserved except for means of access.
- 2.3 The following is proposed:
- Up to 233 residential dwellings
  - A net developable area of 6.52ha (36%)
  - Circa 35 dwellings per hectare
  - Public open space 10.09ha (55%.16) inc. SUDs
  - Primary Road infrastructure 1.69 (9%)
  - The applicant has indicated that the majority of the site would be characterised by 2-2.5 storey family housing except for the area to the north (forming the wetland edge which is a proposed to feature) linked to terraced 3-storey townhouses and apartment buildings.
- 2.4 The applicant has indicated that the majority of the site would be characterised by 2-2.5 storey family housing except for the area to the north (forming the wetland edge which is a proposed to feature) linked to terraced 3-storey townhouses and apartment buildings. The rural edge to the north-east is proposed to be 1.5 storeys.
- 2.5 Revised Housing Mix:
- One bed flat x 15
  - Two bed flat x 12
  - Two bed house x 38
  - Three bed house x 93
  - Four bed house x 54
  - Five bed house x 21

2.6 Since the application was submitted, additional information has been provided to try and address consultee concerns. Of note information concerning air quality and highway impact were also submitted. Accordingly, the Environmental Statement was amended and reconsulted on publicly.

### **3. ENVIRONMENTAL IMPACT ASSESSMENT**

3.1 The development is EIA Development for the purposes of the EIA Regulations (2017).

3.2 An Environment Statement (ES) accompanies the planning application and sets out the findings and conclusions of the Environmental Impact Assessment (EIA), which was undertaken for the proposed development to assess the impacts and scope for reducing them. The EIA has been undertaken in line with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

3.3 The proposed development is classified as an 'urban development project' under paragraph 10 (b) of Schedule 2 of the Regulations, and an EIA has been carried out to accompany the planning application as the scale of the development proposals are such that they are likely to have significant impacts on the environment. Albeit, the applicant does not consider that the proposed development constitutes EIA development and has stated that the EIA has been carried out on a voluntary basis.

3.4 A Scoping Opinion was adopted by Uttlesford District Council in respect of the proposed development as described, and advised that the following topics would be Scoped Into the ES, thus:

- Road traffic vibration (in the operational phase)
- Ecology/Biodiversity
- Heritage Impacts (to be included within the LVIA)
- Climate Change
- Major Accidents and disasters

3.5 The submitted ES reviews the impact on the agriculture, air quality, ecology, flood risk and drainage, landscape and visual, noise and vibration, socio-economics and health, transport and cumulative effects. These elements will be discussed within the body of the report.

### **4. APPLICANTS CASE**

4.1 The applicant has submitted the following documents to support the scheme:

- Parameters plans
  - Land Use
  - Building Heights
  - Access & Movement
  - Green Infrastructure
- Illustrative Masterplan (how residential could be delivered)
- Design and access statement
- Planning statement
- LVIA
- Topographical survey

- Transport Assessment
- Travel Plan
- Air Quality Assessment
- Agricultural Land Quality Report
- Minerals Resource Assessment
- Environment Statement
- Noise Assessment

## 5. RELEVANT SITE HISTORY

5.1 Northern field within the site was subject to a planning application in 1958 under reference SWB/0046/58 for the use of the land for housing, which was refused.

5.2 UTT/21/1138/SO - request for an EIA Scoping Opinion under Regulation 15 of the EIA Regulations 2017 for residential development of up to 240 dwellings, new access and associated landscaping and infrastructure was submitted by Rosconn Strategic Land.

5.3 Of note are the three sites which lies adjacent to the site:

1. Linden Homes UTT/13/3467/OP & UTT/16/1856/DFO (Land South of Radwinter Road) which is now being implemented
2. Middle Site/Dianthus UTT/17/2832/OP (Land North Of Shire Hill Farm)
3. Bellway (former Kier) site UTT/18/0824/OP & UTT/19/2355/DFO (land East of Thaxted Road)

### 5.4 Pre-application History

On 11 March 2021 the Applicant and its core consultancy team held a virtual pre-application meeting with Planning, Urban Design and Environmental Health Officers from UDC, with the Highways Officer from Essex County Council Highways Authority also in attendance to provide advice. Officers identified that there were a range of issues which needed to be resolved prior to submitted a planning application.

### 5.5 Statement of Community Involvement

The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- A presentation on the site, its constraints, opportunities and emerging proposals was made to the Swards End Parish Council's meeting on Tuesday 2 February 2021,
- A presentation of the proposals was made to members of Saffron Walden Town Council's virtual meeting on Thursday 11 February 2021.
- A website was constructed for the public to display the emerging illustrative masterplan, the virtual platform went live on 7 June 2022 for a period of 2 weeks.

- Leaflets were distributed to approximately 3,000 households in the vicinity of the Site to inform them of the website and how they could view the proposals and how they could leave comments.

## 6. CONSULTATION RESPONSES:

6.1 Saffron Walden Town Council and Swards End Parish Council prepared and issued a joint letters of objection on the following grounds:

- Planning Statement
- Outside settlement boundary
- Loss of agricultural land
- Impact on Landscape
- Access
- Traffic and AQMA
- Flooding
- Safety
- Noise
- Impact on ecology
- Heritage
- Scale of development
- Further Infrastructure required

External

## 6.2 ECC- Green Infrastructure

Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of UTT/21/2509/OP; however, we would advise the following recommended conditions are considered to improve the GI network and help achieve net environmental gains:

### CONDITION 1: ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in subsequent phases. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g. SSSI's etc.) will be protected during construction.

Reason: The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

### CONDITION 2 - ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape

management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included

Reason: To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Biodiversity Net Gain – within the draft biodiversity metric it is calculated that the site will provide a 12.4% net gain in habitat units and a 18.82% net gain in hedgerow units. These figures should be maintained as a minimum throughout the application process.

### 6.3 **ECC Place Services – Ecology**

Updated comments dated 03.01.22

Holding objection due to insufficient ecological information on European Protected Species (bats)

#### Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application due to a lack of information from the bat activity surveys.

#### Bats

Results of the bat activity surveys have not been provided. This information is required to help determine potential impacts upon bats and if any hedgerows on site are classified as 'important' for ecology under the Hedgerow Regulations 1997. Results of bat surveys undertaken on tree T5, due to be impacted by the proposals, are also required.

We recommend that details of survey methods, results and any necessary additional mitigation & enhancement measures are required to make this proposal acceptable is provided prior to determination.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species and be able to secure appropriate mitigation either by a mitigation licence from Natural England

or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Hazel Dormouse surveys are now complete with no evidence present on site and so no mitigation or further consideration for this species are required.

Breeding bird surveys undertaken by FALCO Ecology (October 2021) were undertaken mid-June to mid-July 2021 which missed the early breeding bird season, however, it was considered unlikely that many early breeding species that would be impacted by the proposed development would be present within the survey area.

Four Skylark territories were identified within the site. Other species recorded breeding on site included Dunnock, Song Thrush, Linnet, House Sparrow and Yellowhammer. Although mitigation during construction has been recommended in the Breeding Bird Survey Report (FALCO Ecology; October 2021), mitigation for the loss of foraging and nesting habitat for ground-nesting birds, including Skylark, has not been considered. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

A bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for as part of this application. This will require compensation measures to be provided on site or offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement.

