

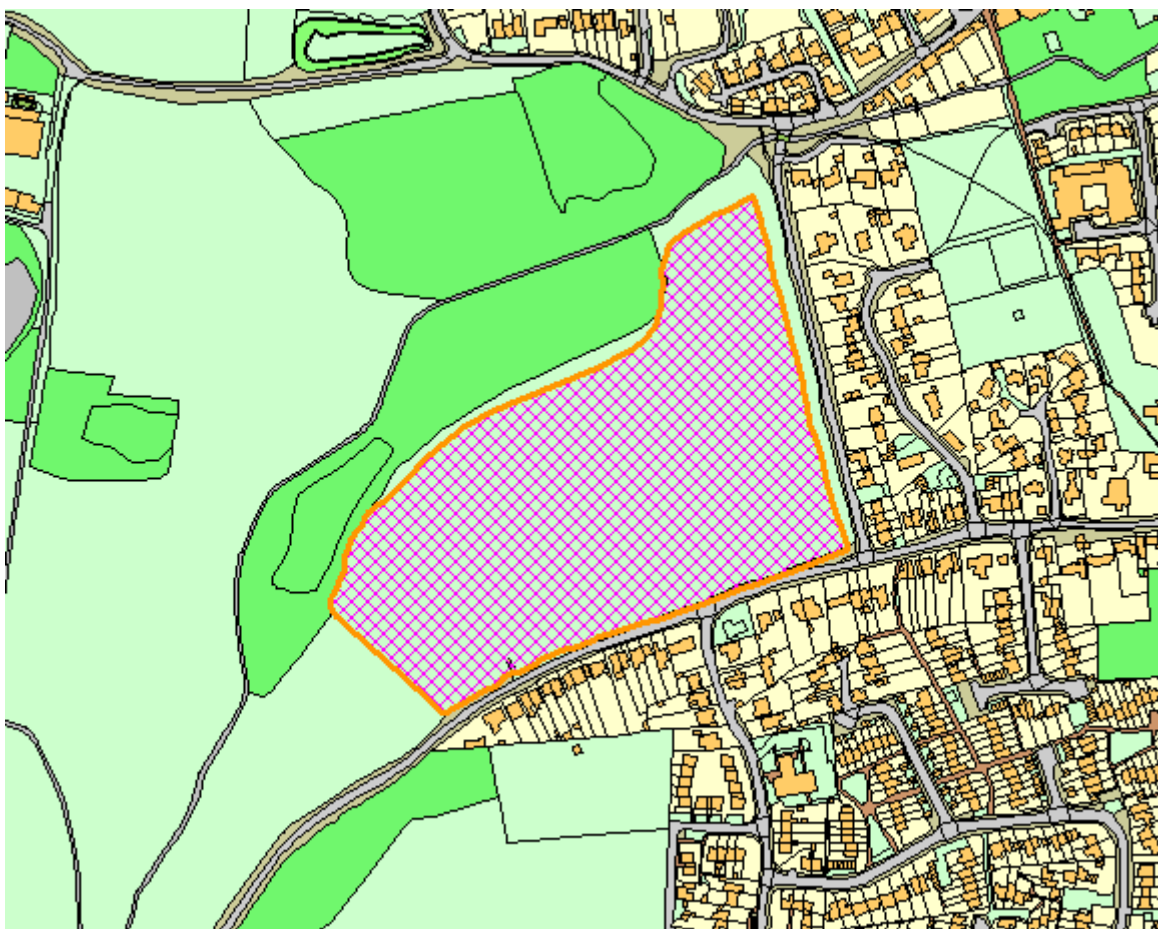
ITEM NUMBER: 7

PLANNING COMMITTEE 7 May 2025
DATE:

REFERENCE NUMBER: UTT/24/3061/OP

LOCATION: Land North Of Wicken Road And West Of
School Lane
Newport

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 24 03 2025

PROPOSAL: Outline application with all matters reserved except access for the erection of up to 90 no. dwellings, including affordable housing, with land reserved for future community use, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point.

APPLICANT: Mr Gladman Developments Ltd

AGENT: N/A

EXPIRY DATE: 13.03.2025

EOT EXPIRY DATE: 30.05.2025

CASE OFFICER: Genna Henry

NOTATION:

- Outside development limits
- Adjacent to Public Right(s) of Way
- Within 2km of SSSI
- Adjacent to Newport Conservation Area
- Within the setting of Listed Buildings
- Within the setting of non-designated Heritage Assets

REASON THIS APPLICATION IS ON THE AGENDA: Major Development.

1. EXECUTIVE SUMMARY

- 1.1** Outline permission, with all matters reserved except access is sought by the applicant for the erection of up to 90no. dwellings with land reserved for community uses, public open space SuDS provisions and other associated works.
- 1.2** The site comprises of an irregular shaped plot approximately 6.04ha in area located outside the development limits of Newport but adjacent to the historic settlement to the east.
- 1.3** Harms to the landscape character and appearance of the area have been identified as the development proposals would change the character from distinctly rural to edge of settlement.

- 1.4 A number of designated and non-designated heritage assets are located within the immediate locality, of most significance is the Grade I Listed Church of St Mary the Virgin. Also, Newport Conservation Area (CA) is in close proximity abutting the northeast and southeastern boundaries. Less than substantial harm has been attributed to these factors, although, the LPA are required to afford great weight to the harm of their significance.
- 1.5 Evidently, there are benefits of the scheme in terms of contributions to the Council's 5 Year Housing Land Supply, however, given the significant harms to the character and appearance of the area together with the harms to the historic environment, Officers do not consider the benefits of the proposals outweigh the harms.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to REFUSE permission for the development for the reasons set out in section 17.
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3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site lies north of Wicken Road and west of School Lane. The northern boundary abuts a Public Right of Way (PROW no. 41_21) and beyond the northern boundary lies a relatively dense woodland area that extend towards the Wicken Water valley.
- 3.2 The site comprises of an open field outside the development limits, although the site is directly adjacent to the settlement of Newport to the east and south. The topography of the site mostly falls from the south to the north and northwest down to the valley and woodland area. From the PROW views can be obtained eastwards of Newport settlement and specifically of designated heritage assets the Church Tower of St Mary the Virgin.
- 3.3 Towards the east, lies Newport Conservation Area although the vast majority of the site lies outside the parameters of the Conservation Area. To the southeastern and northeastern corners of the application abut the Conservation Area and, thus, the application site is within the setting of the designated heritage asset i.e. Newport Conservation Area.
- 3.4 To the south of Wicken Road the site is also opposite non-designated heritage buildings at 41 and 49 Wicken Road, while further eastwards lies the Church of St. Mary, Grade I Listed.
- 3.5 The site area covers approximately 6.04ha.

4. PROPOSAL

- 4.1 This planning application is submitted in outline form with all matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval of the principle to develop the site for up to 90 dwellings and the Access arrangements are also sought for approval.
- 4.2 Matters of scale, layout, appearance and landscaping are reserved for later determination. Thus, as this application has been put forward in outline form, an indicative plan has been submitted (ref. 2019-005-101 rev A) to demonstrate how the quantum of development could be achieved on site in respect of layout.
- 4.3 The indicative Proposed Site Plan provided (see Figure 1 below) illustrates the design approach which the applicant has elaborated on in their Design Code checklist. The proposal includes play areas/public open space and a community use area, landscape buffer spaces and the land designated for residential development are suggested on the plan. The proposal also includes a Sustainable Drainage System (SuDs).



