



# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 16th January, 2019

**Time:** 2.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden,  
CB11 4ER

**Chairman:** Councillor A Mills

**Members:** Councillors R Chambers, P Fairhurst, R Freeman, E Hicks,  
M Lemon, J Lodge, J Loughlin (Vice-Chair), H Ryles and L Wells

**Substitutes:** Councillors T Farthing, A Gerard, G LeCount, J Redfern and G Sell

### Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements to the Committee subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

## AGENDA PART 1

### Open to Public and Press

#### **1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.

#### **2 Minutes of the Previous Meeting**

5 - 12

To consider the minutes of the previous meeting.

#### **3 UTT/18/2478/FUL - Bluegates Farm, Stortford Road, GREAT DUNMOW**

13 - 32

To consider application UTT/18/2478/FUL.

- |          |  |         |
|----------|--|---------|
| <b>4</b> | <b>UTT/18/1811/FUL - The Bell House, High Street, HENHAM</b> | 33 - 42 |
|          | To consider application UTT/18/1811/FUL                      |         |
| <b>5</b> | <b>UTT/18/2917/FUL - Land North of Dunmow Road, TAKELEY</b>  | 43 - 56 |
|          | To consider application UTT/18/2917/FUL                      |         |
| <b>6</b> | <b>UTT/18/2681/LB - Street Farm, Cambridge Road, QUENDON</b> | 57 - 60 |
|          | To consider application UTT/18/2681/LB                       |         |

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 19  
DECEMBER 2018 at 2.00 pm**

Present: Chairman A Mills  
Councillors R Chambers, P Fairhurst, T Farthing (Substitute for  
E Hicks), R Freeman, M Lemon, J Lodge, J Loughlin, H Ryles  
and L Wells. A Mills (Chairman)

Officers in  
attendance: N Brown (Development Manager), K Denmark (Development  
Management Team Leader), B Ferguson (Democratic Services  
Officer), D Gibson (Temporary Planning Officer), L Mills  
(Planning Officer), M Shoemith (Development Management  
Team Leader), E Smith (Solicitor) and Marcus Watts  
(Environmental Health Manager – Protection).

N Brown (Development Manager), K Denmark (Development  
Management Team Leader), B Ferguson (Democratic Services  
Officer), L Mills (Planning Officer), M Shoemith (Development  
Management Team Leader) and E Smith (Solicitor)

Also present: Councillors B Light, A Gerard, H Rolfe;  
Matt Bradley and Martin Mason (Essex County Council -  
Highways), Paul Calder, Keith Eden, Paul Gadd, Geoff Gardner,  
Ana Grossinho (Air Quality Experts Global Ltd - AQEG), Jim  
Ketteridge, Peter Le Grys, Ian Mitchell, Matthew North, Dan Starr,  
Susie Stevens, Peter Stollery and James Waterhouse.

**PC114 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Hicks.

Councillors Fairhurst and Freeman declared a non – pecuniary interest as  
members of Saffron Walden Town Council.

**PC115 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 14 November were approved subject to  
noting that the recording was available from which a transcript could be prepared  
if necessary.

The minutes of the meeting held on 21 November were approved subject to the  
following amendment to PC106:

The Members went on to discuss concerns with the road safety issues, ***with  
particular regard paid to the safety of pedestrians on Bury Water Lane***, and  
flood risks that the application presented given the current and historic issues at  
the site.

The Development Manager said the public speaking on agenda items 3 and 4 would be taken together, as the applications were adjacent to one another.

Councillor Fairhurst said he objected to this process as each planning application should be determined on its own merits, as was consistent with previous practice of this Planning Committee. He asked why the applications had not been completely separated and highlighted the way in which the applications had been linked throughout the reports. He said he had serious legal reservations regarding this process.

The Chairman said it would only be the public speaking that would be taken together; two separate votes would be held to determine each application separately.

The Solicitor said the Committee could regulate its own procedure and she had no objection to the public speakers for both applications being heard at the same time. The two sites were adjacent and, although each application should be determined on its own merits, an important Highways mitigation measure could only be delivered if both applications were granted. She added that this was a procedural, not a legal, matter.

The proposal related to outline planning permission, with all matters reserved except access, for the provision of up to 150 dwellings of mixed housing types and tenure. The scheme would provide 40% affordable housing, with a mixture of tenure for both rent and shared equity; 5% of these dwellings would be provided as bungalows. In addition to the dwellings, substantial new areas of open and recreational space were proposed, as well as a network of public footpaths, greenway corridors, cycle lanes and access to existing public transport links along Thaxted Road. To serve the residential development, a new signalised junction along Thaxted Road was also proposed.

The Development Management Team Leader highlighted the ECC Highways assessment and Air Quality Assessment of the application(s), which stated that the development was acceptable in terms of highway safety capacity, air quality and upon the AQMA. However, they had advised that if Members were to approve this application, they should also grant permission for the adjoining application UTT/17/2832/OP to enable the creation of a link road between Thaxted Road and Radwinter Road to enable traffic to route away from the existing highway network and provide some betterment.

To enable public speaking on both applications, the Chairman moved proceedings on to Item 4 and asked the Development Management Team Leader to present the report on application UTT/17/2832/OP.

The application sought outline planning permission, with all matters reserved except access, for the provision for up to 100 mixed dwellings, including 40% affordable housing. As part of the development there would also be associated open space, drainage, landscaping, access and parking. The provision of land to facilitate an extension to an already approved primary school, which formed part of the wider UTT/13/3467/OP application, was also proposed in order to enable a 2 form entry school on the site.

The Chairman invited those who had registered to speak on applications UTT/17/2832/OP and UTT/18/0824/OP to address the Committee. The statements can be heard in full [on the Council's website](#).

The Development Manager said the Council did not have a five year land supply and therefore required the 250 houses that were proposed by the two applications. He said the link road, which was advised as a highways and air quality mitigation measure, would only be built if both applications were approved.

In response to a procedural question from Councillor Lodge, which referenced email correspondence between Councillor Rolfe and the former Leader of the Council, the Solicitor said the personal opinions espoused by members did not bring the Body Corporate into disrepute and was irrelevant in determining this application.

Members discussed the impact both developments would have on the highway network, with particular regard paid to air quality and the nature of the proposed link road.

Councillor Freeman said if the applications were approved, the proposed link road would be nothing more than a rat run, which would have a negative impact on quality of life for the people living in the new developments. He said he also had concerns relating to the dataset that had been used for the air quality modelling and questioned its legitimacy.

Councillor Lodge said there had been an anomaly in the first dataset he had seen. He added that there was a real air quality problem in Saffron Walden, with fourteen deaths relating to air quality in the past year.

Ana Grossinho (AQEG), an air quality expert, explained how the cumulative assessment had been carried out. She said the data set had been scrutinised by independent consultants (Ringway Jacobs) and she was confident that the conclusion in the report, which stated that the impact of these developments on air quality was negligible if the mitigation scheme was carried out, was sound.

Councillor Lodge said the link road would pass in front of the proposed primary school. This was contrary to the Essex Design Guide.

Councillor Fairhurst proposed to refuse application UTT/18/0824/OP. Councillor Lodge seconded the motion and said he was doing so as the application was contrary to policies GEN1, EN13, S7, ENV3 and ENV5 of the Uttlesford Local Plan (adopted 2005).

A recorded vote was requested.

**For refusal UTT/18/0824/OP:**

Councillors Fairhurst, Freeman and Lodge.

**Against refusal UTT/18/0824/OP:**

Councillors Chambers, Farthing, Lemon, Loughlin, Mills, Ryles and Wells.

The motion to refuse the application was defeated.

Councillor Mills proposed approval of application UTT/18/0824/OP. Councillor Chambers seconded this motion.

Councillor Lodge proposed an amendment to the motion. He asked that no work commence until a clear mitigation plan was approved by UDC and ECC Highways to show that proposed mitigation measures would prevent deterioration of air pollution levels within the Air Quality Management Area (AQMA).

The Environmental Health Manager – Protection said the conclusions of the cumulative air quality impact assessment stated that no further mitigation methods were required to prevent deterioration of air pollution levels within the AQMA, in relation to these proposed developments.

Councillor Fairhurst seconded the amendment.

**For the amendment:**

Councillors Fairhurst, Freeman and Lodge.

**Against the amendment:**

Councillors Chambers, Farthing, Lemon, Loughlin, Mills, Ryles and Wells.

The amendment was defeated.



Members then voted on the original motion to approve application UTT/18/0824/OP.

**For approval UTT/18/0824/OP:**

Councillors Chambers, Farthing, Lemon, Loughlin, Mills, Ryles and Wells.

**Against approval UTT/18/0824/OP :**

Councillors Fairhurst, Freeman and Lodge.

The application was approved.

The Chairman proposed to approve application UTT/17/2832/OP.

Councillor Ryles seconded the motion.