An update EIA report and information on non-significant impacts on protected and Priority species and habitats (i.e. in a non-EIA chapter or separate documentation) have not been provided as part of this application. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

Holding objection due to insufficient ecological information on European Protected Species (bats, Hazel Dormouse), Protected species (Badger), Priority species (farmland birds) and Priority habitats (hedgerow)

#### Summary

We have reviewed the documents supplied by the applicant including the Biodiversity Checklist (Harris Lamb, January 2021), Preliminary Ecological Appraisal (Harris Lamb, November 2020) and Ecology Scoping Request (Harris Lamb, February 2021) relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as further surveys including for bats (activity and emergence/re-entry surveys), Hazel Dormice and Badger have been recommended in the Preliminary Ecological Appraisal (Harris

Lamb, November 2020). An assessment of the habitats on site and their ability to support farmland nesting birds such as Skylark has also not been undertaken. Skylark is a Priority species and so is a material consideration in planning applications. It is also necessary to determine whether any of the hedgerows on site are considered 'important' under the Hedgerow Regulations 1997.

Survey methods, results and any necessary mitigation and additional enhancement measures are supplied to make this proposal acceptable and should be provided prior to determination.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats and Hazel Dormice, both European Protected Species, and Badger which are protected under the Protection of Badgers Act 1992. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby", "Survey for dormice if the development will affect an area of woodland, hedgerow or scrub suitable for dormice habitat" and "Survey for badger if historical or distribution records show that badgers are active in the area or there is suitable habitat for sett building".

Bats and Hazel Dormice could be impacted by the loss of hedgerows and trees on site. If any trees with potential to support roosting bats or Hazel Dormice are to be impacted as a result of the development, then further surveys including emergence/re-entry surveys for bats and presence/absence surveys for dormice will need to be undertaken following best practice guidance (Collins, 2016 and Bright et al, 2006, respectively). Bat activity surveys are likely to be necessary to determine the use of the northern hedgerows by bats including Barbastelle, an Annex II species, known to be present in the north-west of the county. Details of survey results, mitigation & enhancement measures are required to make this proposal acceptable prior to determination.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

There is insufficient information available to identify the likely impacts upon Priority farmland birds, particularly Skylark which nest in arable fields. Although mitigation during construction has been recommended in the Preliminary Ecological Appraisal (Harris Lamb, November 2020), mitigation for the loss of nesting habitat for ground-nesting birds has not been considered. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

As a result, we recommend that further information should be provided to identify the likelihood of breeding Skylarks present within the site, which could be informed by a Breeding Bird Survey in line with BTO Common Bird Census methodology. If adverse impacts are likely to be caused to this Priority species as a result of the proposed development, then a bespoke

Farmland Bird Mitigation Strategy may be required to ensure that impacts upon nesting Skylark are mitigated and compensated for this application. This may require compensation measures to be provided on site or offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement.

As shown in the Preliminary Ecological Appraisal (Harris Lamb, November 2020), the hedgerows at the boundary met the criteria for UK Priority habitat. As at least some of this Priority habitat is due to be impacted by the proposed development, it is recommended that Defra's Biodiversity Offsetting Metric 3.0 (or any successor) should be used to demonstrate how impacts will be offset.

In addition, any hedgerows on site should also be assessed as whether they are 'important' under the Hedgerow Regulations 1997. It is highlighted that hedgerows which are 'important' under the Hedgerow Regulations 1997 should be avoided within the scheme design and a suitable compensation scheme must be agreed if these hedgerows are proposed to be impacted by the development.

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species & habitats and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Subject to the results of additional surveys, we support the reasonable biodiversity enhancements, which have been outlined within the Ecology Scoping Request (Harris Lamb, February 2021). This includes creation of grassland, planting additional native hedgerows and trees, increased watercourse/waterbody on site and appropriate native planting, the creation of hibernacula and installation of bat boxes. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021. It is recommended that this could also include the installation of bird boxes including the equivalent of one integrated Swift nesting box per dwelling. The reasonable biodiversity enhancement measures should be outlined in a Biodiversity Mitigation Strategy and should be secured by a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

#### 6.4

#### **ECC- Place Services – Heritage**

Revised Comments:

Built Heritage Advice pertaining to an application for the Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system

and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access.

The site is located to the east of Saffron Walden and is approximately 18 hectares in size. It is bounded on two sides by agricultural land, to the east and south. A new housing development to the west and Radwinter Road (B1053) to the north. The proposed development is up to 233 dwellings with access created off Radwinter Road. There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745).

Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).

This advice follows on from previous in the letter dated, 04/11/2021, following further discussions and a site visit.

It is unfortunate that this form of development will coalesce the separate developments of Saffron Walden and Swards End and I consider there to be potential for the master plan to be revised to result in a more sympathetic scheme. However, I do not consider the proposals to result in harm to the significance of the designated heritage assets, thus I raise no objection.

It is expected, should permission be granted, that further details upon design, materials and landscaping shall be secured through details following outline applications and that this will sympathetically respond to local character and distinctiveness.

Initial Comment:

The site is located to the east of Saffron Walden and is approximately 18 hectares in size. It is bounded on two sides by agricultural land, to the east and south. A new housing development to the west and Radwinter Road (B1053) to the north. The proposed development is up to 233 dwellings with access created off Radwinter Road. There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745). Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).

I do not consider the submitted Heritage Statement to be of sufficient detail for a fully informed assessment of the potential impacts of the proposals, and therefore fails to meet the requirements of Paragraph 194 of the NPPF (2021). Sufficient information regarding the significance of the heritage assets affected, including any contribution made by their setting, should be submitted to the Local Planning Authority. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, as per Paragraph 194. The report should also detail ways to maximise enhancement and to avoid or minimise harm, following the steps as

described in the Historic England Guidance Good Practice Advice Note 3: The Setting of Heritage Assets (second edition, 2017). I suggest viewpoints are provided, to and from, the affected heritage assets with an indicative outline of the proposed development. This will allow for an informed assessment upon the potential impact of the proposed development. At present, I am unable to support this application as there remains the potential for harm, Paragraph 202 of the NPPF (2021) being relevant.

## 6.5 **ECC Archaeology**

**RECOMMENDATION:** An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The Historic Environment Record indicates that the proposed development lies within an area of archaeological potential to the east of Saffron Walden. To the southwest of the proposed development recent archaeological excavations have identified Bronze Age round barrows and a number of Bronze Age and Iron Age pits (EHER48520). Roman finds have been recovered to the north, west and south of the site indicating some activity from this period within the area (EHER264, 261, 6745/46). Post-medieval field boundaries have also been identified in recent excavations to the west of the proposed development (EHER48792). A programme of archaeological geophysical survey has been undertaken and potential archaeological features have been identified within the proposed development area. There is therefore the potential for multi period remains/ deposits within the development area being impacted on by the proposed development.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of the proposed development. This should be undertaken prior to any reserved matters submission. A brief detailing the requirements of this work can be obtained from this office.

## 6.6 **ECC- Minerals and Waste**

The MWPA has reviewed this document and considered that the level of detail is commensurate with an outline application and it contains sound principles from which a more detailed SWMS/P can be based as part of any future full planning application.