Figure 1: Proposed Site Plan

- 4.4** While the site area is 6.04ha, the indicative site plan indicates the developable area for residential development would be 2.94ha with an average density of 31 dwellings per hectare (dph). Open space provisions would comprise of 2.9ha with indicative areas of children's play provisions. In addition, an area of community use of 0.2ha has been allocated north of Wicken Road.
- 4.5** The applicant proposes 40% Affordable Housing as outlined in the Heads of Terms for a draft s106 agreement which is consistent with Uttlesford Local Plan (2005) Policy H9. Up to 90 residential units have been proposed although no indication of the proposed accommodation schedule has been provided as it is not a requirement of the outline application stage.
- 4.6** Vehicle access will be considered within this outline application and, therefore, a plan titled 'Potential Access Arrangement (Overall Arrangement)' provides detail of the proposed access arrangements. As demonstrated in Figure 1, one primary site access is proposed on Wicken Road with cyclist and pedestrian footways proposed along the southern and northeastern boundaries to encourage pedestrian movements and connectivity into the adjacent Newport settlement. There are no existing footpaths along the southern boundary of the application site.
- 4.7** The final configuration of internal roads, design and scale of house types will be the subject of detailed design at reserved matters stage.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/18/1026/OP	Outline planning application for up to 74 dwellings including access, open space and landscaping with all matters reserved save for access	Refused, dismissed at Appeal (Public Inquiry).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 40 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application

discussions enable better coordination between public and private resources, and improved results for the community.

7.2 Pre-Application advice has not been sought with the Local Planning Authority.

7.3 The Local Planning Authority is not aware of the applicant undertaking a community consultation exercise.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 The submitted Transport Assessment (TA) was assessed in terms of highway capacity, safety and accessibility. Assessment of highways impacts was considered robust. A capacity assessment has been carried out on various junctions including Wicken Road/High Road junction and the Highway Authority is satisfied that the impact on the junction is not severe.

8.1.2 From a highways and transportation perspective, no objection subject to conditions.

8.2 National Highways

8.2.1 No objection

8.3 Local Flood Authority

8.3.1 No objection, subject to conditions.

8.4 Environment Agency

8.4.1 No comment received.

8.5 Historic England

8.5.1 Response received, no advice offered.

8.6 ECC Education

8.6.1 Contributions required.

8.7 Natural England

8.7.1 No objection.

8.8 Manchester Airport Group

8.8.1 Advisory comments.

8.9 NHS

8.9.1 Contributions required.

8.10 NHS Ambulance

8.10.1 Contributions required.

8.11 Affinity Water

8.11.1 Advisory comments.

8.12 Anglian Water

8.12.1 The applicant is required to identify the exact location of the Rising Main sewer and to ensure that the 3.5m easement from the either side of the sewer is maintained. In order to ensure our asset is protected we recommend a planning condition be applied if permission is granted.

8.12.2 An Anglian Water owned 100mm Sewer Rising Main crosses the development site and may be affected by the proposed development.

8.12.3 Anglian Water does not permit this asset to be located within the curtilage of sensitive development (such as dwellings & cafes), permeable and areas that includes suds features such as ponds. The Development Framework Plan 2019-005-101 as submitted indicates that the proposed area for drainage attenuation pond is affected by our Rising main sewer. It is stated in the Flood Risk Assessment and Drainage Strategy that the applicant has noted that the surface water outfall route crosses the mapped route of the foul rising main and the depth of the foul main should be confirmed prior to construction so there are no clashes with the Anglian Water Rising Main Sewer.

8.12.4 A prior to commencement condition have been requested. Other conditions, information and advice requested relating to Wastewater treatments, Used Water network and Surface Water Disposal.

9. PARISH COUNCIL

9.1 Newport Parish Council has objected to the application, as summarised below;

- No material change since the refused application
- The Newport Quendon & Rickling Neighbourhood Plan and (Policy NQRNP1) now retilts provisions at para. 14 of NPPF (2024)
- Proposal has not addressed the substantial impact on landscape/settlement character (including heritage assets

including the Conservation Area/LB and non-designated heritage assets)

- Parish considers that the proposal now has a higher scale of conflict with the development plan than that refused at appeal, and the suggested 'benefit' is insufficient to overcome this greater conflict. The application must therefore be refused.

10. CONSULTEE RESPONSES

10.1 UDC Housing

- 10.1.1** Supports the 40% affordable housing proposed and the proposed tenure mix is appropriate.

10.2 UDC Environmental Health

- 10.2.1** No objection, subject to conditions/informatives for the following;

- Contaminated Land
- Noise Impacts
- Construction Impacts
- External Lighting
- Renewable Technologies
- Construction Advice
- Contaminated Land Assessment

10.3 UDC Landscape Officer/Arborist

- 10.3.1** The development would form an extension to the existing settlement and would not extend any further west than the existing houses. As noted in the Landscape and Visual Impact Assessment by Iceni Projects Limited (November 2024), this site is relatively well contained, and visibility is limited to near and middle distance views due to the existing vegetation and topography. The visual impacts of this new development would be mitigated by the existing vegetation to the west and could be further mitigated by planting along the site's southern and eastern boundaries. Overall, this development proposal would have a moderate visual impact on this site.

10.4 UDC Conservation and Heritage

- 10.4.1** Insufficient information to assess how the development would visually integrate into its context.
- 10.4.2** There is insufficient information within this application to allow assessment of the level of harm.

10.5 UDC Urban Design

10.5.1 Overall, the design ambitions are of high quality, but there are aspects of the design ambitions that do not align with the framework or lack detail, but generally, they are sensible and well thought through design aspirations.

10.6 Place Services (Ecology)

10.6.1 No objection, subject conditions

10.7 Place Services (Archaeology)

10.7.1 No objection subject to condition.

10.8 Ward Councillor

10.8.1 Objection raised on the following;

- Pedestrian access is too close to the vehicle access into the site
- Pedestrians from the major development to the northwest of the village are also going use same route
- Crossing on High Street is also next to the T junction and has been location of continual collisions
- Location of crossing and / access is poorly designed contrary to Policies GEN1 and NQRTR2
- Application should be refused on other grounds
- New proposed surgery should be designated to potential new residents as this is smaller than existing provisions within the area

10.9 Essex Police

10.9.1 We strongly recommend that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development, (<https://www.securedbydesign.com/guidance/design-guides>).

11. REPRESENTATIONS

11.1 The application has been advertised by way of site/press notices and neighbour letters. The overall consultation periods expired 03.03.2025.

11.2 Object

- 11.2.1**
- A condition of the inclusion of Thirty integrated swift bricks in the interests of biodiversity / Swift nests are close to the site
 - Highway congestion / Road safety issues / pedestrian safety
 - Acoustic/noise implications from nearby M11
 - Water/ pressures and sewage processing facilities already at capacity with potential pollution to the River Cam
 - Already too much development in Newport
 - Additional pressures on local health facilities

- Loss of Agricultural Land
- Harm to the rural/heritage character and appearance of the area
- Other locations should be considered
- Inappropriate Traffic Assessment/Road Safety Audit due to timings conducted and M11 closures impacting town
- Protected species concerns such as, red kites, colony of bats, newts, kestrel, little Egrets and deer,
- Last Open Space of the village
- Local infrastructure, such as, schools, doctors surgeries and dentists are oversubscribed
- Overdevelopment of site and increased development from previous scheme
- Harms to health and wellbeing of existing residents
- Development amounts to urban sprawl
- Wicken Water regularly bursts its banks with impervious surfaces will increase flooding
- Poor Site Drainage in the area, inadequate SuDs details provided
- Harm to Conservation Area
- Air Quality Assessments do not reflect true impacts
- The Wicken Road and Newport High Street junction already experiences significant congestion and delays, particularly during peak hours
- Wicken Road includes various areas that fall under Article 4 conservation area status
- Significant adverse effect on the landscape character and appearance of the area
- Site is of high environmental value
- Views in all directions, particularly of the Church, will be significantly affected
- Light pollution concerns
- Traffic on Wicken Road / School Lane problematic
- Commuter trains are already at capacity / public transport requires improvement
- Walking/bike journeys to Newport primary School are already dangerous
- Site often used for emergency helicopters
- Journeys to secondary schools take around an 1hour due to congestion
- This field contains the last remaining easy walk loop for this area of the community without the need to cross a busy road
- River at junction of School Lane and Bury Lane have flooded
- The zebra crossing on the High St. Bury Water Lane has become a - Main Road" with so many vehicles using it a cut through because of congestion on the High Street
- Development will block views from footpath
- The Hedgerow that the EIA deems 'defunct and species-poor' has provided food for Fieldfare bird (RSPB red list)
- Pollution issues