**For approval UTT/17/2832/OP:**

Councillors Chambers, Farthing, Lemon, Loughlin, Mills, Ryles and Wells.

**Against approval UTT/17/2832/OP:**

Councillors Fairhurst, Freeman and Lodge.

The application was approved.

*The following people spoke on these applications:*

*Councillors B Light, A Gerard (on behalf of N Hargreaves) and H Rolfe. Keith Eden, Paul Gadd, Jim Ketteridge, Ian Mitchell, Matthew North, Dan Starr and James Waterhouse.*

PC118 **UTT/18/2478/FUL - BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW**

*The meeting was adjourned at 4.55pm and reconvened at 5.00pm.*

*Councillors Fairhurst, Farthing and Wells left the meeting at this point.*

The applicant sought planning permission for the demolition of an existing residential property and office building, and the construction of a replacement office building, cycle stores, bin store and associated hard and soft landscaping. No objections had been received from statutory consultees.

Councillor Chambers proposed approval of the application.

The Chairman seconded the proposal.

Councillor Lodge said he was concerned with the size of the building. He proposed deferring the application to allow for a site visit.

The Chairman seconded this proposal.

RESOLVED that the application be deferred to allow for a site visit.

*Paul Calder spoke on this application.*

**PC119 UTT/18/2366/FUL - GRANITE SITE, THAXTED ROAD, SAFFRON WALDEN**

The applicant sought planning permission to erect a hotel and ancillary restaurant. Associated development would include the formation of a car park, landscaping and the relocation of a substation, and the access road would be repositioned.

The Planning Officer had recommended the application for approval subject to conditions, although he proposed conditions 3 and 4 to be amended as follows:

**Condition 3:** *Prior to first use of the hotel*, a scheme for protecting the hotel bedrooms from noise must be submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details prior to occupation of any bedroom.

**Condition 4:** *Prior to first use of the restaurant*, details of measures to suppress and disperse fumes and/or odours must be submitted to and approved in writing by the local planning authority. The measures must be implemented in accordance with the approved details prior to occupation.

Councillor Freeman proposed approval of the application.

The Chairman seconded the motion.

RESOLVED that the application be granted subject to S106 agreement.

*S Stevens spoke on this application.*

**PC120 UTT/18/1982/FUL - BARNMEAD, START HILL, GREAT HALLINGBURY**

The planning application sought full planning permission for the demolition of an existing dwelling house and replacing it with 9 residential dwelling houses and associated development at the site.

The Chairman proposed approval of the application.

Councillor Lemon seconded the motion.

RESOLVED that the application be approved subject to the conditions set out in the officer's report.

**PC121 UTT/18/1811/FUL - THE BELL HOUSE, HIGH STREET, HENHAM**

The proposal related to the erection of three dwellings and the demolition of an existing detached garage on the site, to allow the construction of a new driveway to provide access to the new dwellings located to the rear of Bell House. The parish council had objected to the application.

Councillor Chambers said he had concerns regarding this application and proposed deferral to allow for a site visit.

Councillor Lemon seconded the motion.

RESOLVED that the application be deferred to allow for a site visit.

*Geoff Gardner and Peter Stollery spoke on this application.*

**PC122 UTT/18/2895/FUL - THE DELLES, CARMEN STREET, GREAT CHESTERFORD**

The applicant sought planning permission to erect a detached house and garage. The proposal represented an alternative design for plot 2 of the two dwelling Development, originally approved by planning permission UTT/16/3394/FUL. This alternative design was required to rectify a design mistake that had led to the ridge height being one meter higher compared to the neighbouring property.

The Chairman proposed approval of the application.

Councillor Loughlin seconded the motion.

RESOLVED that the application be approved subject to the conditions set out in the officer's report.

*Peter le Grys spoke on this application.*

**PC123 UTT/18/2572/OP - CHAUMIERE, NATS LANE, WENDENS AMBO**

The outline application sought consent for the erection of a new dwelling and the demolition of a garage. All matters were reserved except access, with the new access leading to the dwelling proposed via the driveway and enabled by the removal of the existing garage.

The Chairman proposed approval of the application.

Councillor Lodge seconded the motion.

RESOLVED that the application be approved subject to the conditions set out in the officer's report.

**PC124 UTT/18/2375/HHF - DE VIGIER AVENUE, SAFFRON WALDEN**

The applicant sought consent for the erection of a two storey extension to the rear of their property. It would have a projection of 4 metres and a maximum height of 6.5 metres. At first floor level, a window would be placed in the rear elevation. At ground floor level, a door and a window would be placed in the side elevations.

Councillor Freeman said the issues that had led him to call the application in had been resolved. He proposed approval of the application.

The Chairman seconded the motion.

RESOLVED that the application be approved subject to the conditions set out in the officer's report.

**PC125 UTT/18/3069/HHF - MELBOURNE COTTAGE, LOWER GREEN LANE, WIMBISH**

The application related to a two storey side extension with a single storey to the rear.

The extension would extend from the side elevation by 3.6m, set back from the front elevation with a depth of 5.2m. A further single storey extension would attach to the rear extending a further 3m.

Councillor Lemon proposed approval of the application.

Councillor Chambers seconded the motion.

RESOLVED that the application be approved subject to the conditions set out in the officer's report.

The meeting ended at 5.55pm

## UTT/ 18/2478/FUL(LITTLE CANFIELD)

**PROPOSAL:** Demolition of existing residential property and office building and erection of a two storey office building, 2 no. cycle stores and 1.no bin store, with associated hard and soft landscaping.

**LOCATION:** Bluegates Farm, Stortford Road, Dunmow, CM6 1SN

**APPLICANT:** Mr M Curran

**AGENT:** Mr M Lacey

**EXPIRY DATE:** 19.12.2018

**CASE OFFICER:** Mrs Madeleine Jones

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### **1.0 NOTATION**

- 1.1 Outside Development limits. Within 2KM of SSSI. Within 6km of Stansted Airport. Within 100m of Local Wildlife site (Flitch Way) Adjacent to Listed Building

### **2. DESCRIPTION OF SITE**

- 2.1 The application site (0.76 hectares) is situated between the Stortford Road, and the Flitch Way in Little Canfield and is rectangular in shape. There are commercial premises set back from the road on the site and also a residential property to the front of the site.
- 2.2 To the sites frontage is a low hedge, the southern boundary is open to the Flitch Way which is approximately 100m to the south of the site. To the east and west of the site is agricultural land. The eastern boundary has sporadic trees and low planting. There is a stream that runs along the length of this boundary. The western boundary has mature trees and hedgerow.
- 2.3 The existing commercial premises have a flat roof and are two storey. The dwelling to the front of the site is two storey clad in weatherboarding.
- 2.4 The north eastern corner of the site is approximately 400m from the A120.
- 2.5 On the opposite side of the Stortford Road is a Grade II listed Building and some residential dwellings.
- 2.6 There is an existing vehicular access into the site to the north eastern corner and a further access (unused) at the north western corner of the site.
- 2.7 There is hardstanding surrounding the existing office building providing 16 parking spaces.
- 2.8 A public footpath runs parallel to the western boundary.
- 2.9 The distance from the north elevation of the existing office building and the front boundary of the site is 34m.

### **3. PROPOSAL**

- 3.1 The proposal is for the demolition of the existing residential property and office building and their replacement with a office building, cycle stores, bin store and associated hard and soft landscaping
- 3.2 The proposed building would be two storeys in height, finished in red brick and weatherboarding, under a pitched slate roof. It would be set back from the road close to the southern boundary.
- 3.3 There would be parking to the front and eastern side of the site providing 77 parking spaces. Of these would be four disabled bays. There would be 34 cycle spaces to the western side of the proposed office building
- 3.4 The existing access would be closed and a new access created further to the east of the existing access.

#### **4. APPLICANT'S CASE**

- 4.1 The application is supported by a Design and Access Statement, Flood Risk and SUDs Statement, a Planning Statement, a completed SUDS checklist, a Transport Statement, an Ecological Impact Assessment a completed Biodiversity Checklist, Statement of Community Involvement, Arboricultural Impact Assessment, Landscape and Visual Impact Assessment, Heritage Statement

#### **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0263/54 – Alterations to house. Approved.
- 5.13 DUN/0119/50 – New drainage system. Approved.
- 5.3 UTT/0464/08/FUL – Change of use to mixed retail sales, office and storage associated with building business. Refused
- 5.4 UTT/0513/77 – Improved access and provision of car park and construction of replacement barn and garage. Conditional approval.
- 5.5 DUN/0171/56 – Site for three caravans. Refused
- 5.6 DUN/0308/55 - Site for agricultural workers dwelling. Refused
- 5.7 EU/UTT/1026/76 - Established use as market garden and smallholding and use for roadside sales of farm and garden produce produced both on and off the holding
- 5.8 P/A/2/14/70 - storage building. No objections.
- 5.9 UTT/0046/79 – Re-siting farm shop in existing barn. Refused
- 5.10 UTT/14/3775/CLP – Change of use from A1 (shop) to B1 (offices). Refused.
- 5.11 DUN/0119/50 - New drainage system. Approved
- 5.12 UTT/15/2708/FUL – Retrospective application for change of use of former farm shop to B1 offices. Unconditional approval.

