



UTTLESFORD DISTRICT COUNCIL

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Dated: 18 March 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/21/2509/OP
Applicant: Mr D Hatcher

Uttlesford District Council **Refuses Permission** for:

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 at Land South Of (East Of Griffin Place) Radwinter Road Swards End Essex

The refused plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
20-103-01	Other	04/08/2021
20-103-02	Other	04/08/2021
DE_436-002 A	Location Plan	04/08/2021
DE_436-005 N	Other	04/08/2021
DE_436-020	Other	04/08/2021
DE_436-021	Other	04/08/2021
DE_436-022	Other	04/08/2021
DE_436-023	Other	04/08/2021
SWTRP	Landscape Details	04/08/2021
ENVIROMENTAL STATEMENT	Other	04/08/2021
FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY	Drainage	04/08/2021
MINERALS RESOURCE	Other	04/08/2021

ASSESSMENT

NOISE ASSESSMENT	Noise report	04/08/2021
PHASE I DESK STUDY REPORT	Other	04/08/2021
PLANNING STATEMENT INC STATEMENT OF COMMUNITY ENGAGEMENT	Combined	04/08/2021
TRANSPORT ASSESSMENT	Other	04/08/2021
TRAVEL PLAN	Other	04/08/2021
TREE IMPACTS AND TREE PROTECTION METHOD STATEMENT	Other	04/08/2021
UTILITIES APPRAISAL	Other	04/08/2021
ENVIRONMENTAL STATEMENT ADDENDUM	Other	12/01/2022
TRANSPORT ASSESSMENT UPDATE	Other	10/01/2022
ADDITIONAL TRANSPORT NOTE	Other	10/01/2022
AMENDED HOUSING MIX	Other	26/11/2021
NOISE ASSESSMENT	Noise report	26/11/2021

Permission is refused for the following reasons:

- 1 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.

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

- 2 It cannot be determined from the submitted application that the residual, cumulative impact is on the road network is acceptable as it has not sufficiently been demonstrated that the

mitigation proposed in the application will be deliverable or effective for the following reasons:

- a. It is not clear that the deliverability of the schemes has been considered adequately.
- b. 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 street furniture and cellars 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.
 - iii. Although not a highway matter it is not clear that the impact on the historic buildings has been taken into account which stop the delivery of the scheme.
- c. Sustainable Transport
 - i. There is not sufficient information in the submitted application to demonstrate that effective mitigation to promote sustainable transport and help limit the impact of the development on the town highway network which has been demonstrated to be over capacity number at a number of junctions impacted by traffic from this development.

The proposal is therefore contrary to the Highway Authority's Development Management Policies DM1, DM9, DM11, DM15 adopted as County Council Supplementary Guidance in February 2011, and the Policy GEN 1 of the Uttlesford District Council Local Plan and the NPPF 2021.

- 3 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.
- 4 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.
- 5 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

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
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GEN1 - Access	Uttlesford Local Plan 2005
GEN2 - Design	Uttlesford Local Plan 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005
EN7 - Protecting and Enhancing the Natural Environment	Uttlesford Local Plan 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005
H10 - Housing Mix	Uttlesford Local Plan 2005

Safeguarding mineral
resources and mineral
reserves

NPPF - National Planning
Policy Framework



Tracey Coleman
Interim Director Planning and Building Control

Notes:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