- The ancient B road was never intended to be used for such a high volume of traffic, already the adjacent roads have to deal with pressures of local schools
- Inappropriate densities
- Access to the site is dangerous / 30mph existing limits but are often speeding cars in the area
- Loss of privacy to residents along Wicken Road contrary to Human Rights legislation
- Construction / noise impacts resulting from development
- Impact the development will have on the structure of neighbours properties
- How will houses without modern foundations be protected from structural damage?
- Loss of trees
- Loss of views of the church
- Inadequate parking provisions
- increased HGV vehicles within the area
- Photos submitted of traffic impacts at around 8.30am weekday
- To allow this application will impinge on the credibility of the system
- Harms to designated and non-designated heritage assets
- No mitigation offered
- LVIA contains inaccuracies
- Poor community engagement
- Loss of habitats
- Wicken Road has changed little over 100years
- UDC ought to carry out a number of independent surveys/assessments relating to traffic at appropriate times, pollution, local infrastructure/amenities, Ecology and Wildlife, noise (failure to do so would be a dereliction of Planning Officers)
- Vulnerable pedestrian safety implication from local schools, care/elderly homes
- Application for 74 houses has already rejected
- Loss of open space for dog walkers etc
- Footpaths within the area will lose their aesthetic value and sense of tranquillity and connection to nature

11.3 Support

11.3.1 No comments of support received.

11.4 Comment

11.4.1 Where material considerations apply, comments will be address in the assessment of the report.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The

Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

- a) The provisions of the development plan, so far as material to the application:
(a) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2024)

13.2 Uttlesford District Local Plan 2005

13.2.1

S7	The Countryside
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H1	Housing development
H9	Affordable Housing
H10	Housing Mix
ENV1	Design of Development within Conservation Area
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV8	Other landscape elements of importance for nature conservation
ENV9	Historic Landscapes
ENV10	Noise Sensitive Development
ENV11	Noise generators
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land
ENV15	Renewable Energy

13.3 Newport Quendon & Rickling Neighbourhood Plan 2018-2023 (2021)

- 13.3.1**
- NQRGSE2 (Footpaths and access to the countryside)
 - NQRGSE3 Protection of Locally Important Views
 - NQRHA1 (Coherence of Villages)
 - NQRHA2 (Connection with the countryside)
 - NQRHA3 (Building in the countryside)
 - NQRHD5 (Densities)
 - NQRHD6 (Affordable housing)
 - NQRRECT (Mitigation of traffic impacts)
 - NQRTR2 (Safe access to schools and village facilities)

13.4 Supplementary Planning Document or Guidance

- 13.4.1**
- Uttlesford Local Residential Parking Standards (2013)
 - Essex County Council Parking Standards (2009)
 - Supplementary Planning Document – Accessible homes and playspace
 - Supplementary Planning Document – Developer's contributions
 - Essex Design Guide

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development, Location of Housing**
 - B) Design, Layout and Heritage Implications**
 - C) Landscaping, Ecology and Biodiversity**
 - D) Highways, Vehicle Access and Parking**
 - E) Residential Amenity**
 - F) Flood Risk and Surface Water Drainage**
 - G) Environmental Health and Contamination**
 - H) Planning Obligations and s106 Agreement**
 - I) Other Matters**

14.3 **A) Principle of development, Location of Housing**

14.3.1 Emerging Local Plan and Housing Land Supply

14.3.2 The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). Work has commenced on a new Local Plan, but at the time of preparing this report, the Regulation 19 Local Plan is under examination therefore it carries limited weight when considering the proposed development. As such the relevant saved policies contained within the adopted Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF (2024) under paragraph 232.

14.3.3 *Housing Land Supply*

14.3.4 Currently, the proposal cannot be tested against a fully up-to-date Development Plan and, in addition, the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance".

14.3.5 Paragraph 11 of the NPPF (2024) requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.3.6 Following recent revisions to the NPPF (Dec 2024) the Council's 5 Year Housing Land Supply now stands at 3.46 years. In addition, the Council's Housing Delivery Test has recently been recalculated by the Ministry of Housing, Communities & Local Government which now stands at 69%.

14.3.7 Planning History

14.3.8 The application site has been subject to a previous outline application¹ for residential development for up to 74 dwellings which was refused and subsequently dismissed at appeal². Both reasons for refusal are referenced below;

14.3.9 *1. The proposed development would erode a distinctive open space of importance to the rural setting of Newport, its conservation area and the Grade I listed Church of St Mary the Virgin, in conflict with policies S7, GEN2, ENV2 and ENV3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.*

14.3.10 *2. A suitable legal agreement has not been completed to secure appropriate affordable housing provision, mitigate the impacts of the development on education and healthcare infrastructure or provide off-site highway improvements, in conflict with policies H9, GEN6 and GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.*

14.3.11 The indicative proposed site plan, figure 2, from the refused application is extracted below:

14.3.12 Previous Proposed Site Plan³



Figure 2: Proposed Site Plan of UTT/18/1026/OP

¹ LPA ref: UTT/18/1026/OP

² PINS ref. APP/C1570/W/19/3223694

³ From UTT/18/1026/OP (ref. drawing no. 214396 DWG 100 A)

14.3.13 Thus, in terms of addressing the principle of development it will be necessary to address the first reason for refusal, as the Planning Inspector previously upheld this reason at appeal. The second reason for refusal was addressed within the appeal process and, subsequently, later withdrawn.

14.3.14 The application site is located outside development limits of any defined villages of towns within the district and thereby it is designated as being within the countryside where ULP (2005) Policy S7 applies. It is acknowledged that Policy S7 is not fully consistent with the NPPF (2024), in that protecting the countryside for its own sake is more restrictive than the Framework.

14.3.15 Policy S7 stipulates that *'development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there'*. The LPA deems this criterion relevant for assessing applications outside development limits. Furthermore, the Planning Inspector maintains in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regards to Policy S7 significant weight should be afforded to this policy when considering proposals in the countryside.

14.3.16 In addition, since the refused outline application the Newport Quendon & Rickling Neighbourhood Plan (NQRNP)(2021) is now a material consideration and NQRNP (2021) and specifically Policy NQRHA1 is also of relevance. The development limits of Newport are defined by map 13 in the NQRNP and Policy NQRHA1 stipulates that *'further development outside of the development limits shown in the Developments maps, will not be supported'* subject to relevant criteria. The nature of the current proposal does not fit the relevant criteria and, thus, in accordance with the NQRNP (2021) to proposed development constitutes development outside the development limits of Newport and, thereby, within the countryside.

14.3.17 In addition to the above, since the refused application, the Council has progressed a new Local Plan, under Regulation 19, which is currently under examination. It is acknowledged that under the Regulation 18, Local Plan, this site was designated for residential development, but has now been removed in the Reg 19, emerging Local Plan (eLP). Nonetheless, the eLP has identified a requirement of 300 homes to be delivered through the next phase of the Newport Neighbourhood Plan on smaller non-strategic sites in accordance with 'Core Policy 6a: Housing Requirement Figures for Newport'.

14.3.17.1 This Policy states:

'In accordance with the Spatial Strategy in Core Policy 2: Meeting our Housing Needs, a 300 dwelling non-strategic (sites under 100

dwelling) housing requirement is identified for Newport.... Development will be supported at non-strategic allocations at Newport through a master planning process involving the community, local planning authority, developer and other stakeholders, where development meets the requirements set out within the Newport Neighbourhood Plan and in accordance with the Development Plan taken as a whole'. (Officer emphasis).

14.3.17.2 Although, the status of the eLP holds limited weight, but provides a useful policy context at the present time⁴.

14.3.18 *Applying Policy ENV5*

14.3.19 The site comprises mostly Grade 3 (good to moderate) and partially 2 ('Very Good' quality) agricultural Land (Agricultural Land Classification 2010, Natural England), being part of the districts best and most versatile agricultural land (BMV). Despite the loss of BMV land, contrary to Policy ENV5, good quality agricultural land is plentiful within the locality, meaning this policy conflict holds limited weight.

14.3.20 Thus, in light of the above ULP Policies (2005) referenced above and with regard to the NPPF (2024), the Development Plan and all other material considerations a the 'Planning Balance' will be undertaken further below.