Banana Depot:

- 5.13 UTT/1877/10/FUL – Change of use of existing ripening centre to a mixed B8/B1 use and extensions to the south and east elevations. Approved.

Hales Farm:

- 5.14 UTT/0752/96/FUL – Retrospective application for change of use of agricultural buildings to B2 use, B8 (storage and distribution) and motor. Approved.

Adjacent site:

- 5.15 UTT/17/2607/OP – Construction of a new Council Depot and outline proposals for up to 4.2ha of employment land. Refusal.

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework  
Planning Practice Guidance

### **6.2 Uttlesford Local Plan (2005)**

Policy S7 - Countryside  
Policy GEN1- Access  
Policy GEN2 - Design  
Policy GEN3 – Flood Protection  
Policy GEN4 – Good Neighbourliness  
Policy GEN5 – Light Pollution  
Policy GEN6 – Infrastructure Provision to Support Development  
Policy GEN7 – Natural Conservation  
Policy GEN8 – Vehicle Parking Standards  
Policy E3 – Access to workplaces  
Policy ENV2 – Listed Buildings  
Policy ENV3 – Open Spaces and Trees  
Policy ENV5 – Protection of Agricultural Land.  
Policy T3 – Car parking associated with development at Stansted Airport.

#### **Supplementary Planning Documents/Guidance**

- 6.3 Essex County Council Parking Standards. (2009)  
Great Dunmow Neighbourhood Plan (2015-2032)  
Essex Design Guide

## **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 This is a substantial development, totally out of keeping with the local character and of little benefit to local. Our concerns about the 'Statement of Community Involvement' document and the apparent timely public availability of information, are primarily:
- 7.2 1. The Parish Council was sent an e-mail about the Consultation meeting by Real8 Group, constructed in such a way that it went straight to spam file. There was no paper copy posted, nor any other attempt to communicate the information to the Clerk, despite contact details being available on the Parish Council website. We find

this performance very strange, and are unsure whether it was just poor process or by design. Whatever the cause, we believe it has negated the Consultation process. The spam message was not discovered until the Planning application documents were read after being mailed by UDC to the Clerk.

2. Real8 Group claims that all local residents were hand delivered appropriate details of the Consultation meeting. We have since discovered that for at least two close resident/homeowners, this comment is incorrect. One received no such letter and the other received the letter the day before the meeting. He could not attend due to previous business commitments that he was unable to change at such late notice. This resident contacted Real8 Group but has still received no acknowledgement. This whole process was conducted during the period where many people are away on family vacation, so would have been unaware of the consultation meeting even if such letters had been delivered with a reasonable notice period. The Parish Council itself holds no meeting in August because of holiday expectations, as we would be unlikely to reach a quorum. We cannot see a company such as Real8 being unaware of such potential.

3. Of the two 'local residents' that did attend and reportedly 'supported the application', I see no reference to any due diligence process on behalf of Real8 Group to ensure the validity of the comments provided, either due to self-interest in the development or other restrictions. If only the close residents were provided with details of the meeting, there may be such an issue, as we understand that some local tenants have rental agreements that include a commitment not to object to any development proposals at Blue gates farm or the Strood Hall area lands.

Further, it appears there are a number of other inconsistencies and evidence of rushed submission, as some submitted drawings indicate that the development is within Takeley with no reference to Little Canfield. We trust that the Developer's will be asked to correct their documents before they are considered within the Planning process.

- 7.3 The scale of the Building is over 5 times that of the existing one it's replacing and dwarves the Grade 2 Listed Strood Hall which it sits opposite.
- 7.4 The proposed development is grossly out of proportion to the predominantly Rural status of the surrounding land. land. The area is > 95% Rural.
- 7.5 The type and scale of the buildings themselves are not in keeping with the residential and Historical Rural setting, these buildings being approximately 28 feet high and will become the dominant imposing character of this rural area. This will have an effect on the character of the neighbourhood.
- 7.6 This development is adjacent to listed buildings and three by association
  - i. Strood Hall Grade II Listing NGR: TL5969921445
  - ii. By association 1,2,3 Strood Court.  
Affecting the outlook to the following
  - iii. Live & Let Live cottages (2 cottages at site) Grade II Listing NGR: TL6012621441
  - iv. Old Station House Grade II Listing NGR: TL6032221320
  - v. Green Crofts Grade II Listing NGR: TL6035221361
- 7.7 Will effect the outlook of several other properties  
Historical setting, The Old Station house was a halt out in so that King Edward VII could visit his mistress at Easter Lodge, the cottages 1,2 and 3 Stortford Road were moved from that site and relocated to their current position to make way for it.



Putting an Industrial Sized building in the middle of this area surrounded by 5 Listed premises will have a negative impact to the rural nature of the setting of these buildings. Little Canfield is a parish with a rich heritage consisting of 33 Grade 2 Listed Buildings of which 2 are grade II \* for which the setting must be retained.

- 7.8 A planning proposal in the adjacent field was turned down for the reasons laid out below and the same reasons are applicable to this site.  
Re Land To The South Of B1256 Little Canfield Ref. No: UTT/17/2607/OP  
The Site was refused planning approval at the meeting of the 6th June 2018  
But it had been added to the Local Plan 6 days prior which shows a fundamental difference between the planning department and the planning committee and made the process of fighting this a waste of everyone's time and taxpayers money as it will be fought a second time. So the application is Not Sound based on the fact that this area of the Great Easton Park has already been refused planning permission.  
RESOLVED to refuse the application for the following reasons:  
1) The proposed development by reason of its nature and siting within the Countryside is unacceptable to the detriment of its rural natural, the amenity of the surrounding locality, contrary to Policy S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.  
2) The proposed development by reason of relationship with adjacent neighbouring Listed Buildings would have an unacceptable impact upon their setting which is not outweighed by public benefit contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.  
3) The proposed development by reason of its insufficient buffer to the Flitch Way would result in unacceptable impact upon wildlife and users of the Flitch Way contrary to Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.  
4) The development hereby permitted would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the report presented to the 6th June 2018 Planning Committee (page 60). In the absence of any legal agreement to address this, the application fails to fully mitigate the impacts of the development contrary to Policy GEN6 of the Uttlesford Local Plan 2005.
- 7.9 Planning application UTT/14/2306/OP  
Was refused and one of the reasons given also applies to this location  
"The proposals would introduce significant new built form within the rural area which would result in significant harm to the character of the area the rural setting of Hope End Green, Takeley Park, Takeley and Priors Green. The rural characteristics of Great Canfield Road would be adversely eroded and this would be detrimental to the character of the lane. The harm would be exacerbated by coalescence of these settlements and cause the loss of local distinctiveness. Furthermore, the development does not constitute sustainable development, as set out in the NPPF. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and ENV3 and the NPPF."
- 7.10 Planning application UTT/12/5809/FUL  
Was refused and one of the reasons given also applies to this location  
"By reason of its nature, form and appearance, the proposal would have a detrimental impact on the open rural character of the area and detract from the appearance of the countryside, contrary to Policy S7 of the Uttlesford Local Plan (2005)."
- 7.11 Planning application UTT/16/1997/FUL  
Was refused and three of the reasons given also applies to this location

“The location and design of the proposed access in addition with the traffic generated by the development would adversely harm the living conditions of the neighbouring properties in close proximity to the proposed access contrary to ULP Policy GEN2 of the adopted Local Plan (2005).

The location and design of the proposed access with its proximity at the junction of Farmadine Grove and South Road would adversely harm other road users, road safety and those mobility is impaired contrary to ULP Policy GEN1 of the adopted Local Plan (2005).

The proposed development would not preserve or enhance the setting or character of the heritage asset by reason of the form, scale, massing, orientation Page 96 and materials proposed and therefore contrary to paragraphs 128 and 134 of the

National Planning Policy Framework (NPPF) and ULP Policy ENV1 of the adopted Local Plan (2005).”

- 7.12 These reasons for refusal have consistently been applied by Uttlesford Planning Committee through the above examples (years 2012,2014 and 2016)  
So, I would suggest that the proposal would introduce significant new built form within the rural area which would result in significant harm to the character of the area the rural setting of Little Canfield. The rural characteristics of this section of Stortford Rd would be adversely eroded and this would be detrimental to the character of the road and surrounding lanes. Furthermore, the development does not constitute sustainable development, as there is insufficient transport, local shops, infrastructure as set out in the NPPF. As such the proposals are contrary to Uttlesford Local Plan (2005) Policies S7 and ENV3 and the NPPF.