**Highways Authority (ECC)**

Revised comments (10.01.21)

This proposal is located at the extreme north western edge of Saffron Walden town and is over 2km away from many of the services there, it is considered that the majority of trips will be undertaken in the car and the planning authority should take this into account when considering the overall sustainability of the site.

The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards.

The local plan is currently under consideration and options for Saffron Walden are being considered and evidence gathered. It has been acknowledged in the application that a relief road may be required. There is some intention to address this in the text, however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term.

Additional information was provided in the form of two notes dated December 2021. One titled Response to Highways Comment, the other Transport Assessment Updates. In addition a meeting was held on the 16th on December 2021 between the transport consultants and the highway authority.

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

The applicant has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility with particular regard to the following:

**Access**

1. The submitted application has not demonstrated that safe and suitable access for all users has been achieved because:
  - a. A safety audit and audit of the access and associated works against the standards in CD123 has not been provided for the access arrangements.
  - b. No visibility splays have been demonstrated for proposed pedestrian crossing to the east of the proposed access
  - c. The footway on the north side of Radwinter Road which links to the proposed bus stop and on to PROW 315/22 to Swards End is not to a current 2m standard width and will not accommodate 2 pedestrians passing.

**Capacity**

2. It cannot be determined from the submitted application that the residual, cumulative impact is on the road network is acceptable for the following reasons:

- a. The historic traffic data used to produce the flow diagrams has not been provided.
- b. The background growth applied with TEMPRO does not appear to be correct.
- c. The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
- d. The base case includes committed development and link road which is not the current position.
- e. ECC requires a scale drawing to be provided showing the geometric measurements for each of the junctions assessed in order for the models to be checked. The base models should be calibrated using the queue length surveys. These surveys should also be appended to the TA.

#### Accessibility

- 3. The submitted application has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority.
  - a. There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
  - b. The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation

#### Mitigation

- 4. The submitted application has not demonstrated that the mitigation proposed in the application will be deliverable for effective for the following reasons
  - a. A safety audit and audit of the highway mitigation works against the standards in CD123 has not been provided for any of the mitigation schemes
  - b. It is not clear that the deliverability and cost of the schemes have been considered adequately.
  - c. Radwinter Road/Thaxted Road junction:
    - i. Space around this junction is very constricted and there are a number of utilities in the footway
    - ii. The lane width for the head traffic from east to west does not reflect the future use by HGVs or buses
    - iii. The right turn arrow towards Chaters Hill send traffic into the kerb line
    - iv. The mitigation is to the detriment of pedestrians
  - d. Thaxted Road Junction with Peasland Road
    - i. The lane widths should be appropriated in relation to bus/HGV numbers
    - ii. The signals at the committed access should be taken into account when considering this scheme.
  - e. Church Street High Street
    - i. The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
    - ii. Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.
  - f. It has not been demonstrated that the Travel Plan will be effective in promoting sustainable modes of transport and reducing the car trips.
    - i. The objectives does not include reducing single occupancy vehicle use
    - ii. It does not contain the targets around increasing walking, cycling or bus travel

- iii. The time frame and targets do not extend to the full occupancy of the development
- iv. The action plan does not contain key actions to promote sustainable travel

The proposal is therefore contrary to the Highway Authority's Development Management Policies DM1, DM9, DM10 DM11, DM14, DM15 adopted as County Council Supplementary Guidance in February 2011, and the policy GEN 1 of the Uttlesford District Council Local Plan

Supplementary comments in response to applicants recent connectivity comments:

When we had the meeting with the Town Council, they said that they had concerns about where the link had been shown, because of the topography there, but that they supported the principle of a link. There is a hill there, but it not clear from a site visit whether this was manmade or not. The options should be considered on site and I am happy to meet with the developer and town council either virtually or on site to discuss this. Below is the snap shot of the highway record. The yellow is what is currently built out on the Vestry/Linden Homes site and is expected to be adopted after the maintenance period and where any footway/cycleway should link to (this is a snapshot of the website for information only and for a confirmed plan contact [highwayrecords@essexhighways.org](mailto:highwayrecords@essexhighways.org))

Main comments:

This proposal is located at the extreme north western edge of Saffron Walden town and is over 2km away from many of the services there, it is considered that the majority of trips will be undertaken in the car and the planning authority should take this into account when considering the overall sustainability of the site.

The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards.

The local plan is currently under consideration and options for Saffron Walden are being considered and evidence gathered. It has been acknowledged in the application that a relief road may be required. There is some intention to address this in the text, however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons: The applicant has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility with particular regard to the following

Access

1. The submitted application has not demonstrated that safe and suitable access for all users has been achieved because:

- a. A safety audit and audit of the access and associated works against the standards in CD123 has not been provided for the access arrangements.
- b. No visibility splays have been demonstrated for proposed pedestrian crossing to the east of the proposed access
- c. Further information is required concerning the delivery of the scheme in relation to the level differences and changes to geometry of Radwinter Road on the bend. It is not clear that the vegetation shown on the topographical survey, which is likely to form the boundary for the highway, allows a 2m footway to be provided within the highway or land in control of the developer
- d. The footway on the north side of Radwinter Road which links to the proposed bus stop and on to PROW 315/22 to Swards End is not to a current 2m standard width and will not accommodate 2 pedestrians passing.

#### Capacity

2. It cannot be determined from the submitted application that the residual, cumulative impact is on the road network is acceptable for the following reasons:
- a. The historic traffic data used to produce the flow diagrams has not been provided.
  - b. The background growth applied with TEMPRO does not appear to be correct.
  - c. The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
  - d. The base case includes committed development and link road which is not the current position.
  - e. ECC requires a scale drawing to be provided showing the geometric measurements for each of the junctions assessed in order for the models to be checked. The base models should be calibrated using the queue length surveys. These surveys should also be appended to the TA.

#### Accessibility

3. The submitted application has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority.
- a. There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
  - b. The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation
  - c. The potential of the public right of way network to link the site to the adjacent village has not been assessed.

#### Mitigation

4. The submitted application has not demonstrated that the mitigation proposed in the application will be deliverable for effective for the following reasons
- a. A safety audit and audit of the highway mitigation works against the standards in CD123 has not been provided for any of the mitigation schemes
  - b. It is not clear that the deliverability and cost of the schemes have been considered adequately.
  - c. Radwinter Road/Thaxted Road junction: i. Space around this junction is very constricted and there are a number of utilities in the footway.

Revised comments dated 07.02.22

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents: • Non-statutory technical standards for sustainable drainage systems • Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide • The CIRIA SuDS Manual (C753) • BS8582 Code of practice for surface water management for development sites. Lead Local Flood Authority position

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

Condition 1 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and 2 outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.
- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

Condition 2 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved. Reason The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may

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

Condition 3 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 3 Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. We also have the following advisory comments: •

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment> In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### Original Comments

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the

infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. For each of the four SuDS pond separate calculations should be provided.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system. Attenuation storage and pipe network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- Demonstrate the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, tank cover and invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation tank during 100year plus 40percent CC allowance.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- The applicant in their submission should also state that they 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.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

6.9

### **Environment Agency**

We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. However we have provided advise relating to the proximity to a COMAH site and the Biodiversity Metric below.