14.3.21 Sustainability and Location

14.3.22 The application site is clearly outside development limits of Newport village, however, the eastern boundary of the site and the southern boundary are directly adjacent to settlement boundary of Newport.

14.3.23 It is recognised that the proposed development would be located in close proximity to other residential properties. As such, the site cannot be reasonably considered as isolated, however, this does not mean that it will be sustainable in terms of access to shops, services, community facilities in which future occupants can rely upon.

14.3.24 For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are limited, which means that for the majority of journeys the only practical option would be the use of cars. Although, Newport is not completely remote as there are some local facilities, such as, Newport Post Office/Pharmacy, a Village Shop, Sandwich shops and petrol station. In any case, the proposed new dwellings could support local services within the village, complying with paragraph 83 of the NPPF (2024). It is acknowledged this contribution would be minimal, and as such, it would hold very limited weight in decision-making.

⁴ As per paragraph 14 of the NPPF (2024), this is also broadly in accordance with para. 69-70

- 14.3.25** It is also worth noting that there is a bus stops to the south along Wicken Road that facilitate access to nearby amenities. Bus route number 446 provides services to Saffron Walden Audley End, Langley Park and Manuden Carters Hill.
- 14.3.26** Therefore, although not completely ideal due to limited facilities in Newport, the proposed development would be accessible of services and facilities. Therefore, it would accord with ULP Policy GEN1(e) and paragraphs 109 and 115(a) of the NPPF (2024).
- 14.3.27** Countryside Impact
- 14.3.28** The NPPF (2024) states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the character of the countryside (para. 180(b)).
- 14.3.29** Landscape Character is defined as ‘*A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.*’⁵ The landscape character is that which makes an area unique.
- 14.3.30** The proposed development seeks outline consent for up to 90no. residential units, with a community use area, which increases the quantum of development from the refused application⁶ in 2018 by approximately 16no. units. In the appeal decision for the 74 units the Inspector held the following conclusion in terms of landscape and visual impacts of the scheme;
- 14.3.31** *‘Whilst the site sits on a modest valley side which is not distinctive in itself, by virtue of its setting close to the historic settlement core, and the opportunities for changing short and medium range views afforded by its topography, the site makes an important contribution to locally distinctive qualities. Notwithstanding the proposed development could be sensitively designed and a relatively low-density scheme, these qualities would be severely eroded by the development...I conclude that this development would have a significant adverse effect on the landscape character and appearance of the area. There would be conflict with saved Policy S7 of the LP...’*
- 14.3.32** As noted above, the Neighbourhood Quendon & Rickling Neighbourhood Plan (2021) has been adopted since this application was last considered. Therefore, Officers now need to consider the material changes following the 2019 appeal decision and also the increase in the number of dwellings.

⁵ The Countryside Commission and Scottish Natural Heritage (2002) Landscape Character Assessment: Guidance for England and Scotland (CAX 84), the Countryside Commission and Scottish Natural Heritage, April 2002.

⁶ UTT/18/1026/OP

- 14.3.33** Furthermore, the Landscape Sensitivity Assessment (Phase 1: Towns and key villages) (LSAP1) (October 2023) the application site falls within area N2 which has been classified as having a moderate overall sensitivity to future change from residential development. The physical character of the wider N2 parcel has been described as gently undulating valley sides, rising from Wicken Water from 55m to 85m AOD. In terms of the character and setting of settlement this portion of Newport has been characterised as *‘a rural setting to Newport, with the wooded valley along Wicken Water providing separation between development along Wicken Road and Bury Water Lane. The importance of the views northwards over open countryside from Wicken Road are noted in the Conservation Area Appraisal’*. In terms of visual character, it is also held *‘The landscape has a semi-open character, with some enclosure from roadside hedgerows and trees but some open views from the settlement edge, including to Wendens Ambo to the north. The skyline is largely undeveloped.’*
- 14.3.34** Effectively the site constitutes an edge of settlement development and within the appeal application both the appellant and the LPA considered that the nearby recently approved development at Wicken Lea, north of the valley side which is of similar scale. The Inspector, at the time of the appeal, had due regard for NPPG guidance which states that the *‘The cumulative impacts of development on the landscape need to be considered carefully.’*⁷ Following this guidance the Inspector held that the *‘appeal scheme would have the effect of further eroding the relationship of the historic settlement with the open countryside to the west’*⁸.
- 14.3.35** Visual impacts
- 14.3.36** To the north of the application site lies two public footpaths and the closest footpath would be PROW 41_21 which abuts the northern boundary. Further north lies PROW 41_1 and further west PROW 41_25. In terms of visual impacts PROW 41_21 would experience significant impacts and with regards to the visual impact of this footpath it was previously maintained by the Inspector a development in this location would change the character from distinctly rural to edge of settlement. The Inspector also held this would be exacerbated by the effect of the rising topography of the site adding to the sense of enclosure by built form. It was also stated that mitigation measures including the provision of adjacent greenspace and retention of views through the Church would not address the fundamental change in nature of this route and concluded that the overall effect of this development would be moderate to major adverse (para. 29).
- 14.3.37** The Inspector had admitted that, in landscape terms, the effects of the previous development would be largely localised but states the harms would remain at a moderately adverse effect. While further stating the

⁷ NPPG Natural Environment paragraph: 036 Reference ID: 8-036-20190721

⁸ Paragraph 23 of PINS ref. APP/C1570/W/19/3223694

visual impacts to footpath PROW 41_21 would be moderate to major adverse. As stated above, the Councils 'Landscape Sensitivity Assessment' (October 2023) has identified that the area parcel of land the application site is situated as having '*moderate overall sensitivity to future change from residential development*' which is still broadly consistent with the Inspectors views.

- 14.3.38** Notwithstanding the above, the applicant has submitted a Landscape Visual Impact Assessment (LVIA) which concludes at para. 6.3 the following;

"From our assessment, it is apparent that the Site is relatively well contained, despite its location on the edge of the settlement and on a slope. Visibility is limited to near and middle-distance views and doesn't exceed a 1km radius from the Site, due to the intervening vegetation and landform that heavily filters or screens the Site. The Site is not evident or barely perceptible in longer distance views from the PROW to the northwest, northeast and southwest."

- 14.3.39** At para. 6.5 it is further stated;

'The Site is not particularly scenic in itself, although there are some views over the Site towards the woodland to the north and the church tower to the southeast, mostly experienced within the context of existing houses in the settlement'... The Site has no particular heritage or ecological conservation value. We are not aware of any associations which would elevate the value of the Site. Overall, the Site is assessed as being of medium landscape value'.

- 14.3.40** In addition, the Council's UDC Landscaping Officer has commented that the site is relatively well contained and that visibility is limited to near and middle-distance views due to the existing vegetation and topography. It was further stated that development would form an extension to the existing settlement and suggested mitigation measures could apply along the eastern and southern boundaries with existing mitigation from existing vegetation to the west. Although, UDC Landscaping ultimately concluded there are moderate visual impacts on this site.

- 14.3.41** The sites' location as being an edge of settlement location it is appreciated, to a degree, why this site would be deemed a natural extension to the existing settlement of Newport (see para. 6.7 of the applicants' LVIA). However, it has already be assessed in the previous application (as outlined in the reasons for refusal), and at appeal, that the development at this site would amount to further erosion of the relationship of the historic settlement with the open countryside to the west⁹, and that the character of this area would change from distinctly rural to edge of settlement.