The location and design of the proposed access in addition with the traffic generated by the development would adversely harm the living conditions of the neighbouring properties in close proximity to the proposed access contrary to ULP Policy GEN2 of the adopted Local Plan (2005)

The proposed development would not preserve or enhance the setting or character of the heritage asset by reason of the form, scale, orientation and materials proposed and therefore contrary to paragraphs 128 and 134 of the National Planning Policy Framework (NPPF) and ULP Policy ENV1 of the adopted Local Plan (2005).

- 7.13 This Proposal is also outside the development boundaries laid out within the Adopted Uttlesford Local Plan (2005) which is still in force and the withdrawn Draft Local plan (2014) and the current Draft New Local Plan.

- 7.14 With the planned additional developments we need to be careful that coalescence does not happen between Little Canfield and Dunmow and the infilling or the rural nature will be in danger of achieving this.

- 7.15 This site is also unsustainable as there are no local shops you would have to travel approximately 1.7 miles to get to Tesco's and 2 miles to get to the Priors green shops.

With 72 car parking spaces we will be looking at 4 movements a day per car (arrive, leave for lunch, arrive from lunch, leave for home) which would result in 288 movements a day on and off of an already busy road.

The proposal appears to make provision for additional widening of the road to accommodate a central reservation, have highways been contacted about this?

If there is no road widening the existing no overtaking hashes are only 3 .5 foot wide and will not constitute a wide enough width for the traffic turning into the site to sit safely between oncoming traffic streams.

- 7.16 There is also a question as to the requirement of this expansion for the existing businesses vs the commercial nature of a 210ft long by 60ft and 33ft tall sized building as currently there is very little traffic in and out of the site with the gate across its entrance hardly ever opened. This is a development that is piggybacking on the outline planning permission to replace the existing building with an office complex that is several times the existing buildings size. For domestic developments there is a ratio of floor area that a replacement dwelling can be larger than the existing one, does that not have to apply here especially as a domestic dwelling will be demolished in order to make way for this one.
- 7.17 In Summary this development will open the thin end of the wedge to the Industrialisation of a Historic village which is in a purely rural setting and the country side should be maintained for its own sake according to Government and local Guidelines. This development is not to the size and scale of the existing buildings or local area.

## **8. CONSULTATIONS**

### **Lead Local Flood Authority**

- 8.1 Having reviewed the documents which accompanied the planning application, acting on behalf of ECC we would note the following in relation to the application:  
The development site is 0.76ha in plan area.  
The development does not involve an increase in building footprint of more than 1000m<sup>2</sup>  
The development does not feature 10 dwellings or more  
We would therefore have no further comments in relation to this application as it is not considered a major development.

### **Essex County Council Highways**

- 8.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### **Aerodrome Safeguarding**

- 8.3 No objections.

### **Thames Water**

- 8.4 No objections

### **Natural England**

- 8.5 No comments.

### **UK Power Networks**

- 8.6 Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.

### **Cadent Gas**

- 8.7 Your proposal as currently specified is in proximity to Cadent and/or National Grid

apparatus, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **Essex County Council Ecology**

- 8.8 No objection subject to securing biodiversity mitigation and enhancement measures. Summary :

I have reviewed the Ecological Impact Assessment (Hybrid Ecology Ltd, June 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly nesting birds and bats, and identification of proportionate mitigation.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

The mitigation measures identified in the Ecological Impact Assessment (Hybrid Ecology Ltd, June 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly nesting birds and bats.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

- 8.9 Recommended conditions  
All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, June 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes covering trenches overnight, undertake nesting bird check, install bat box, and enhance the site with native planting.  
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

### **NATS Safeguarding**

- 8.10 No safeguarding objection to the proposal.

### **London Stansted Airport Aerodrome Safeguarding**

- 8.11 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

### **Environment Agency**

- 8.12 No objections

## **Natural England**

- 8.13 No comments

## **Economic Developer Officer**

- 8.14 From an economic growth perspective we are fully in support of this application:

1. We have a known shortage of commercial accommodation across the district and particularly in the south of the district this development will help towards alleviating this issue.

2. The forecast uplift in the number of FTE's from 20 to 60 supports the delivery of the forecast employment growth required in the district

3. This supports the corporate economic development strategy 2018-21 who's aims include supporting growth in the rural economy and supporting the growth of start up or early stage businesses

This is a good location and likely to have strong demand from start up and early stage businesses.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and the occupants of 15 neighbouring properties notified. Expiry date: 31<sup>st</sup> October 2018  
Four representations have been received (two in support). A summary of the concerns/issues raised are:

- 9.2 I support the development in this proposal. It will provide commercial opportunities to the local economy, will leverage lesser used brown belt land, and looks to have been designed to aesthetically compliment the buildings in the area. The location also considers the locality of the A120 junction which should promote primary access via that route and not through Little Canfield/Takeley. A well considered proposal as a whole.

- 9.3 I think this site is much better suited than the current site.

- 9.4 This proposed development appears to assume there will be further development along this stretch of land. The plans are confusing as the address on some states It canfield, some states Bluegates Farm Takeley. Whilst I appreciate it looks better than what is there at the moment this is a rural village with very little amenities to lend to development. The B1256 is not suitable for this development on the edge of the village. This land provides countryside adjacent to the Flitch Way which accommodates lots of wildlife. The surrounding area is countryside and I do not think we need a huge Industrial sized office building in little canfield. Only this week a pole cat was run over on the road, these are nearly extinct but a few have been spotted in this area. More development will reduce our our chances of seeing such things. No more development is needed.  
Little canfield is almost unrecognisable enough is enough. This will not necessarily provide jobs for local people - it will definitely increase traffic from people driving in

to work which will put more pressure on the roads.

- 9.5 Whilst this new proposal for Blue Gates Farm looks better than the ramshackle building that is there at the moment, I feel that agreeing to this development will set a precedent with regards to the other proposed developments near by. We have the controversial Bin refuse department and large industrial development proposed in the adjoining field which had already been dismissed by councilors only to be slipped in by the back door on the local plan. I also understand that there are plans drawn up to surround Stroud Hall opposite with industrial units. If this sadly all goes ahead this will make this end of Little Canfield nothing more than the big industrial park outside of Great Dunmow.

9.6 **COMMENTS ON REPRESENTATIONS:**

Please see below.

**10. APPRAISAL**

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

- A) The principle of development (ULP policy S7)
- B) Design and impact on neighbours amenity and character and setting of adjacent Listed Buildings (ULP policies GEN2, GEN5, E3, ENV2 and GEN4).
- C) Vehicle parking standards, Public Right of Way, and Highway Safety (ULP policies GEN1 and GEN8)
- D) Ecology (ULP Policy GEN7)
- E) Flood Risk (ULP policy GEN3, NPPF)
- F) Other material considerations

**A The principle of development (ULP policy S7)**

- 10.1 The site is located outside the development limits for Little Canfield and is therefore located within the Countryside where Uttlesford Local Plan policy S7 applies. Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Any development will need to comply with this policy.
- 10.2 In terms of whether the Local Plan Policies are compliant with the NPPF a compatibility Assessment has been undertaken, in July 2012 by Ann Skippers. This was adopted by Cabinet for Development Management purposes in September 2012. This stated that Local Plan Policy is partly compliant with the NPPF in that “ the protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach , rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business

and enterprise in rural areas”

- 10.3 Since then the NPPF has been updated and now states in paragraph 83, under the section “Supporting a prosperous rural economy”, that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 states that Planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not make an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport) The use of previously developed land and sites that are physically well- related to existing settlement, should be encouraged where suitable opportunities exist.
- 10.4 Paragraphs 7- 10 of the NPPF promote a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, economic, environmental and social.
- 10.5 Economic: An economic objective- to help build a strong, responsive and competitive economy, ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 10.6 The proposal has the potential to create 50 more jobs in the local area. From an economic growth perspective the Council are fully in support of this application: The Council has a known shortage of commercial accommodation across the district and particularly in the south of the district this development will help towards alleviating this issue. The proposal supports the Councils corporate economic development strategy 2018-21 who’s aims include supporting growth in the rural economy and supporting the growth of start up or early stage businesses. In economic terms the proposal would also have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive long and short term economic benefit.
- 10.7 Environmental: An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 10.8 One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Paragraph 117 states that Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously – developed or brownfield land.
- 10.9 Most of the proposed built form would be located on brownfield land, however, the area to the east where the car parking is to be located is agricultural land. The site is in a fairly isolated location, which is rural in nature. Views from the Flitch Way are

restricted in that there is a substantial landscaping to the northern boundary of the Flitch Way immediately south of the application site. The site however is visible from the west, north and east of the site.