Proximity to a COMAH site.

The application area is located adjacent to a facility notified under The Control of Major Accident Hazards Regulations 2015 (COMAH) as a Lower Tier COMAH establishment, regulated by the COMAH Competent Authority

(the Health & Safety Executive and Environment Agency acting jointly). Operators of COMAH establishments must consider the potential for a major accident arising from their activities and take 'all measures necessary' to prevent and limit their consequences to people and the environment. Information on COMAH is available from the HSE website at <https://www.hse.gov.uk/comah/>. The HSE sets consultation distances around major hazard sites, such as COMAH establishments, and major accident hazard pipelines after assessing the risks and likely effects of major accidents at the major hazard. Major hazards comprise a wide range of chemical process sites, fuel and chemical storage sites, and pipelines. These consultation distances are based on available scientific knowledge using hazard /risk assessment models updated as new knowledge comes to light. The applicant and planning authority should also consider the potential environmental impacts on the development area from major accidents at the COMAH establishment. The planning authority should review any HSE major accident hazard consultation distance zones relevant to the planning application and consult the HSE by use of their Planning Advice Web App or directly, as appropriate. Further information on the HSE's Land Use Planning Methodology is available at

<http://www.hse.gov.uk/landuseplanning/methodology.pdf>.

#### Biodiversity Metric

You may wish to consider the application of the Defra Biodiversity Metric, it would appear that the applicant is not replacing high value Lowland Mixed Deciduous Woodland habitat like-for-like as is the preferred methodology within the metric. We would suggest a review of the acceptability of the habitat creation to ensure that the proposal is acceptable

#### 6.10 **Health and Safety Executive**

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### 6.11 **NATS**

No safeguarding objection

#### 6.12 **NATURAL ENGLAND**

##### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

There is an opportunity for seeking the provision of significant new woodland on the elevated south eastern part of the site as part of any detailed landscaping scheme.

#### 6.13 **Fisher German/ Exolum Pipeline System Ltd**

We confirm that our client Exolum's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit. It appears from the plans submitted by the applicant that their proposed development is to be constructed within close proximity to Exolum apparatus. Such works would require consent from Exolum and, in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation. We must therefore object to the planning application. My client must be consulted to ensure the proposal has no impact on their apparatus.

6.14

### **Affinity Water**

#### Water Quality

You should be aware that the proposed development site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (DEBD). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com)

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

Internal

6.15 **Tree and Landscape Officer**

The proposed development would clearly have a significant impact of the existing rural character the site, however, the visual impact on the wider landscape could be mitigated by an appropriate scheme of landscaping.

6.16 **Housing and Enabling Officer**

Updated comments in relation to amended housing mix:

The suggested housing mix is fine & meets what the SHMA 2017 stated was required. The suggested mix I provided previously was specific to Saffron Walden & was based upon Housing Register data and the need identified for shared ownership via the Help to Buy Agent (South) database. I provided this suggested mix as the SHMA data dates back to 2017 but the mix they are suggesting is fine. Given the ageing population of the district it would be good if they could see their way to providing some bungalows as part of the mix, but I suspect they may well be reluctant to do so given that it is not a planning policy requirement in the 2005 Local Plan.

Initial comments:

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 units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 233 units. This amounts to up to 93 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 12 bungalows across the whole site delivered as 5 affordable units and 7 for open market. The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than

10 with good integration within the scheme and be predominantly houses with parking spaces.

Homes should meet the following standards; 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house

6.17

### **Environmental Health**

Revised comments following the recent of updated AQA dated 14.12.21

This service has received the follow-up Air Quality Technical Note – Version 1 by Kairus Ltd dated 1/12/2021 to be read in conjunction with the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021. The report concludes that the overall impact of the development, if the new link road is not completed, would be negligible at all locations within Saffron Walden, including the Saffron Walden Air Quality Management Area (AQMA) which is approximately 800 metres to the west of the site.

This service therefore withdraws our objections to the scheme, subject to the conditions discussed below, as this development will still add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development affecting an Air Quality Management Area is expected to contribute to a reduction in levels of air pollutants within the AQMA's as explained in the UDC Air Quality Technical Guidance, therefore mitigation against these impacts is required and the developer has suggested various mitigating proposals.

As part of the application several highways improvements are being proposed to include the following:

- Radwinter Road/Thaxted Road/East Street/Chatters Hill – addition of a short separate right turn lane on Radwinter Road
- Thaxted Road/Peasland Road – conversion of existing mini roundabout to traffic signals
- High Street/Church Street – conversion of existing priority junction to traffic signals.

The developer has also proposed mitigation measures discussed below, however this service would recommend that additional measures are applied to the development to ensure they contribute overall to the reduction in air pollutant levels. These measures could include installing ground/air source heat pumps instead of gas boilers with solar panels & photovoltaics etc.

It is also extremely important that their proposal to provide suitable walking and cycling routes to access the nearby superstore and well as the town centre is undertaken, including the proposed bus stop with safe & convenient access. This will allow future occupants to shop and access services in a sustainable and non-polluting way.

The below mitigation measures have been proposed by the developer, however, where they state that passive provision for electric charging points will be provided for all on-plot car parking spaces, we would request that this is changed to active points for charging so the units are ready to

use upon occupation in line with the Council's Climate Change Policy and UDC Air Quality Technical Guidance.

It is recommended that the proposed mitigation measures in Section 8 of the report are enhanced as recommended above, and conditioned, in any approvals given.

The proposed mitigation includes:

- Secure cycle storage for residential units without covered parking or garages;
- Passive provision for electric charging points will be provided for all on-plot car parking spaces;
- A travel pack will be provided to all residents as part of the Travel Plan measures setting out public transport options, promoting cycling and walking routes;
- a Travel Plan (TP) will be developed for the Site which will implement measures to encourage the use of alternative more sustainable modes of transport and reduce the use of single occupancy car journeys;
- where provided, all gas fired boilers will meet a minimum rating of <40 KgNO<sub>x</sub>/kWh.

In addition to the above, the following additional measures are being proposed for inclusion within the scheme design that will contribute to a reduction in emissions and should be conditioned or subject to a legal agreement:

- provision of a bus stop on Radwinter Road in close proximity to the new site access point providing access to services between Audley End train station and Haverhill and providing an additional point on the east/west route connecting secondary schools in the area;
- provision of large public open space area for recreational purposes, reducing the need for residents to travel further afield for recreational needs;
- provision of extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road.

Further updated comments dated 30.11.21, following the submission of the noise assessment:

The findings in the acoustic report are satisfactory and the recommended conditions should be applied:

If you are minded to approve the application, the following condition is requested to ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment:

o Prior to occupation of the development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from roads and from the adjacent commercial units, for approval in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Resound Acoustics Report Reference: RA00693 – Rep I and shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014

Revised comments dated 07.10.21

This service has objections to the above application on air quality grounds subject to further evaluation being undertaken.

The Saffron Walden Air Quality Management Area (AQMA) is approximately 800 metres to the west of the site and this development will add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development affecting an Air Quality Management Area is expected to contribute to a reduction in levels of air pollutants within the AQMA's as explained in the UDC Air Quality Technical Guidance, therefore mitigation against these impacts is required.