⁹ Paragraph 23 of PINS ref. APP/C1570/W/19/3223694

- 14.3.42** Moreover, the recent evidence in the Council's LSA (2023) classifies the area as having a moderate overall sensitivity to future change from residential development. Also, as noted above, the Inspector in the referenced appeal above acknowledged the visual impacts of the development would worsen due to the rising topographical levels of the site which ultimately adds to the sense of enclosure by the build form. Mitigation measures were not deemed effective as the fundamental change would result in moderate to major adverse effects. Furthermore, the photos in the applicants LVIA reflect the undulating nature of the site and map 15 of the NQRNP (2021) reflect this site as comprising of a number of Newport's locally important views.
- 14.3.43** Officers also consider the current proposals comprise of 22% increase of residential units from the previous application with community use provisions. Thus, the current proposal will inevitably add community/residential activity and the quantum of built form at the site, which is materially different from the previous scheme.
- 14.3.44** In light of the above, in their Planning Statement, the applicant acknowledges the recent context of the refused application (and dismissed appeal), but goes on to state at 3.7.4. Landscape Sensitivity Study (2023) and the Heritage Assessment (October 2023) prepared as part of the emerging plan evidence base concludes the site is capable of accommodating residential development. The applicant does acknowledge the site is no longer identified as a draft allocation, as the eLP seeks to address housing allocations through the NQRNP on smaller sites. It is also recognised by the applicant that the rationale for removing the site from the eLP was partially due to highways concerns and that as a review of the NQRNP has yet to be undertaken and, for these reasons, the proposal at present ought to be considered on its own merits.
- 14.3.45** The applicant's views are noted, however, Officers do not consider there are material changes in Policy since the refused scheme. It is acknowledged the application site was previously referenced in earlier versions of the eLP with some references in the supporting evidence base, however, at the present, the site is no longer referenced in the emerging Local Plan and the NQRNP is currently under review which will account for housing allocations. Thus, limited weight is afforded to these factors.
- 14.3.46** To reiterate points above, as a result of the proposal, Officers consider the proposed development would harm the intrinsic rural character of the site and fundamentally change the site from rural to edge of settlement. The visual harms result from the undulating topography of the site and evident erosion of the sites' open countryside relationship with the historic settlement to the east. Particular visual harms would be localised, particularly along Wicken Road, School and the adjacent Public Footpath (PROW 41_21). As will be expanded below, the UDC

Heritage Advisor has stated there is insufficient information submitted with the applicant to appropriately assess the degree of harm of the proposal. Having liaised with the applicant on matters, Officers have been informed additional information will be supplied to further support their case. At the time of writing, no additional information has been submitted.

14.3.47 Thus, the potential harms to the setting of the adjacent Conservation Area (to be discussed further below), the development would have harmful visual influence on the immediate locality. It is proposed within the Design and Access Statement that new built form would be up to 3 storeys but along the Wicken Road frontage/Central routes, heights would be limited to 2.5 storeys. For these reasons, Officers are of the view the development would appear prominent, discordant and appear as unobtrusive additions to the area especially given the topographical nature of the site. As a result, the School Lane and Wicken Road boundaries would change in character to a sense of feeling enclosed approaching the site.

14.3.48 In light of the above, the principle of development would still introduce moderate and major harm to the character and appearance of the area and contrary with ULP Policies S7, GEN(b), ENV1 and ENV2 and ENV3 and paragraph 135(a) and (c) of the NPPF (2024).

14.4. B) Design, Layout and Heritage Implications

14.4.1 Design/Appearance

14.4.2 In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2024) requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes.

14.4.3 Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'*. These criteria are reflected in Policy GEN2 of the adopted Local Plan. In addition, at para. 135 it also states that planning decisions should ensure developments *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'*. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

14.4.4 While the DAS submitted states the development would be up to 3 storeys high, due to the nature of the application being in outline form, with all matters reserved for later determination (except for access), limited details have been submitted with the application. Subsequently, comments from UDC Urban Design Officer and UDC Landscaping are

also limited due to the nature of the application, although, no adverse comments have been received.

14.4.5 The Design and Access Statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, suggested character areas with indications of landscaping and accessibility within and into the site.

14.4.6 Layout

14.4.7 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council must be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc.

14.4.8 The Development Framework Plan supplied (ref: 2019-005-101 rev A) provides an indicative layout of the proposal which specifies the location of primary/secondary streets, cycle/pedestrian footways, new pedestrian/cycle links into/from the site from Wicken Road and School Lane, children's plays, landscape buffers to the northern and southern boundary.

14.4.9 The developable area would be concentrated towards the southern and eastern boundaries with pockets of open spaces allocated within and around the site. However, at this stage, the layouts of the residential units are yet to be finalised. The main vehicle access to the site would be from the eastern end of Wicken Road with additional cycle/pedestrian links/access points along Wicken Road and School Lane.

14.4.10 The applicant maintains within the DAS that that proposal will seek to achieve a gross density of 14.9 dph, with an average net density of 31 dph while seeking to provide a balanced approach to the provision of green infrastructure (see p.40). Overall, the approach taken is to increase the density of dwellings along Wicken Road and reducing the density of residential units towards the rear, along the northern boundary, so the dwellings become more sparse in layout towards the landscape buffer to the north. The applicant maintains this approach has been adopted in accordance with the District-Wide Design Code (UDC Design Code) (2024). Below demonstrates the suggested density of the dwellings.

14.4.11



Figure 3: Suggested residential density

14.4.12 At this time, the Uttlesford adopted Local Plan (2005) does not provide guidance with regards to housing density. Once the new plan is adopted, it is likely to update guidance of appropriate housing density for the districts housing needs.

14.4.13 In light of the above, due to the outline nature of the application, no adverse comments have been received from UDC Urban Design. Notwithstanding the principle objections to the scheme, details of layout plans would be addressed if a reserve matters applications are submitted if outline consent is granted.

14.4.14 Scale

14.4.15 The applicant has stated within their Design & Access Statement (DAS) that the proposed height of the residential development would be a maximum of 3 storeys. Although this is caveated as it is also maintained that generally the proposed new homes will incorporate a mix of 2 and 2.5 storey in order to reflect the heights of the existing residential development in the nearby residential areas.

14.4.16 It is further stated within the DAS that the heights along Wicken Road (CA1) and Central Avenues (CA2) will be limited to 2.5 storeys to help achieve a number of townscape functions namely to respect the scale of existing homes and to preserve prominence of local buildings. The homes proposed along School Lane (CA3) will be limited to 2 storeys to assist with ease the development into the Conservation Area and to create buildings with local architectural significance.

14.4.17 The rationale for the suggested heights of the proposed buildings is appreciated, but it is not possible for Officers to comment primarily due to the undulating nature of the application site and the heritage sensitivities of the site. However, the initial view would be that 2.5 storeys along Wicken Road could be excessive and it might be better

to reserve the building heights/storeys to 2 storeys only along both School Lane and Wicken Road. For this reason, Officers will be adding a further reason for refusal.

14.4.18 Archaeology

14.4.19 According to Place Services (Archaeology) the site the subject of this application lies within potentially sensitive area of heritage assets. Thus, the Council's Archaeology advisors have requested conditions, in the event the application is recommended for approval.

14.4.20 Heritage and less than substantial harm

14.4.21 As the northeastern and southeastern portion of the application site abuts Newport Conservation Area and within the setting of designated and non-designated Heritage Assets, UDC Conservation Officer has been consulted on the application and the salient points are referenced below:

14.4.22 *'A Heritage Statement (HS) has been provided to support the application. It outlines a good understanding of the Site, the wider context and how the historic environment has evolved through time. It also provides an assessment of the relationship of the Site to the Conservation Area, including relevant associations of the Site to nearby heritage assets....*

14.4.22.1 *The quality of the proposed development will be critical in assessing and determining the level of harm to the heritage assets in proximity. However, there is insufficient information within this application to allow assessment of the level of harm.'*

14.4.23 Notwithstanding the above, the Inspector previously held that in terms of harms to heritage assets there would be some harms to the setting of listed buildings and the setting of the Conservation Area, but a low level of less than substantial harm was afforded. Thus, where less than substantial harm has been identified from a proposal, the Local Planning Authority has a duty to weigh this harm against the public benefits of the proposal (as per para. 215 of the NPPF 2024). In accordance with para. 212 of the NPPF (2024), great weight has been afforded to Newport Conservation Area to the east and the harms to the Church Tower of St Mary the Virgin (Grade 1 Listed). In addition, para. 216 of the NPPF (2024) also requires the LPA to assess the effect of an application on the significance of non-designated heritage assets and that a balanced judgement is required with regards to the scale of any harm. The non-designated heritage assets harms were previously identified to be minor by the Inspector and noted that the development of the appeal site would permanently alter their setting and cause a minor, low level harm. Officers still consider this point as relevant.