- 10.10 In terms of environment there would be impact resulting from the scheme both in terms of amenity on neighbouring residential occupiers, visual impact and increased vehicle impact with associated pollution (air and noise) and upon ecology.
- 10.11 In respect of climate change the proposal includes a cycle store and there are bus stops nearby. The site is also close to the A120. The impact on biodiversity is discussed later in my report.
- 10.12 The existing office building is of a poor construction and is not visually attractive. A Landscape and Visual Impact Assessment has been submitted with the application. The proposal would have an impact on the character of the area, the design and scale are discussed later in my report. The scheme incorporates a landscape management plan to help minimise the visual harm to the countryside.
- 10.13 There are listed buildings near to the site and these are also discussed later in the report.
- 10.14 The Parish Council has stated that this development may result in coalescence between Little Canfield and Great Dunmow. there is however, a defensive boundary between Little Canfield and Great Dunmow in the form of the A120.
- 10.15 Social: While the site is slightly isolated and not considered fully sustainable in terms of the level of transport provision and there would be a greater reliance upon private vehicles The site is strategically located in terms of road network. There are also bus stops nearby along the Stortford Road. The proposal would create local jobs.
- 10.16 The Parish Council have cited several other planning applications which have been refused with reasons that they feel would also apply to this application, however, each application should be dealt with on its own merits and additionally a material change since those decisions is that national policy has been updated in the form of the updated NPPF. The applications are not considered to be comparable to this application.  
UTT/17/2607/OP: Not a brownfield site.  
UTT/14/2306/OP: Application is for housing and not a brownfield site.  
UTT/12/5809/FUL: Application is not of a similar nature and not a brownfield site.  
UTT/16/1997/FUL: Not brownfield site. Partly in Conservation Area.
- 10.17 As such, in view that most of the existing site is brownfield, and that the Council has a shortage of commercial accommodation, the harm caused to the countryside setting and limited harm to the setting of the nearby Listed Buildings, on balance, the benefits are considered to outweigh the harm and therefore the principle of the development of this site for office use purposes is acceptable subject to the proposal complying with all other relevant Development Plan policies.

**B Design and impact on neighbours amenity and character and setting of adjacent Listed Buildings (ULP policies GEN2, GEN5, E3, ENV2 and GEN4).**

- 10.18 Policy GEN2 states that development will not be permitted unless its design is compatible with the scale, form, layout, appearance and materials of surrounding buildings.



- 10.19 The application has been the subject of pre- application advice, where it was suggested that any replacement buildings width should be no more than the existing building plus up to half the existing width and that the height should be kept to a minimum required for a two storey building. It was also considered that the built form should not extend further west of the exiting building and that the land opposite Stood Hall should be void of built form.
- 10.20 The proposal broadly is consistent with that advice. The existing height of the office building is 5.5m and has a flat roof. The proposed building is however 9.2m high and would therefore be more visually prominent in the rural landscape. The character of Dunmow Road will be partly maintained by retaining and reinforcing the existing mature hedgerow growing along the north side of the site or by substantially replacing this hedgerow with a new hedgerow planted with native species.
- 10.21 In view of the separation distances from neighbouring properties the proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact to neighbours amenity. Conditions are required to control the opening/closing times of the building to minimise the impact of the development on the neighbours amenity. Although there will be approximately a further 50 employees using the access, the use of the site remains the same, it is considered that the proposal would not result in any material detrimental impact on neighbours amenity over and above than that that already exists to such an extent to warrant refusal of the scheme
- 10.22 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. A Heritage Statement has been submitted with the application. The proposal has been designed so as to keep the land opposite the Listed Building “ Strood Hall” free from the additional built form as far as possible. This ensures that the proposed development maintains a semi- rural character opposite the Listed Building. The Parish Council has mentioned other listed buildings, however, they are some distance away from the site and it is not considered that the proposal would impact on the character or setting of those Listed Buildings to such an extent to warrant refusal of the application.
- 10.23 Policy GEN4 states that development and uses will not be permitted where noise and light would cause material disturbance or nuisance to occupiers of surrounding properties. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless: The level of lighting and its period of use is the minimum necessary to achieve its purposes and glare and light spillage from the site is minimised. It is not considered that the proposal would result in extra noise over and above that that already exists, however the proposed building has substantially more glazing that would result in light pollution to the rural area. As such if approved this should be controlled by a suitably worded condition to restrict the level of illuminance and timings of any lighting within and around the building.
- 10.24 Policy E3 requires that development that would result in the provision of jobs will be required to include the highest standards of accessibility and inclusion for all people regardless of disability, age or gender. The building includes lift and level access to the principle floors and disabled bays adjacent to the side of the southern side of the building.
- 10.25 The site is also located in close proximity to Stansted Airport and therefore the proposal has the potential to result in safeguarding issues in respect of airport safety. The amount of glazing and roofing materials may have an impact in this respect. Airport safeguarding team have therefore been consulted and they have no

objections to the proposal

**C Vehicle parking standards, Public Right of Way, and Highway Safety (ULP policies GEN1, T3 and GEN8)**

- 10.26 ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location. There are public rights of way to the west and south of the site. The Flitch Way runs parallel to the southern boundary and is approx. 70m away from the sites southern boundary. Any new parking and access should comply with the ULP policies GEN1, GEN8 and supplementary parking standards document..
- 10.27 The parking provision requirement for B1 use within the adopted parking standards are: A maximum of 1 spaces per 30sqm. Disabled bays minimum 200 vehicle bays or less = 2 bays or 5% of total capacity, whichever is greater, over 200 bays = 6 bays plus 2% of total capacity. Cycle provision minimum of 1 space per 100 sqm for staff plus 1 space per 200 sqm for visitors. Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) Disabled parking bays should 6.5m x 3.9m when parallel to the access and 6.5m x 3.9m when perpendicular to the access 6.5m x 3.9m.
- 10.28 At the existing time, there are 16 parking spaces serving the office buildings and further parking for the residential property to the front of the site. There is a large area of hardstanding around the current office building.
- 10.29 The proposed new office building is 2322 sqm. As such the parking standards require a maximum of 77 parking spaces of which four should be disabled spaces. The proposal includes 73 parking spaces and 4 disability spaces and will also provide 34 cycle spaces.
- 10.30 All of the parking bays (apart from the disabled parking bays) are 2.9 x 5.5m which are the required bay size to comply with the adopted parking standards.
- 10.31 Policy GEN1 states that development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access
  - e) The development encourages movement by means other than driving a car
- 10.32 Paragraph 102 of the NPPF states that applications should ensure that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.33 Paragraph 111 of the NPPF states that all developments that generate significant

amounts of movement should be supported by a Transport Statement or Transport Assessment. Accordingly a Transport Statement accompanies the application. The Transport Statement states that new bus stops are proposed to be introduced in both directions on the B1256, with direct footway connections provided to both of them. There is an existing bus stop to the West of the Site (approximately 790m). The statement has been considered by Essex County Council Highway Officers and they have no objections subject to conditions requiring a travel plan to be submitted, a Construction Management Plan, cycle parking facilities, appropriate footways and turning heads, and the securing of a payment of £5000 for monitoring a Travel plan. This can be secured by a S106 agreement.

- 10.34 In view of the sites proximity to Stansted Airport there is the potential for airport parking which would be contrary to policy T3. This can be controlled by an appropriate condition.
- 10.35 The application is considered to comply with Uttlesford Local Plan Policies GEN1, GEN8

#### **E Ecology (ULP Policy GEN7)**

- 10.36 Policy GEN7 of the Local plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and /or compensate for the potential impacts of development must be secured. As the proposal would involve the demolition of a building, there is the potential for the development to have an impact on protected species
- 10.37 The applicants have completed a biodiversity questionnaire and submitted an Ecological Assessment report. The northern boundary hedgerow will be removed and replaced to accommodate a new access point. The replacement boundary hedgerow will be longer and more diverse to result in both a net gain of priority habitat and improved resources for nesting birds post development.
- 10.38 The proposal includes the demolition of the existing office building and also the residential property to the sites frontage.
- 10.39 The Assessment states that a dead badger was found on the north western corner of the larger plot, indicating badger commute across/forage on the site. Despite this, neither setts, nor any mammal tracks attributable to badger were seen. As a precautionary measure, trenches to be used during construction should be covered overnight to avoid entrapment. This can be secured by a suitably worded condition.
- 10.40 As mentioned earlier, the site is close to the Flitch Way which is a Local Wildlife Site. Potential indirect impacts to the Flitch Way Local Wildlife Site will be mitigated by retaining a considerable buffer zone from development and adopting pollution control measures during construction.
- 10.42 The scheme whilst limited in scale has committed considerable areas to copse planting, hedgerow planting and a pond; linking the site to the Flitch Way via the retained wet ditch. These measures will result in ecological net-gain post development in accordance with Paragraph 109 of the National Planning Policy Framework. The assessment concluded that subject to basic mitigation/precautionary measures there are no overriding reasons to refuse an application on ecological grounds. The scheme complies fully with relevant wildlife

legislation and local and national planning policy. Essex County Council Ecology officers have viewed the submitted report and they raise no objections should the application be approved to the proposals.

- 10.43 Subject to a condition requiring that all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, June 2018) as already submitted the proposal would comply with ULP policy GEN7.