This Service has viewed the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 which concluded a negligible impact on local Air Quality, however, the AQ Report has assumed that the Planned Link Road between Radwinter Road and Thaxted Road will go ahead and cycle/footpath links, bus stop etc will be available. In addition, as part of the application a number of highways improvements are being proposed to include the following:

- Radwinter Road/Thaxted Road/East Street/Chatters Hill – addition of a short separate right turn lane on Radwinter Road
- Thaxted Road/Peasland Road – conversion of existing mini roundabout to traffic signals
- High Street/Church Street – conversion of existing priority junction to traffic signals.

This service is not convinced these proposed alternative travel routes, cycle network and highways improvements will definitely be undertaken at this stage, and in the absence of Highways confirmation of approval, we request that an Air Quality Assessment is submitted showing the scenario if all the proposed mitigation proposals do not occur. This includes omitting their proposal to provide extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road if this is no longer possible to do.

The report should include an in-depth look at the effect the additional traffic will have on the Thaxted Road/Radwinter Road Junction. The council has extensive NO<sub>2</sub> monitoring at this junction as it is considered to be a problem junction in the AQMA due to congestion and quantity of traffic passing through it. Future residents from the East of Saffron Walden are all likely to pass through this junction as it is the main route to the train station, main trunk roads, services, shopping and the town centre. It is also worth noting that if a link road is built, it will most likely remove a lot of the traffic affecting this junction but may move the problem somewhere else.

If you are minded to approve the application without a further Air Quality Assessment, this service would like to make the following further points: Although the developer has proposed mitigation measures (listed below), this service would recommend that additional measures are applied to the development to ensure they contribute overall to the reduction in air pollutant levels. These measures could include installing ground/air source heat pumps instead of gas boilers with solar panels & photovoltaics etc. It is also very important that their proposal to provide suitable walking and cycling routes to access the nearby superstore and well as the town centre is undertaken, including the proposed bus stop with safe & convenient

access. This will allow future occupants to shop and access services in a sustainable and non-polluting way.

The below mitigation measures have been proposed by the developer, however, where they state that passive provision for electric charging points will be provided for all on-plot car parking spaces, we would request that this is changed to active points for charging so the units are ready to use upon occupation in line with the Council's Climate Change Policy and UDC Air Quality Technical Guidance.

It is recommended that the proposed mitigation measures in Section 8 of the report are enhanced as recommended above, and conditioned, in any approvals given.

The proposed mitigation includes:

- Secure cycle storage for residential units without covered parking or garages;
- Passive provision for electric charging points will be provided for all on-plot car parking spaces;
- A travel pack will be provided to all residents as part of the Travel Plan measures setting out public transport options, promoting cycling and walking routes;
- a Travel Plan (TP) will be developed for the Site which will implement measures to encourage the use of alternative more sustainable modes of transport and reduce the use of single occupancy car journeys;
- where provided, all gas fired boilers will meet a minimum rating of <40 KgNO<sub>x</sub>/kWh.

In addition to the above, the following additional measures are being proposed for inclusion within the scheme design that will contribute to a reduction in emissions and should be conditioned or subject to a legal agreement:

- provision of a bus stop on Radwinter Road in close proximity to the new site access point providing access to services between Audley End train station and Haverhill and providing an additional point on the east/west route connecting secondary schools in the area;
- provision of large public open space area for recreational purposes, reducing the need for residents to travel further afield for recreational needs;
- provision of extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road.

Comments dated 07.09.21

Air Quality

The AQ Report has assumed that the Planned Link Road between Radwinter Road and Thaxted Road will go ahead. If there is a chance this road will not be built, we will need to see a new Air Quality report taking this into account as this link road will most likely remove a large proportion of the future traffic going through the Saffron Walden AQMA making the current AQ Report inaccurate.

Therefore, this service cannot comment on Air Quality at the moment but will comment further once we have clarification on the link road.

## Noise

This service has viewed the Resound Acoustics Noise Impact Assessment Ref: RA00693 – Rep 1 dated 28 July 2021 and broadly agree with the road noise findings, however, no investigation was undertaken to assess the noise that may arise from the neighbouring commercial units (NW of site), including a taxi firm which may operate for 24 hrs. The activities at these units have the potential to cause noise disturbance to future residents and should be looked at in more detail during normal conditions (not lockdown). This needs to be done prior to designing final plans as it may have an impact on the ability to develop this part of the site.

If you are minded to approve the application, the following condition is requested to ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment:

- Prior to any above ground development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from roads and from the adjacent commercial units, for approval in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014.
- No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

The proposal indicates that two 'Play Spaces' will be formed and there may be the potential for noise disturbance from this, therefore full details of the proposed scheme should be submitted for prior approval to ensure the development does not have any harmful impact to the surrounding residential properties with regard to noise and disturbance.

## Construction Noise & Dust

In view of the scale of the development as proposed, it is recommended that the following Construction Environmental Management Plan condition is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated, the measures in Appendix F of the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 shall be incorporated into the CEMP:

- Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt, including on the public highway

- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

#### Contaminated Land

This service has viewed the JPP Phase I Desk Study Report Number: R-DS-22776-01-01 and agree with the findings in section 9 that the site requires further investigation including gas monitoring, especially near the North-western area adjacent to the commercial units and historical landfill site as well as potential agricultural pollutants. This service recommends the below conditions:

- A Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.
- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
- The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

#### External Lighting

In view of the semi-rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. The following condition is therefore recommended to secure this:

- Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

6.18

#### **Urban Design Officer**

A building for life toolkit has been completed and uploaded in spreadsheet format. There are mixed red, amber and green comments made. Of note, concerning atural connections - 'creating places that are well integrated into the site and their wider natural and built surroundings and]avoiding creating isolated and disconnected places that are not easy places to move through and around- the following comments were made ".Walking distances to town centre and schools are over recommended

distance walking and cycling connections to these places are along fast and unpleasant roads. Would suggest that bus timetables are not regular enough to encourage modal shift. Needs to connect to Linden Homes development to west and onwards to Shire Hill employment. Points highlighted in planning statement noted however issue still stands. Route of pedestrian connection via Radwinter Road again is convoluted and doesn't follow the desire line, Highways/transport officer to comment further"

## **7. REPRESENTATIONS**

Representations were received from neighbouring residents, and the following observations have been made:

- Loss of countryside
- Merging of settlements
- Too many houses
- Over-development
- Landscape impact
- Loss of hedges
- Loss of ecology
- Loss of amenity
- Drainage
- Flooding issues
- Light pollution
- Limited infrastructure
- Radwinter Road already at capacity
- Traffic
- Congestion
- Highway Safety
- Congestion
- Accidents

## **8. POLICIES**

### **8.1 National Policies**

National Planning Policy Framework (NPPF) (2021)  
National Planning Policy Guidance (NPPG)

### **8.2 Uttlesford District Local Plan 2005**

Policy S7 – The Countryside  
Policy H1 – Housing Development  
Policy H9 – Affordable Housing  
Policy H10 – Housing Mix  
Policy GEN1 – Access  
Policy GEN2 – Design  
Policy GEN3 – Flood Protection  
Policy GEN4 – Good neighbourliness  
Policy GEN5 – Light Pollution  
Policy GEN7 – Natural Conservation  
Policy GEN8 – Vehicle Parking Standards  
Policy ENV2- Development affecting Listed Buildings