- 14.4.24** While harms to both designated and non-designated heritage assets have been noted above, Officers will not be imposing a further reason for refusal since it was clear from the previous application and subsequent appeal that the harms of the development result from the collective harms. The Inspector at para. 90 of the appeal decision stated;

‘The scheme would... significantly erode the close relationship between the settlement of Newport and its rural hinterland, undermining this locally distinctive feature and resulting in a significant adverse impact on the local landscape. This coupled with the less than substantial harm to designated and non-designated heritage assets.’

- 14.4.25** It is for these reasons the LPA do not consider this to trigger para. 11(d)(i) or a separate reason for refusal.

- 14.4.26** In terms of benefits, the development proposes a substantial contribution to the Councils 5 Year Housing Land Supply (5YHLS). The applicant maintains other public benefits result from 36no. units of affordable housing, provision of land for a new community facility, biodiversity net gain, children’s play areas, jobs created from construction, increase in local spending power and a new homes bonus to UDC as well as s106 payments to improve local infrastructure. Although these will be assessed further in the planning balance conclusion below.

- 14.4.27** In light of the above, these public benefits do not outweigh the identified harms and, therefore, the proposal is contrary with adopted Uttlesford Local Plan Policy (2005) S7, GEN2(b), ENV1, ENV2 and NPPF 135(a) and (c) (2024).

14.5 C) Landscaping, Ecology and Biodiversity

- 14.5.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

- 14.5.2** In good landscape design both soft landscaping and hard landscaping are essential elements and require due consideration. The principle aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design

objectives. It is suggested within the DAS that a high-quality landscape framework will be provided to support an appropriate amount of public open spaces including a range of planting to enhance both amenity and biodiversity.

14.5.3 A Green Infrastructure Strategy has been formalised within the DAS which specifies that Landscaping will be broken down into four areas, these being;

- **Wicken and School Lane Interface:** At the interface with the existing carriageways, buildings will be set back allowing for stretches of amenity grassland and a more formal cycle/ footway to better connect the site with other areas of Newport;
- **Northern Edge and Footpath:** The sites northern edge will become a large, sweeping area of public greenspace providing a robust landscape framework and verdant character to the scheme. This transitional space will incorporate wildflower planting and tree planting to aid the transition between new homes and existing woodland and help frame views to the church. A SuDs basin will add to the diversity of green space;
- **Western Edge & Woodland:** Along the sites western boundary, new thicket, tree and woodland planting will be planted supported by a community orchard and areas of wildflower planting. New recreational routes of a more informal character will stretch through these areas connecting Wicken Road and the development to the PRoW to the north
- **Green Streets and Central Green:** The proposed street network will feature formalised grass verges and street trees to provide an attractive street scene that encourages active travel. These green streets will converge at the centre of the site where a small area of amenity grassland will provide a focal point to the development and soften the surrounding built form.

14.5.4 An extract of the indicative Landscape Plans, as outlined within the DAS, is below;



Figure 4 (above): indicative landscape plans

14.5.5 UDC's Landscaping Officer has been consulted but limited comments have been received with regards to the landscaping proposals. Notwithstanding this, in the event the application is approved, a landscaping condition could be added to specific details to be provided within a Reserved Matters application.

14.5.6 *Ecology*

14.5.7 Policy GEN7 of the Local Plan states that development would have a harmful effect on wildlife will not be permitted unless the need for development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.5.8 ECC Ecology have been consulted on the application and had originally made a holding objection due to insufficient ecological information on mandatory Biodiversity Net Gains (BNG). Although, the original comments acknowledged the proximity of the site to Wicken Water Marsh Local Wildlife Site (LoWS) which contains Priority habitats, and requested a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity).

14.5.9 It was also noted that the site also supported Skylark territory and it recommended that a Farmland Bird Compensation Strategy should be submitted, secured by condition, and addressed within a Reserved Matters application. Other conditions also requested relating to the commencement date of development if works had not begun within 18 months from the date of consent, then ecological mitigation measures ought to be reviewed and amended, where appropriate.

14.5.10 *Biodiversity Net Gain (BNG)*

- 14.5.11** Following the initial holding objection, the applicant had sought to provide additional details to address matters. In their revised comments, Place Services (Ecology) maintain that they support the BNG Baseline Report, and the Statutory Biodiversity Metric Version 2 submitted provides sufficient information to determine the application. As such, it has been requested that a Biodiversity Gain Plan should be submitted prior to commencement.
- 14.5.12** This advice goes on to states that a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements in line within the approved Biodiversity Gain Plan (where the maintenance and monitoring secured via legal obligation or condition of any consent for a period of up to 30 years).
- 14.5.13** Place Services (Ecology) also maintained that the landscaping elements of the schemes are likely to deliver BNG and requested that any landscaping condition proposed should include a policy reason for biodiversity is added. Also, the proposed reasonable enhancements for protected, priority and threatened species are supported but recommended that the enhancement measures proposed should be outlined within a separate Biodiversity Enhancement Strategy, secured by an appropriate condition.
- 14.5.14** In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN7 and the NPPF (2024).

14.6. D) Highways, Vehicle Access and Parking

- 14.6.1** Paragraph 116 of the NPPF (2024) states that ‘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, following mitigation, would be severe, taking into account all reasonable future scenarios’.
- 14.6.2** Paragraph 117 of the NPPF (2024) goes on to stipulate that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, address the needs of all users, create places that are safe, secure, and attractive, allows efficient delivery of service and emergency vehicles and designed to cater for charging of plug-in and other low emission vehicles.
- 14.6.3** Policy GEN1 of the Uttlesford District Local Plan is broadly consistent with the aims and objectives of the NPPF as set out above. It requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport

users, horse riders and people whose mobility is impaired and encourage movement by means other than a vehicle.

14.6.4 Proposed Vehicle Access

14.6.5 Vehicle access is a matter to be determined within the current application i.e. not a reserved matter. Thus, the vehicle access into the site is proposed along the eastern portion of Wicken Road as indicated in Figure 1 above. Other pedestrian accesses are proposed, but these are likely indicative at this stage.

14.6.6 The applicant has demonstrated visibility splays on plan titled 'Potential Access arrangements (Overall Arrangement), drawing no. '23-T113 02 rev D'. In consultation with the Highway Authority, no objection has been raised in relation to the access to the site or the sight splay details, subject to conditions.

14.6.7 Highway Impacts of Development

14.6.8 In terms of impacts of the development upon the road infrastructure and highway safety, the Highways Authority at ECC Highways have been consulted and made the following comments;

14.6.9 *'In assessing this site, the transport assessment (TA) was assessed in terms of highway capacity, safety and accessibility. The transport assessment included the committed development form the major developments in the Newport. In addition to the committed development, background growth has been added to the assessment year 2029. The assessment of the highway impact is therefore considered robust. A capacity assessment has been carried out on various junctions including the Wicken Road/ High Street junction and the Highway Authority is satisfied that the impact on the junction is not severe.*

14.6.9.1 *The Highway Authority has assessed the information relating to sustainable travel modes and proposes conditions within this recommendation that will enhance the local bus services as well as improvements to bus stops, creation of new crossings and road markings that will benefit the local community.'*

14.6.10 In response to this application, the Newport Parish Council have submitted the 'Uttlesford Transport Study Baseline Report: Transport Strategy (13 October 2023). Newport Parish Council have expressed concerns with modelling detailed provided within Transport Assessment (TA). It is maintained by the parish that there is insufficient capacity at Wicken Road/B1383 junction. Given their stance, the parish have submitted the 'Uttlesford Transport Study Baseline Report (2023)' from the evidence base of the emerging Local Plan. At the time of writing, Officers have liaised with the Highways Authority on matters and an update is currently pending.