**F Flood Risk (ULP policy GEN3, NPPF)**

- 10.44 Policy GEN3 states that development outside flood risk areas must not increase the risk of flooding through surface water run-off. This is also reflected in paragraph 155 of the NPPF

- 10.45 The application site is located in Flood Zone 1, therefore having a low risk of flooding and is deemed to be suitable for development, as defined by the NPPF. . Essex County Council Suds team have been consulted, however in view of the scale of the application they have no comments to make.  
A Flood Risk and Suds Statement accompanies the application and concluded that the redevelopment and its occupants would not be at an increased risk of flooding the redevelopment scheme would not increase the risk of flooding elsewhere and a sustainable drainage scheme could be implemented. The proposal is considered to comply with ULP policy GEN3.

**11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The site is predominantly brownfield land. The principle of the development is therefore acceptable
- B** The proposals have been designed in order to mitigate their impacts on neighbours and character of the area.
- C** The proposed access is considered to be acceptable and capable of accommodating the additional vehicular movements associated with the proposals. Sufficient car parking would be provided to meet the additional demand. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
- D** It is not considered that the proposal would have any material detrimental impact in respect of protected species, (subject to appropriate conditions) and complies with policy GEN7.
- F** The site is located within Flood Zone 1 and therefore has a low risk of flooding. Subject to conditions the proposal complies with GEN3 of the Uttlesford Local Plan (adopted 2005)

**RECOMMENDATION – APPROVAL WITH CONDITIONS – SUBJECT TO S106 LEGAL AGREEMENT.**

- (i) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 17th January 2019 the freehold owner enters into a binding obligation to cover the matters set out below

under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Travel Plan monitoring Fee £5,000
  - (ii) Pay monitoring costs
  - (iii) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
- (i) Lack of Travel Plan monitoring Fee £5,000

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, June 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes covering trenches overnight, undertake nesting bird check, install bat box, and enhance the site with native planting.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP (adopted 2005) policy GEN 7.

Justification: The site lies adjacent to a Local wildlife Site and once commenced, protected and priority species could be harmed without the appropriate mitigation taking place.

- 3 Prior to occupation of the development, the provision of an access formed at right angles to Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 04/05/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety

in accordance with ULP (adopted 2005) Policy GEN1

- 4 Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility in accordance with ULP policy (adopted 2005) GEN1

- 5 Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of Stortford Road. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interests of pedestrian safety and accessibility in accordance with ULP policy (adopted 2005) GEN1

- 6 Prior to occupation of the proposed development, the Developer shall provide for written approval a Travel Plan. The approved Travel Plan to be implemented on first occupation of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP policy (adopted 2005) GEN1

- 7 The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times. The facility shall be secure and covered.

Reason: To ensure appropriate bicycle parking is provided in accordance with ULP policy (adopted 2005) GEN8

- 8 No vehicles associated with passengers using Stansted Airport shall be parked on the site for more than 24 hours in any period of 14 days.

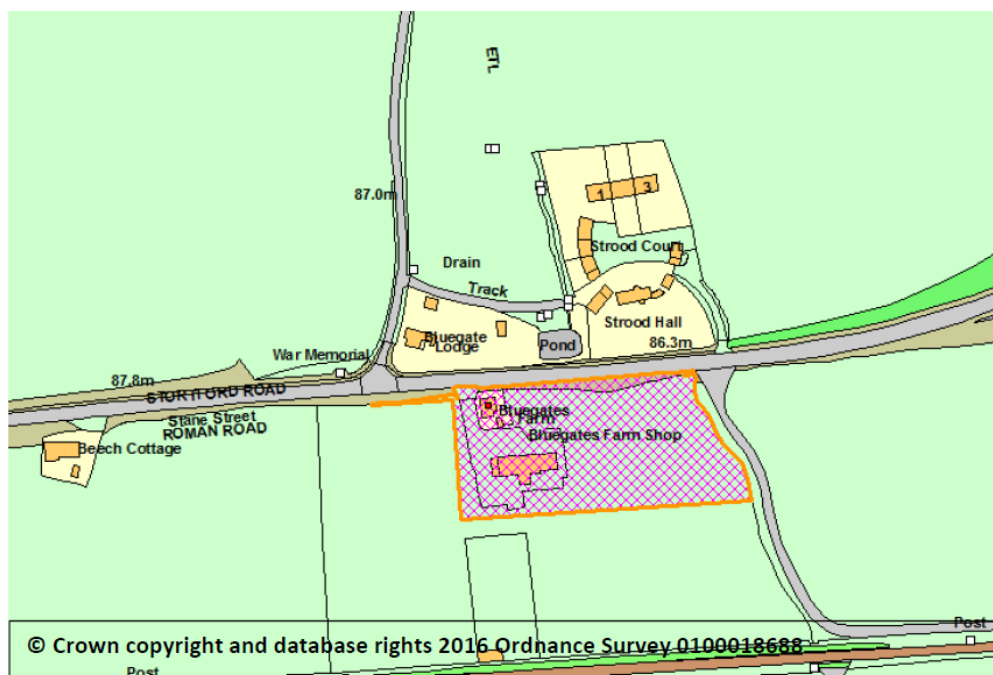
Reason: To ensure car parking spaces are provided solely to serve the office use on the site. furthermore, it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with ULP policy (adopted 2005) T3

9. No lights within the building hereby permitted shall be illuminated between the hours of 21.00 hrs and 06.00hrs.

Reason: Reason: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

- 10 The office building hereby permitted shall not operate before 06.00 am or after 21.00

Reason: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)



Organisation: Uttlesford District Council

Department: Planning

Date: 28 November 2018

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## UTT/18/1811/FUL - HENHAM

(Called in by Councillor Lees - countryside S7,  
Impact on the Conservation Area and listed buildings.)

Deferred from last meeting for a site visit

**PROPOSAL:**            **Erection of three new dwellings on the land to the rear of Bell House, including the demolition of the existing garage for Bell House and its replacement as an extension to Bell House**

**LOCATION:**            **The Bell House, High Street, Henham, CM22 6AR**

**APPLICANT:**        **Mr Martin Gay**

**AGENT:**             **Mr Peter Stollery**

**EXPIRY DATE:**      **30<sup>th</sup> August 2018**

**CASE OFFICER:**    **David Gibson**

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### **1.      NOTATION**

- 1.1      Outside development limits, adjacent to conservation area

### **2.      DESCRIPTION OF SITE**

- 2.1      Bell House is located on the High Street in Henham. It is within a conservation area and is beyond the defined development limits. To the rear of Bell House there is a large paddock which is situated outside of the conservation area.
- 2.2      Dwellings are located to the east of the site. Agricultural land is located to the north and west of the site.

### **3.      PROPOSAL**

- 3.1      The application seeks consent to demolish the existing detached garage for Bell House to provide space for a new driveway which will provide access to three new dwellings located in the paddock to the rear of Bell House.
- 3.2      The application also includes for a replacement garage for Bell House as an extension to the side of the existing property.

### **4.      ENVIRONMENTAL IMPACT ASSESSMENT**

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

### **5.      APPLICANT'S CASE**

- 5.1      See Design and Access Statement

## **6. RELEVANT SITE HISTORY**

6.1 None relevant to this application

## **7. POLICIES**

### **7.1 National Policies**

- National Planning Policy Framework

### **Uttlesford Local Plan (2005)**

7.4 Uttlesford Local Plan (2005)

- S7: Countryside
- GEN1: Access
- GEN2: Design
- GEN7: Nature Conservation
- GEN8: Vehicle Parking Standards
- ENV1: Design of Development within Conservation Areas
- ENV2: Development affecting Listed Buildings

## **8. TOWN / PARISH COUNCIL COMMENTS**

8.1 Object to the development on the following grounds –

- Outside the settlement boundary
- Henham is designated as one of the ‘other villages’
- Since 2011 Henham has already delivered 70 dwellings
- Contrary to Policy S7. Does not protect or enhance the countryside
- Is not infilling
- Contrary to Pre-submission Local Plan
- Impact on conservation area
- Loss of residential amenity due to new driveway
- Loss of privacy

## **9. CONSULTATIONS**

### **Essex County Council Highways**

9.1 No objections to the development subject to conditions relating to the laying out of parking areas and not laying unbound materials within 6 metres of the highway boundary.

### **Essex County Council Place Services Ecology**

9.2 No objection subject to securing biodiversity mitigation and enhancement measures. This can be conditioned on any approval.