Policy ENV3-Open Spaces and Trees  
Policy ENV4 Ancient Monuments and Sites of Archaeological Importance  
Policy ENV5 – Protection of Agricultural Land  
Policy ENV14 – Contaminated Land  
Policy ENV15 – Renewable Energy

8.3 **Essex Minerals Local Plan (July 2014)**  
Policy S8 Safeguarding mineral resources and mineral reserves

8.4 **Supplementary Planning Document/Guidance**  
SPD – Accessible Homes and Playspace (November 2005)  
Energy Efficiency and Renewable Energy October 2007  
Uttlesford Interim Climate Change Planning Policy  
Essex Design Guide  
ECC Parking Standards  
UDC Parking Standards

## 9 **CONSIDERATION AND ASSESSMENT:**

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

- A. Principle Of Development
- B. Design & Character
- C. Heritage
- D. Amenity
- E. Housing
- F. Highways
- G. Air Quality
- H. Landscaping
- I. Ecology
- J. Climate Change
- K. Contamination
- L. Archaeology
- M. Flooding
- N. Minerals
- O. Infrastructure
- P. Planning Balance

### **A. PRINCIPLE OF DEVELOPMENT (ENV5, S7, NPPF)**

9.2 *Loss of agricultural land*  
The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.

9.3 The site comprises principally of two agricultural fields which includes 3.8ha of grade 2 quality agricultural land and 13.1ha of subgrade 3a land as demonstrated in the submitted application. Annex 2 (glossary) of the NPPF describes Best and Most versatile land as 'land in grades 1, 3 and 3a of the Agricultural Land Classification'.

- 9.4 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.
- 9.5 *Countryside*  
The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.
- 9.6 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.
- 9.7 As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2021 (January 2021), the Council's housing land supply is currently 3.52 years of supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5-year supply of housing land.
- 9.8 Paragraph 11 of the NPPF considers the presumption of sustainable development; this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five-year housing supply cannot be delivered). Therefore, the titled balance is engaged in favour of housing. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).
- 9.9 Social: The site as proposed is poorly connected to neighbouring sites, places of work, amenities and local services. However affordable housing would be provided as part of this scheme.
- 9.10 Economic: The development will deliver an economic role by the creation of employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.
- 9.11 Environmental: The site is outside of the development limits and currently comprises agricultural land. The proposed development would result in a

built-up form which could be minimised to limit harm to the countryside. Habitats are likely to be created as a result of the proposed development. However increased travel due to poor connectivity is likely to result in increased traveling and vehicles on the road network which is likely to cause air quality implications.

- 9.12 Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. It is considered that the poor connectivity of the site would render the scheme unsustainable.

## **B. DESIGN & CHARACTER (GEN2, NPPF)**

- 9.13 National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

- 9.14 Whilst the layout of the development is a matter reserved for consideration at a later date, the illustrative layout demonstrates that the balance between built form and open space has been duly considered. 55% open space and a density of 35 dwellings per hectare in this location is considered reasonable.

- 9.15 The Urban Design Officer has provided observations of the scheme and assessed the scheme based on the Building for Life toolkit that has now been adopted by Uttlesford District Council.

- 9.16 This Tool identifies a set number of criteria against which the proposal is assessed on a 'traffic light' system- red/ amber/green basis i.e. green is an acceptable approach and red requires significant attention.

- 9.17 The many of the elements of the scheme are amber and green, however it is clear that red elements comprise matters relating to the lack of connectivity and permeability of the site.

- 9.18 Although the illustrative general layout, scale and massing of the site in isolation is considered to be acceptable; however the site within the wider context, connections, permeability and how it fits into the surrounding area is poorly integrated and considered. This is discussed further within the highways section of this report.

## **C. HERITAGE (ENV2, NPPF)**

- 9.19 ENV2 requires development affecting a listed building should be in keeping with its scale, character and surroundings.

- 9.20 Paragraph 194 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance

and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

- 9.21 There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745). Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South-east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).
- 9.22 The Heritage Officer initially considered that the Heritage Statement did not contain sufficient detail for a fully informed assessment of the potential impact of the proposals. However, revised comments from the Heritage Officer make it clear that the form of the development is unsympathetic, however he stated "I do not consider the proposals to result in harm to the significance of the designated heritage assets, thus I raise no objection".
- 9.23 As such the proposed development meets the requirements of Policy ENV2 and the NPPF (2021).

**D. AMENITY (GEN2, GEN4, GEN5, NPPF)**

- 9.24 Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Policies GEN4 and GEN5 are also relevant.
- 9.25 It is considered that there is sufficient space on site to accommodate the dwellings whilst meeting the provisions of the Essex Design Guide and providing sufficient separation and spacing between dwellings within the site and outside of the site. However, this matter is for further consideration under any future reserved matters application.
- 9.26 *Noise*  
Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance.
- 9.27 The Environmental Health Officer has noted that the development does not take into account the existing commercial premises in close proximity to the site and appropriately assess its impact. The applicant has provided a rebuttal and considered that the noise units is unlikely to be any greater than is already experienced by existing properties close by furthermore they consider that the impact from noise has not been a concern for other recent smaller residential developments. Subsequently, a Noise Assessment was submitted by the applicant in response to the

Environmental Health Officer's comments. The Environmental Health Officer has confirmed that the findings in the acoustic report are satisfactory and conditions should be applied. It is considered that should the scheme be recommended for approval, conditions regarding noise mitigation measures would be imposed; which would seek to protect future occupiers from commercial noise and other such noise such as the children's play area. The proposal therefore accords with Local Plan Policy ENV10.

#### **E. HOUSING (H9, H10, NPPF)**

- 9.28 Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The Housing and Enabling Officer has confirmed that the 40% affordable housing provision on this site is acceptable although the mix and tenure is yet to be agreed. Should the scheme be recommended for approval, this would form part of a S106 legal agreement. The housing mix has since been amended and the Housing and Enabling Officer has confirmed that the mix is appropriate. Therefore the development is in accordance with Local Plan Policies H9 and H10.

#### **F. HIGHWAYS (GEN1, GEN8, NPPF)**

- 9.29 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.
- 9.30 In accordance with paragraph 110 of the NPPF when assessing specific applications for development it should be ensured that:
- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - (b) safe and suitable access to the site can be achieved for all users;
  - (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 ; and
  - (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.
- 9.31 **Link Road**  
During the preparation of the emerging local plan due consideration and master planning is being given to be provision of a relief road to aid congestion and air quality. Should the application site connect through the other three sites (Linden Homes UTT/13/3467/OP & UTT/16/1856/DFO (Land South of Radwinter Road); Middle Site/Dianthus UTT/17/2832/OP & UTT/21/3565/DFO (Land North Of Shire Hill Farm) and the Bellway site UTT/18/0824/OP & UTT/19/2355/DFO (land East of Thaxted Road)) it would connect to the proposed Link Road which is being constructed discharging the traffic away from the Saffron Walden Air Quality Management Area on Thaxted Road/Radwinter Road junction.