14.6.11 Parking

14.6.12 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.6.13 The adopted Uttlesford parking standards recommended for at least 1-no. space for each 1-bedroom unit and at least 2-no. spaces for dwellings consisting of two-three-bedroom dwellings and 3-no. spaces for four+ bedroom dwellings. One visitor space is also required for every 4 residential units. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.6.14 Due to the outline nature of the proposal, limited details have been provided regarding vehicle and cycle parking provision. Although, the DAS provides details of a Parking Strategy where 1bed flats would be allocated 1no. car parking space and 2bed+ units will be allocated 2 spaces and 0.25 visitor parking per dwelling. All units would be allocated 1no. secure cycle covered space per dwelling.

14.6.15 As the final mix of housing has not been refined to date, broadly the number of required vehicles spaces cannot be fully assessed at this time, at the reserved matters stage there will be opportunity to secure that parking levels meet the adopted UDC standards.

14.7 **E) Residential Amenity**

14.7.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.7.2 The application is seeking outline permission and layout is a matter reserved for consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.7.3 However, in respect to layout, it is regarded that the site is distanced from neighbouring properties opposite along Wicken Road and School Lane. Notwithstanding this, neighbour comments have been received with concerns with regards to a loss of privacy along Wicken Road. Comments are appreciated, although, at this stage, Officers are limited to assess amenity impacts as layout, scale and appearance are all reserved for later determination. Thus, there is currently no indication in respect to the size and window positioning on each of the dwellings. As such, details such as visual blight, loss of privacy and light would need to be assessed as part of future reserved matters applications.

14.7.4 In terms of construction impacts, a condition could be imposed in respect to the submission of a Construction Environmental Management Plan (CEMP) to limit adverse impacts to immediate locality and nearby residents in relation to noise and disturbance during the construction phase of the development.

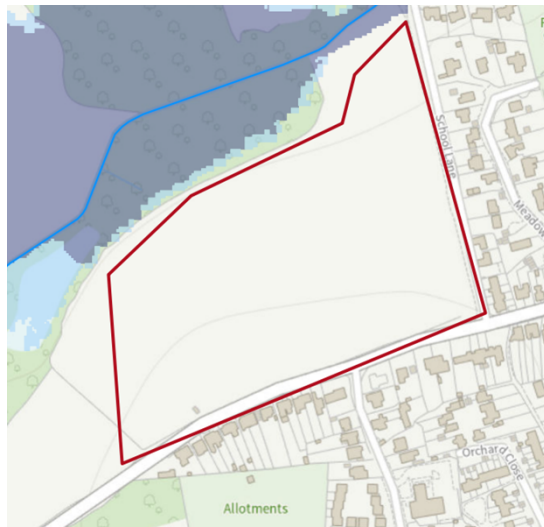
14.7.5 For reasons stated the above, for amenity purposes, the proposal is considered to comply with ULP (2005) Policies GEN2, GEN4 and NPPF (2024).

14.8 F) Flood Risk and Surface Water Drainage

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

14.8.2 The Environment Agency's (EA) indicative Fluvial and Tidal Flood Mapping demonstrates that the proposed development is located within Flood Zone 1 in accordance with the Flood Risk and Coastal Change PPG as per Figure 4 below.

14.8.3 Figure 5: Environment Agency Flood Maps



(Blue areas to the north indicate Flood Risk Zones 2/3.)

14.8.4 The NPPF sets out where the need for Sequential Testing is required. The Sequential Test aims to direct new development to areas with the lowest probability of flooding. The development area of the site has been identified as located within Flood Zone 1 and is therefore considered to pass the Sequential Test. The need for Exception Testing is not necessary.

14.8.5 New major development for housing need to include a flood risk assessment as part of their planning application to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to

ensure that the risk of flooding is not increased to those areas outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

- 14.8.6** The scale of the proposals has the potential to cause an increase in surface water runoff rates and volumes, with the potential to increase downstream flood risk due to overloading of sewers, watercourses, culverts, and other drainage infrastructure. To demonstrate that sewer and surface water flooding is not exacerbated, surface water should be considered within the design of the site. This demonstrates that any additional surface water and overland flows are managed correctly, to minimise flood risk to the site and the surrounding area.
- 14.8.7** The proposal will include Sustainable Drainage Systems (SuDS) principles, and it has been stated that the attenuation basin will be conveyed by gravity in the EA Main River 'Wicken Water' located off-site to the north.
- 14.8.8** The Lead Local Flooding Authority (LLFA) have been consulted on this proposal and initially had an objection to the proposed development due to insufficient information relating to infiltration details, discharge rates and sought other minor points of clarification.
- 14.8.9** Following the holding objection from LLFA the applicant sought to provide additional details address matters. Subsequently, the LLFA has now removed their holding objection, subject to a number of conditions. The Environment Agency has also been consulted, although, no comment has been received.
- 14.8.10** The proposed development would therefore fail to accord with Policy GEN3 in terms of flooding and drainage.

14.9 G) Environmental Health and Contamination

- 14.9.1** The Environmental Health Officer has commented on the application and with regards to land contamination, conditions to further assess site investigations and remediation were suggested. Officers are of the view this would be prudent to add subsequently secured by way of an appropriately worded planning condition.
- 14.9.2** Also, a Construction Method Statement was suggested in the event the application is recommend for approval. Given the sites location adjacent to Wicken Road/School Lane and the comments from local residents, Officers consider it appropriate to request a Construction Method/Management Plan prior to commencement of development.
- 14.9.3** Other conditions/informatives were also suggested in relation to external lighting and renewable energy. The proximity of the site to the M11 was noted and it was also requested sound attenuation details

against external noise. Officers again consider that it would be prudent to add relevant conditions to reduce the impacts of the development, in accordance with ULP Policies (2005) GEN2, GEN4, ENV10, ENV13 and ENV14, if the application were recommended for approval.

14.10 H) Planning Obligations and s106 Agreement

14.10.1 Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

14.10.2 Housing

14.10.3 40% Affordable Housing with a tenure mix of 70% (Affordable Rent) / 30% (Affordable Home Ownership), as suggested by UDC Housing.

14.10.4 Healthcare

14.10.5 *NHS England (Primary Care)*

14.10.6 Primary healthcare provisions: based on 2.4 occupants per dwelling and up to 90 dwellings proposed NHS England have deemed a likely 216 new patient registrations would result from the development.

14.10.7 NHS England maintain this development will have an impact on primary health care provisions in the Newport area and, if left unmitigated, would be unsustainable for the NHS.

14.10.8 Thus, it has been calculated that additional primary healthcare services arising from the development will amount to £150,480. The Hertfordshire and West Essex Integrated Care Board (HWE ICB) have requested this is secured via a s106 planning obligation triggered on the occupancy of the 10th dwelling.

14.10.9 This figure is likely to change once the final housing mix / accommodation schedule has been finalised.

14.10.10 *NHS England (Secondary Care)*

14.10.11 It has also been stated the development will likely impact community and mental health care provisions within the local area.

14.10.12 Mental Health provisions has been calculated at £30,502.80 for 90 dwellings.

- 14.10.13** Community Health Care provisions has been calculated at £31,741.20 for 90 dwellings.
- 14.10.14** *East of England Ambulance Service Trust (EEAST)*
- 14.10.15** EEAST has identified the proposed development has potential to generate potential for around 225 residents which amounts to around 52 calls per annum on an already constrained ambulance services.
- 14.10.16** There are no objections from EEAST subject to financial contributions made towards the provision of Emergency Ambulance Service Infrastructure which may be the nearest Hub, local ambulance stations(s), provisions of additional ambulance vehicles to support additional population resulting from the development.
- 14.10.17** As a result of the additional patient demand generated from this development on the emergency ambulance health service, EEAST have requested financial contributions as mitigation.
- 14.10.18** For 90 dwellings a total contributions has been calculated at £34,772.
- 14.10.19** Education
- 14.10.20** *Early Years and Childcare (EY&C)*
- 14.10.21** It has been identified that for 90 dwellings this development will generate an additional childcare need of 8.10 places.
- 14.10.22** A developer contribution of £161,911.00 index linked to Q1-2024, is sought to mitigate its impact on local Early Years & Childcare provision. This equates to £19,989 per place.
- 14.10.23** *Primary Education*
- 14.10.24** In terms of Primary Education this development will generate an additional need of 27.0 place.
- 14.10.25** A developer contribution of £539,703.00 index linked to Q1- 2024 is sought to mitigate its impact on local Primary School provision at Uttlesford Primary School Group D: Mid-west (Newport). This equates to £19,989 per place.
- 14.10.26** Secondary Education
- 14.10.27** In terms of Secondary Education this development will generate an additional need of 18.0 place.
- 14.10.28** A developer contribution of £494,856.00 index linked to Q1-2024, is sought to mitigate its impact on local Secondary School provision at

Uttlesford Secondary School Group A: North (Newport & Saffron Walden) This equates to £27,492 per place.