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have been raised in the submitted representations:

- Development on greenfield land
- Set an undesirable precedent
- It is not part of the new local plan
- Loss of privacy
- Loss of views
- Within the conservation area
- Impact on listed buildings
- Too much traffic for the village
- Site is a money making scheme
- Backland development
- No space for landscape buffer
- Does not meet privacy distances
- Development would be excessive for the plot
- Development would be excessive for the village
- Increase noise and disturbance
- Contrary to Historic Settlement Character Assessment August 2007

## **11. APPRAISAL**

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

A Whether the proposal is acceptable in this location (NPPF and ULP policies S7, GEN2,)

B Scale and whether the proposal would impact on neighbours amenity (GEN2)

C Biodiversity (GEN7)

D Access, parking and Highway Safety (GEN1 and GEN8)

E Impact on character and setting of Conservation Area and Listed Buildings (ULP policies ENV1 and ENV2)

### **A Location of housing (S7, GEN2; NPPF)**

11.1 The site is located outside of the development limits as defined within the adopted Local Plan (2005). Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new building.

11.2 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. An assessment of the compatibility of Policy S7 with the NPPF has concluded that this policy is partially consistent. It complies with one of the core planning principles set out in paragraph 170 of "recognising the intrinsic character and beauty of the countryside".

11.3 Whilst Policy S7 has a strict control on new building the NPPF does support well designed buildings to support sustainable growth and expansion. S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the

provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 11.4 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.5 In this instance the site cannot be considered infilling. The land forms part of the garden and paddock area to a dwelling located at the far eastern edge of the village. This proposal would be extending the built form further into the countryside, which would be out of character and resulting in an adverse impact on the countryside.
- 11.6 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
- 11.7 The Council cannot demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 7 - 14 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 11.8 As such it is therefore necessary to consider whether the proposals represent sustainable development in accordance with the NPPF. The NPPF sets out three dimensions to sustainable development. The three strands of sustainability must not be considered in isolation as they are mutually dependent. The three strands are economic, social and environmental.
- 11.9 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.10 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district. The proposal would provide additional houses to Henham and

these would be large family houses. As stated above, Henham has very limited facilities with a small village shop, a public house and a primary school. Given the location of the site the occupants of the proposed dwellings would be mostly reliant on a car in order to access a wider range of shops, schools, community services and facilities. The proposal would provide a small contribution to the council's housing supply.

- 11.11 Environmental: The site is well screened by the existing vegetation on the boundary of the site. Where views of the site are possible from the north and west the properties would be seen against the back drop of existing houses. The properties would not be isolated in the open countryside and would not create an incongruous feature when viewed as a whole. It is considered that there would be very little impact on the character of the area given that the backdrop of the existing dwellings and the screening already afforded to the site. . Furthermore, the modest scale of the development and its low height lessens further any such impact.
- 11.12 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of three dwellings on this site, is acceptable.

**B Scale and whether the proposal would impact on neighbours amenity (GEN2)**

- 11.13 The proposed dwellings are of a relatively large scale comparable with a number of the dwellings to the south and east of the application site. Each dwelling would be set within generous plot. The design and scale of the dwellings are relatively traditional, with materials consisting of render, red brick and handmade clay pantiles. The footprint of the dwellings take inspiration from the footprints of a number of neighbouring properties with small offshoots from the front and rear elevations giving a more traditional and less modern appearance to the dwellings.
- 11.14 Each dwelling will include an amenity area of in excess of 70sqm which meet the criteria as set out in the Essex design Guide and it would be compatible with the context of the site and neighbouring area. As such it is considered the overall scale, design, appearance and layout of the proposed dwelling is acceptable under ULP Policy GEN2 and the NPPF.
- 11.15 Several objections have been received which have expressed concerns about loss of privacy, overlooking, overshadowing and overbearing development. The agent has stated that the paddock site boundaries are currently well enclosed by established hedgerows and mature trees and that many of the neighbouring properties do not currently have clear views of the site from their buildings due to the existing vegetation and trees as well as the distances their properties are set back from their own rear boundaries. This was verified by the Case Officer on a site visit to the paddock.
- 11.16 The proposed dwellings have been designed and positioned in the site in such a way as to minimise the possibility for overlooking and to minimise any

potential for the creation of an overbearing impact. The closest point of the proposed dwellings to the existing properties is the single storey utility room of Plot 3 which will be 25.8m from the single storey extension to the rear of Appleoak. The distances separating the dwellings from the neighbouring dwellings are in excess of the guidance laid out in the Essex Design Guide.

- 11.17 Concerns have also been raised over the potential for an increase in noise and disturbance to residents of Datchet Mead and Bell Cottage due to the creation of a new access. Whilst it is agreed that the new access would lead to vehicles driving beside a dwelling that previously did not have any traffic, this small increase is not considered sufficient to warrant refusal of the application. The Council's Environmental Health Officer has been consulted on the application and has offered no objections.
- 11.18 The layout of the site indicates that there would not be any adverse loss of amenity to the occupiers of the neighbouring residents. Concerns such as loss of view are not a material planning consideration. In addition there would not be any significant adverse loss of amenity due to overlooking, overshadowing or overbearing between the proposed dwellings and the adjacent dwellings. The scheme is therefore in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide

#### **C Biodiversity (GEN7; NPPF)**

- 11.19 Policy GEN7 seeks to protect wildlife, geological features and protected species and their habitats. Development that would be harmful to these elements will not be permitted. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 11.20 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site
- 11.21 Accordingly specialist ecology advice has been sought from Essex County Council Place Services Ecology. They have no objections subject to conditions being complied with. The development is therefore considered to accord with Policy GEN7.

#### **D Access, parking and Highway Safety (GEN1 and GEN8)**

- 11.22 Policy GEN1 requires development to have access to the main road network which must not compromise road safety. The proposal looks to use the existing access onto High Street. Essex County Council Highways Department have assessed the access and consider it to be acceptable. The increase in

traffic using the access would be minimal and would not have an adverse impact on highway safety.

- 11.23 Policy GEN8 requires development to provide the number, design and layout of parking spaces in accordance with the current adopted standards. The proposed parking levels are considered to be acceptable for dwellings of this size. Again, Essex County Council Highways Department have assessed the access and consider it to be acceptable.

It is therefore considered that the scheme would not lead to an increase in on street car parking nor would it have an adverse impact on the highway network, in accordance with Policies GEN1 and GEN8 of the adopted local plan.

## **E Impact on character and setting of Conservation Area and Listed Buildings (ULP policies ENV1 and ENV2; NPPF)**

- 11.24 Representations have been received raising concerns in relation to the nearby Listed Buildings to the south and the conservation area to the south. The proposed dwellings are located over 50 metres from these listed buildings. The site is physically divorced from the listed buildings by the mature trees and existing boundary treatment.
- 11.25 The southern edge of the paddock, where the three new houses are proposed, is 65m back from the edge of the High Street. The site is well screened from the conservation area to the south and due to the existing houses and landscaping and so the setting of the conservation area and the neighbouring listed buildings would not be significantly affected.
- 11.26 It is considered that the proposal would not adversely affect the setting of the Conservation Area or the neighbouring Listed Buildings and would comply with ULP policies ENV1 and ENV2.

## **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A Whilst the proposal is contrary to Adopted Uttlesford Local Plan Policy S7, it is considered that the proposals represent a sustainable form of development and therefore comply with the policy thrust of the NPPF.
- B The layout of the site indicates that there would not be any adverse loss of amenity to the occupiers of the neighbouring residents. In addition there would not be any significant adverse loss of amenity due to overlooking, overshadowing or overbearing between the proposed dwellings and the adjacent dwellings. The scheme is therefore in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide
- C Specialist ecology advice has been sought from Essex County Council Place Services Ecology. The development would not impact on any protected species. The development is therefore considered to accord with Policy GEN7.
- D The scheme would not lead to an increase in on street car parking nor would it have an adverse impact on the highway network, in accordance with Policies

GEN1 and GEN8 of the adopted local plan.

- E It is considered that the proposal would not adversely affect the setting of the Conservation Area or the neighbouring Listed Buildings and would comply with ULP policies ENV1 and ENV2.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Prior to the erection of the development hereby approved permitted of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: This pre-commencement condition is required to ensure appropriate materials are used for the development.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the NPPF and Uttlesford Local Plan Policy GEN2.

- 4 The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

- 5 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained the Ecological Appraisal Report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall not



be changed with prior written approval from the local planning authority.