- 9.32 The proposed development accommodates a corridor of reserved land for a potential future relief road to the south of the site, on the western extent as shown on the submitted Access and Movement Parameters Plan. The Highways Authority have stated that there is some intention to address this by the applicant however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term. It should be noted that these issues were fully explained amongst other things and raised with the applicant at pre-submission stage of which they were encouraged to enter into a PPA and to allow a series of meetings with Statutory Consultees to fully address these issues up front prior to any formal planning submission. The applicant had refused to do so or enter into further discussions prior to submission of the application.
- 9.33 The applicant has stated that the preferred option of an eastern relief road alignment option would require substantial earthworks, vegetation clearance and watercourse diversion. The western relief road corridor proposed requires much less significant earthworks, modest vegetation removal and no watercourse diversions.
- 9.34 Furthermore, the applicant has stated that they are of the view that *“an assessment of traffic scenarios without the consented link road is not necessary on the basis that two of the three sites that will deliver the road have secured detailed planning permission and the third has recently been sold to a housebuilder making it very likely to come forward, within at most, the next five years because the delivery of the link road is secured by planning condition and legal agreement”*.
- 9.35 Access  
Access is to be provided from Radwinter Road via a ghost island priority junction. The Highways Authority initially objected to the access as it had not been demonstrated that safe and suitable access for all users had been provided. Since the applicant provided additional information address these concerns and the Highways Authority no longer object to this element of the scheme.
- 9.36 Paragraph 111 of the NPPF states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 9.37 In terms of capacity, the Highways Authority consider that the application has not demonstrated that the residual and cumulative impact on the road network is acceptable for the following reasons:
- The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
  - The base case includes committed development and link road which is not the current position.
- 9.38 *Connectivity*

Paragraph 112 (a) of the NPPF states developments should “*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*”.

9.39 The site is over 2km away from many of the services therefore it is considered that the majority of trips will be undertaken in the car. As noted by the Highways Authority “*The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards*”. Movement through the site is forced through to Radwinter Road and the Radwinter Road/Thaxted Road junction where the existing AQMA is located as this site appears to be an unintegrated ‘Island’. Is not connected to the adjacent sites whereby there are further open spaces, proposed Primary School site, a bus route which is proposed through the adjacent sites plus to get to facilities by way of shops, gyms, civic amenity site, restaurant/cafes, leisure centre facilities and the B184 which leads to Dunmow and the A120 beyond.

9.40 The applicant has stated that the feasibility providing a direct pedestrian / cycle link to the adjacent Linden site was being investigated by the applicant and was not deemed feasible.

9.41 The Highways Authority object on the grounds that the scheme has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority which is demonstrated below:

- There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists;
- The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation.

9.42 *Car parking*

Based on the proposed accommodation schedule and using the Essex Parking Standards, a total of 451 allocated spaces and 58 unallocated spaces are proposed as part of the development. The applicant has stated that they intend to provide all houses with a garage or secure storage within to provide cycle parking. Overall, it is considered that there should be sufficient space on site to accommodate the parking, however given that the scheme has not demonstrated that it will be supported by suitable sustainable travel to supplement the car parking, the parking numbers at this stage cannot be supported in isolation. Nonetheless this is a reserved matter consideration.

9.43 *Mitigation*

The applicant has proposed infrastructure comprising the following:

- New bus stops are proposed on Radwinter Road (to the east of the site access)

- A pedestrian refuge island to facilitate pedestrian access to the eastbound bus stop and the existing footway on the north side of Radwinter Road
- A new 2.0m footway is also proposed on the south side of Radwinter Road between the proposed site access and the Linden Homes access.

9.44 The scheme is reliant on a number of junction improvements.

9.45 The Highways Authority consider that the application has not demonstrated that the mitigation proposed above will be deliverable or effective, and therefore object for the following reasons:

- It is not clear that the deliverability and cost of the schemes have been considered adequately.
- Radwinter Road/Thaxted Road junction:
  - i. Space around this junction is very constricted and there are a number of utilities in the footway
  - ii. The lane width for the head traffic from east to west is too does not reflect the future use by HGVs or buses
  - iii. The right turn arrow towards Chaters Hill send traffic into the kerb line
  - iv. The mitigation is to the detriment of pedestrians
- Church Street High Street
  - i. The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
  - ii. Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.

9.46 Overall, the impact on the local highway network caused by this proposal is not acceptable in terms of highway safety, capacity, accessibility or mitigation and is therefore contrary to policy GEN 1 of the Uttlesford District Council Local Plan and NPPF.

## **G. AIR QUALITY (ENV13)**

9.47 Policy ENV13 (Exposures to Poor Air Quality) and seeks to protects users of residential properties from exposure to poor level air quality. The application is supported by an Air Quality Assessment which concludes that in respect of end use no additional mitigation techniques are required to meet relevant air quality objectives.

9.48 The Saffron Walden Air Quality Management Area (AQMA) is approximately 800 metres to the west of the site and this development will add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will

not be permitted. The applicant submitted a report which considers the development would have a negligible impact on the air quality, however the report assumed that the link road between Thaxted Road and Radwinter Road would go ahead and cycle/footpath links would be available.

- 9.49 Environmental Health initially stated that “*This service is not convinced these proposed alternative travel routes, cycle network and highways improvements will definitely be undertaken at this stage, and in the absence of Highways confirmation of approval, we request that an Air Quality Assessment is submitted showing the scenario if all the proposed mitigation proposals do not occur*”.
- 9.50 Further information was submitted and the Environmental Health Team now consider that impact on air quality to be acceptable on the basis that mitigation is provided. A peer review was undertaken which concurred with the views of Environmental Health.
- 9.51 The requested mitigation measures include cycle storage; passive provision for electric charging points; a travel pack; a Travel Plan; where provided, all gas fired boilers will meet a minimum rating of <40 KgNO<sub>x</sub>/kWh; a bus stop on Radwinter Road; and the provision of extensive walking and cycling routes through the Site.
- 9.52 Although the applicant has now demonstrated that the development would likely have a negligible impact on the AQMA, It is therefore considered that the development would be contrary to Policy ENV13 of the Local Plan.

#### **H. LANDSCAPING (ENV3)**

- 9.53 Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value. 174(b) of the NPPF expects decisions to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.54 There are no Tree Preservation Orders on the site. Hedgerow to the south of Radwinter Road requires removal to accommodate access and cycle way. A large of the hedgerow will remain on the periphery of the site. The applicant has proposed to retain many trees though the construction process. If approved, this could be conditioned.
- 9.55 It is noted that details of landscaping could be submitted at a later stage a part of reserved matters, to ensure protection of amenities; protect the character of the countryside and provide appropriate screening. The applicant has submitted plans which illustrate the proposed green infrastructure comprising:
- Amenity green space
  - Natural /semi green space
  - Hybrid green space
  - Neighbourhood green
  - Existing hedgerows/woodlands
  - Proposed hedgerows/woodlands
  - 2 x LEAPS

- Circa half of the site is covered in green open space, including play areas.