14.10.29 Libraries

14.10.30 The proposed development is expected to create additional usage of local libraries. A developer contribution of £7002.00 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020.

14.10.31 No formal draft s106 has been submitted to address planning obligations identified above. Although the applicant has submitted a draft section 106 Heads of Terms (HoTs) which addresses the 40% Affordable Housing, Open Space, Highways/Public Transport. The draft HoTs also specifies that the applicant would be willing to provide any other appropriate contributions that emerge from the planning consultation process.

14.10.32 As there is a principal objection to the proposal, a legal agreement has not been progressed, however, if Members are minded to approve then the applicant is willing to enter into a legal agreement to secure relevant planning obligations.

14.11 **I) Other Matters**

14.11.1 Following dialogue with the applicant, a Planning Addendum Statement has been submitted to further support the application. The introduction states that *'It is abundantly clear that the reasons for dismissing the previous appeal cannot be sustained in the absence of objections from statutory consultees. To act otherwise would be unreasonable and could result in an award of costs against the Council at subsequent appeal'*

14.11.2 Officers are aware of the stance of technical consultees and have considered them appropriately. The stance of the LPA consistently reinforces that the reason for the objection is due to the localised impacts to the rural character and appearance of the area along with the landscape and visual impacts. These harms have been considered significant. Due consideration has been given to the existing evidence base to the Emerging Local Plan, the adopted Local Plan (2005) and relevant policies in the Newport Quendon & Rickling Neighbourhood Plan (2021).

14.11.3 The LPA consider the harms, as identified, from the previous outline application which was later dismissed at appeal are still relevant material considerations given the local and national policy context. Recent Written Ministerial Statements have been considered although

the Authority consider the harms identified are severe enough to warrant refusal.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. PLANNING BALANCE AND CONCLUSION

16.1 The planning balance is an intrinsic aspect of the determination of planning applications, in accordance with paragraph 11 of the NPPF (2024) which triggers the presumption in favour of sustainable development.

16.2 Evidently ULP (2005) Policy S7 is not entirely up to date which triggers para. 11(d)(ii) of the Framework and, therefore, the LPA are required to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, the presumption would also engage footnote 8 i.e. the application of the Housing Delivery Test. As outlined above, the Council's 5 Year Housing Land Supply is currently 3.46 years, while the Housing Delivery Test (HDT) stands at 69%. The recent revisions to the NPPF

(2024) has amended the wording of footnote 8 (in relation to HDT) which states where the Housing Delivery Test indicates that the delivery was substantially below (less than 75% of) the housing requirement over the previous three years) which is consistent with the footnote wording¹⁰ in 2019. This is a relevant point as the 'substantially below' wording with reference to the HDT was removed in the 2023 version of the Framework but later added again within the 2024 demonstrating the current iteration of the NPPF is more consistent with the 2019 version. Moreover, it was quoted in the appeal decision that the Council's Housing Land Supply was 3.29 which is less than the Council's current figures and the Inspector still dismissed the appeal. Notwithstanding the above, the Council's HDT is 69% and the LPA are still required to engage the planning balance.

- 16.3** Elements of the development plan are out of date although it cannot be assumed that all relevant policies in the development plan attract less weight – weight being a matter for the decision maker and dependent on consistency with the NPPF (2024).
- 16.4** In the current context the 2019 appeal decision is also a material consideration. The Inspector held that the scheme would have a significant adverse effect on the landscape character and appearance of the area. It was also clear from the Inspectors decision that Policy S7 that is partly consistent with the Framework and where the Policy states '*the importance of conserving and enhancing the natural environment*' significant weight was afforded to this factor.
- 16.5** In terms of the harms to designated and non-designated heritage assets less than substantial harm has been afforded to the harms to Newport Conservation Area and Grade 1 Listed Church tower of St Mary the Virgin. Harms to were also afforded to non-designated heritage assets 41 and 49 Wicken Road. A low level of less than substantial harm was previously afforded with a moderate conflict was afforded with ENV2. Notwithstanding the low level of harm afforded, and moderate conflicts with UDC ENV2, the LPA are still required to afforded great weight to such harms in accordance with paragraph 212 of the Framework.
- 16.6** Furthermore, in terms of conflict with ENV3, Officers acknowledge the site does not have the status of a valued space and/or explicitly identified as an ENV3 open space. Although the provisions of the policy do account for '*other visually important spaces*' and that development proposals will not be permitted unless the need for development outweighs their amenity value.
- 16.7** In light of the above, the planning balance of paragraph 11(d)(ii) of the NPPF (2024) tilts against development, as the benefits include:

¹⁰ The NPPF (2019) it was then footnote 7

16.8 *Benefits of development*

- 16.9**
- Contribution to the Council's 5 Year Housing Land Supply (and potentially the Housing Delivery Test) / 40% Affordable Housing (significant weight)
 - Land provisions for community use (limited weight)
 - Biodiversity net gain measures (moderate weight)
 - Children's play areas (limited weight)
 - Jobs created from construction (very limited weight)
 - Increase in local spending power (limited weight)
 - New homes bonus to UDC (limited weight)
 - S106 payments to improve local infrastructure (moderate weight)

16.10 As a supplementary comment to the benefits identified by the applicant, most of the benefits suggested are either a matter of policy compliance and or form of mitigation arising from the proposed development. Thus, limited and/or limited weight has been afforded to these factors.

16.11 *Adverse impacts of the development*

- 16.12**
- Moderate and major harms to the landscape character and appearance of the area / harms to a visually important space and conflict with UDC (2005) Policies S7, ENV3 and GEN2(b)¹¹ (significant weight)
 - Less than substantial harm afforded to designated and non-designated heritage assets and conflicts with ENV1 and ENV2 (great weight)
 - Loss of Best and Most Versatile Land (Limited Weight)

16.13 Also, the applicant also advocates that the Written Ministerial Statements of 2024 titled 'Building Homes We Needs' which highlights the severity of the national housing crisis and that these are material considerations. Officers appreciate the stance and as demonstrated above, have engaged the relevant planning balance to assess whether a presumption is in favour of sustainable development. Officers are still of the view that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits identified.

16.14 Therefore, on balance, Officers acknowledge that applicant has put forward a number of benefits but do not consider these do not outweigh harms that have been identified. The application is hereby recommended for refusal as the significant adverse impacts outweigh the benefits of the proposal.

¹¹ The aspect of Policy S7 of relevance 'Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.'

17.
17.1

REASONS FOR REFUSAL

1. The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as adopted (2005) and is thereby located within the countryside.

The proposals would significantly harm the intrinsic rural character and beauty of the countryside resulting in landscape and visual effects from local publicly accessible viewpoints.

In addition, the proposed development would result in the erosion of a visually important space exacerbated by the rising topography within the rural setting of Newport with further harms to the setting of the conservation area and Grade 1 Listed Church of St Mary the Virgin.

As such, the proposal conflicts with Policies S7, GEN2(b), ENV1, ENV2 and ENV3 of the Uttlesford Local Plan (adopted 2005), Policies NQRHA1, NQRHA2 and NQRHA3 of the Newport Quendon & Rickling Neighbourhood Plan (2021) and paragraphs 135(a) and (c) of NPPF (2024).

2. The proposed development would, by reason of the proposed 2.5 storeys proposed along Wicken Road and School Lane, would appear out of character and create a sense of enclosure due to the topography at the site boundaries. As such, the development would appear overdominant, overbearing and incongruous within the street scene to the detriment of visual amenity. The proposal would fail to comply with Uttlesford Local Plan (2005) Policies S7 and GEN2, and para. 135 of the National Planning Policy Framework (2024).