- 9.56 In addition, the following measures are proposed by the applicant to minimise any detrimental effects on the landscape, provide screening and enhance some views:
- Woodland blocks on or around to the Site's ridgelines to the south and south-east are provided and/or strengthened
  - Larger area of public open space on higher ground to the south-east
  - View corridors towards local landmarks such as St Mary's Church and Pounce Wood
- 9.57 ECC- Green Infrastructure Team have provided an assessment and advised on the proposed landscape and green infrastructure (GI) strategy/plans. They do not object to the plans, however they recommend conditions to improve the GI network and assist in achieving net environmental gains. Should planning permission be granted, these conditions would be imposed.
- 9.58 Natural England consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 9.59 The applicant submitted a Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment which from part of the ES. The assessment identifies that there are no national or local landscape designations that relate to the site. The LVIA considers that the local landscape character is therefore judged to have a "medium" sensitivity to the change proposed. The viewpoints identify the impacts ranging from minor to moderate adverse and not significant.
- 9.60 The Landscape Officer considers that the proposed development would have a significant impact of the existing rural character the site, however, the visual impact on the wider landscape could be mitigated by an appropriate scheme of landscaping.
- 9.61 It is considered that given the adequate amount of green infrastructure coverage throughout the site in keeping with the countryside character, the impact on the landscape will be mitigated and is thus acceptable.
- 9.62 It is acknowledged that a biodiversity net gain has been achieved. However, Natural England have noted that in accordance with the Defra Biodiversity Metric, the applicant is not replacing high value Lowland Mixed Deciduous Woodland habitat like-for-like as is the preferred methodology within the metric. Should this scheme be recommended for approval, a suitable condition would have been imposed to ensure details of all landscaping are submitted and approved.
- I. ECOLOGY (GEN7)**
- 9.63 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*.

9.64 Place services were duly consulted and issued a holding objection on the application as they were not satisfied that there is sufficient ecological information available for determination of this application with regards to;

- European Protected Species (bats, Hazel Dormouse)
- Protected species (Badger)
- Priority species (farmland birds)
- Priority habitats (hedgerow)

The applicant recently sent amended information and Place Services issued a holding objection due to insufficient ecological information on European Protected Species (bats).

9.65 Furthermore, it is also necessary to determine whether any of the hedgerows on site are considered 'important' under the Hedgerow Regulations 1997. The necessary surveys are required pre-determination, as such in accordance with the NPPF "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".

9.66 To this end the LPA cannot support a development proposal that would result in significant harm to biodiversity. This cannot be dealt with via condition and necessary information and surveys should be assessed pre-determination. As such the development would be contrary to Policy GEN7 of the Local Plan and the NPPF.

## **J. CLIMATE CHANGE**

9.67 Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of how developments can demonstrate the path towards carbon zero.

9.68 Interim Policy 1 states: Developers should demonstrate the path that their proposals take towards achieving net-zero carbon by 2030, and all the ways their proposals are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. This should include:

i) locating the development where the associated climate change impacts and carbon emissions, including those derived from transport associated with the intended use of the development can be minimised, and

ii) promoting development which minimises carbon emissions and greenhouse gas emissions and maximises the use of renewable or low carbon energy generation. This requirement is intended for outline and full planning applications alike.

9.69 The applicant has stated that in order to appropriately comply with the requirements regarding scheme's energy and water efficient design, adaptation and EV charging details should be reserved for consideration at the reserved matters stage.

9.70 Taking into account comments from the Council's Climate Change Project Officer, all development should seek to reduce the reliance on private

motor cars which in itself contributes negatively to air quality, the environment and climate change. It is considered that the location of the application site together with the lack of appropriate cycling facilities, infrastructure and provision, would result in a housing development, for which occupiers and visitors would be dependant on the use of a private car.

- 9.71 As noted by the Climate Change Project Officer “*without adequate active travel measures, it is difficult to see how the proposed development would be anything other than completely car-based, and therefore that it would have anything other than a negative impact on the climate, the environment, and the local and national emissions goals*”. Therefore, it is considered that the proposed development would be contrary to Policy GEN2, Uttlesford Interim Climate Change Policy and the NPPF 2021.

#### **K. CONTAMINATION (ENV14)**

- 9.72 Affinity Water have raised that the site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (DEBD), although the Environment Agency did not raise this. A Phase 1 Desk Study Report contamination sources within the site and outside of the site. Should planning permission be granted, conditions would have been imposed to request further investigation and remediation, prevent contamination and assess construction methods such as pilling.

- 9.73 The application area is located adjacent to a facility notified under The Control of Major Accident Hazards Regulations 2015 (COMAH) as a Lower Tier COMAH establishment, regulated by the COMAH Competent Authority (the Health & Safety Executive and Environment Agency acting jointly). The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. The HSE have advised ‘HSE does not advise, on safety grounds, against the granting of planning permission in this case’. As such no objections to the scheme are raised on safety grounds.

#### **L. ARCHAEOLOGY (ENV4)**

- 9.74 Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.
- 9.75 To the south-west of the proposed development recent archaeological excavations have identified Bronze Age round barrows and a number of Bronze Age and Iron Age pits (EHER48520). Roman finds have been recovered to the north, west and south of the site. As such, the Country Archaeologist has recommended an archaeological programme of Trial Trenching followed by Open Area Excavation, which would have been recommended should this proposal be approved.

#### **M. FLOODING (GEN3, NPPF)**

- 9.76 The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated within the NPPF, however due to the size of the site a Flood Risk Assessment (FRA) is duly required.
- 9.77 The LLFA initially issued a Holding Objection to the scheme on the grounds that the scheme fails to ensure sustainable drainage proposals comply with the relevant standards, which is exacerbated given the large extent of the site and the reduction of arable farmland.
- 9.78 Further information was provided by the applicant and the LLFA have removed their objection to the scheme.
- 9.79 Overall, it is considered the scheme complies with to Policy GEN3 of the local Plan and the NPPF.

**N. MINERALS (S8 of the Essex Minerals Local Plan, NPPF)**

- 9.80 The site is located in a Minerals Safeguarding Area for chalk. As the site exceeded 3ha, the applicant submitted a Minerals Resource Assessment. This has been fully reviewed by the Minerals and Waste Team at Essex County Council and is considered acceptable.

**O. INFRASTRUCTURE (GEN6, NPPF)**

- 9.81 Policy GEN6 seeks infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. The applicant stated that they were willing to enter into an agreement in relation to planning obligations, although no agreement has been entered into or is in place at the time of writing this report. However, it is considered that no planning obligations would make the development acceptable in planning terms.

**P. PLANNING BALANCE**

- 9.82 The LPA are unable to demonstrate a 5-year housing land supply, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.
- 9.83 It is acknowledged that the scheme would provide housing, and would deliver biodiversity net gains and open public space; however any adverse impacts of granting such a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 9.84 There is a clear conflict in Local and NPPF policies which the Local Planning Authority afford considerable weight to as follows: the proposed development would fail to promote sustainable transport modes such as walking, and would be significantly detrimental to highway safety; the proposal would fail to demonstrate that it would cause no harm to European Protected Species; the proposal would fail to contribute towards climate change objectives; and the proposal would fail to provide the necessary infrastructure to mitigate the impacts of the development contrary to the Local Plan Policies and the NPPF.

## **CONCLUSION**

9.85

The proposed development is contrary with the development plan and the NPPF on a number of grounds in relation to Highways, Ecology, Infrastructure and Climate Change. It is therefore recommended that permission be refused.