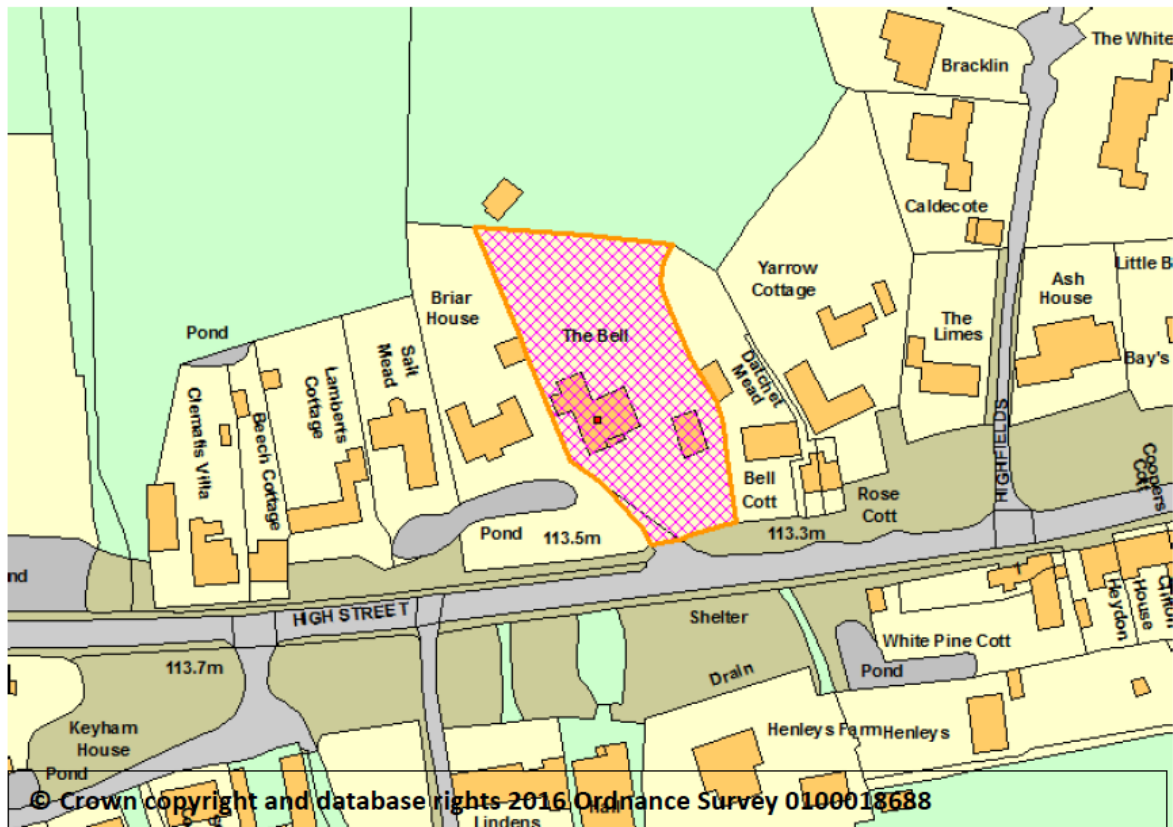
REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policies GEN1 and GEN8

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with the Local Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.



Organisation: Uttlesford District Council

Department: Planning

Date: 11 December 2018

## UTT/18/2917/FUL - (TAKELEY)

(More than 5 dwellings)

<b>PROPOSAL:</b>	<b>Residential development comprising 8 dwellings and associated garaging and landscaping.</b>
<b>LOCATION:</b>	<b>Land North of Dunmow Road, East of Church Lane, Dunmow Road, Takeley</b>
<b>APPLICANT:</b>	<b>Mr D Kwan</b>
<b>AGENT:</b>	<b>Mr S Willsher</b>
<b>EXPIRY DATE:</b>	<b>25<sup>th</sup> December 2018. Extension of time 23<sup>rd</sup> January 2019.</b>
<b>CASE OFFICER:</b>	<b>Mrs M Jones</b>

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### **1. NOTATION**

- 1.1 Outside Development Limits. Countryside Protection Zone. Within 2km SSSI. Within 6km of Stansted Airport. Archaeological Site.

### **2. DESCRIPTION OF SITE**

- 2.1 The application site is to the north of Dunmow Road (B1256) to the West of Takeley.
- 2.2 To the west of the western boundary is the access serving Takeley church. To the west of the access road is a Grade II listed dwelling and to the north west is the Trinity Church which is also listed.
- 2.3 Immediately to the south of the site across the Dunmow Road is a large housing estate development, while the eastern boundary adjoins a recently completed and occupied development of ten houses.
- 2.4 The northern boundary of the site backs onto fields.
- 2.5 The western, southern and northern boundaries of the site are all tree- lined..
- 2.6 The site has been cleared and works commenced on the development allowed on appeal for seven dwellings under planning application UTT/15/2454/FUL.

### **3. PROPOSAL**

- 3.1 The proposal is for planning permission to erect 8 dwellings, with associated garaging and landscaping.
- 3.2 This application follows the approval of a scheme for 7 dwellings granted on appeal under reference UTT/15/2424/FUL which has been implemented.
- 3.3 This planning application is similar to the approved scheme with the following changes:
- The introduction of a two bedroomed flat over garages which is to be located on the site of a carport approved under the previous 7 dwelling scheme, This would

- increase the total number of dwellings from 7 to 8.
- Minor alterations to the design of the 7 approved dwellings, which are limited to fenestration, and window/door details. The size, scale and layout of these dwellings has not been altered.
- Amendment to the site layout to incorporate the land proposed for an electrical substation, as approved under reference UTT/15/1657/FUL, within the rear gardens of plots 1,2,3,4 and 5 , as the substation is no longer required, with that planning permissions having expired on 22<sup>nd</sup> July 2018.

3.4 In all other respects, including access and landscaping, this application remains identical to the approved 7 dwelling scheme.

3.5 The schedule of accommodation is as follows:

Plot	Bedrooms	Parking spaces	Garden (Sq m)
1	4	3	Over 100m <sup>2</sup>
2	3	2	Over 100m <sup>2</sup>
3	2	2	Over 50m <sup>2</sup>
4	2	2	Over 50m <sup>2</sup>
5	3	2	Over 100m <sup>2</sup>
6	3	2	Over 100m <sup>2</sup>
7	3	2	Over 100m <sup>2</sup>
8	2	2	Over 50m <sup>2</sup>
Visitor	2		

3.6 The density would be 33 dwellings per hectare.

3.7 All gardens would meet the Essex Design Guide recommendations.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.  
And  
Human Rights Act considerations:  
There may be implications under Article 1 and Article 8 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.

#### **5. APPLICANT'S CASE**

5.1 The following documents have been submitted in support of the application:  
Planning Statement, Tree survey, Design and Access Statement, Transport Statement, Preliminary Ecological Appraisal, Biodiversity Checklist, Phase 2 Ground Investigation, Dormouse Survey Results and Archaeological Evaluation Report

#### **6. RELEVANT SITE HISTORY**

6.1 UTT/14/2387/FUL - 10 dwellings land adjoining site. Conditionally approved

6.2 UTT/15/1657/FUL - Erection of electricity substation on adjoining land to the south west of the application site.

- 6.3 UTT/15/2424/FUL - Erection of 7 dwellings and associated garaging and landscaping.  
Allowed at appeal 2016

## **7. POLICIES**

### **7.1 Uttlesford Local Plan (2005)**

POLICY S7 - The Countryside  
POLICY GEN1 – Access  
POLICY GEN2 – Design  
POLICY S8 – Countryside Protection Zone  
POLICY GEN7 – Nature Conservation  
POLICY GEN8 – Vehicle Parking Standards  
POLICY H10 – Housing Mix  
POLICY ENV4 - Ancient Monuments and sites of Archaeological Importance  
POLICY H1 – Housing Development  
POLICY ENV2 – Development affecting Listed Buildings.

### **7.2 Supplementary Planning Documents/Guidance**

Accessible Homes and Playspace.  
The Essex Design Guide  
Uttlesford Local Residential Parking Standards.  
Strategic Housing Market Assessment

### **7.3 National Policies**

National Planning Policy Framework (NPPF) July 2018

## **8. PARISH/TOWN COUNCIL COMMENTS**

- 8.1 Takeley Parish Council object to this application for the following reasons:
1. This land has been split into two separate applications thus avoiding the Section 106 legal agreement.
  2. As highlighted with the previous appeal we strongly recommended that bungalows should be built. This is in line with Section 4.47 Housing (Regulation 19, the local plan). Bungalows provide a popular form of housing in Uttlesford which means that older people can downsize to accommodation that is fit for purpose but still maintains their independence. It also meets a need for those with a physical disability who require accommodation on one floor. The provision of 1 and 2 bed bungalows will be supported.
  3. Drainage – The ditch currently floods and stagnates. With the addition of further properties this situation will only be exacerbated.

## **9. CONSULTATIONS**

### **NATS safeguarding**

- 9.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

### **Essex Police**

- 9.2 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical

security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

### **Ecology**

- 9.3 No objection subject to securing biodiversity mitigation and enhancement measures.

### **Essex County Council - Highways**

- 9.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. 204/ARC/3903 Rev\*, subject to conditions.

### **BAA Safeguarding**

- 9.5 Stansted Airport has no safeguarding objections to the proposal. However, the construction of the dwellings could result in creating a site that is attractive to birds therefore we request the following condition:
- Proactive measures must be taken to deter birds from the site and manage the site area to minimise the amount of time that topsoil will be exposed.
- Reason: Flight safety – Birdstrike Avoidance
- Furthermore, should any crane operations be required during the demolition or construction process we would like to draw the applicant's attention to the requirement within the British Standard Institute Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. We therefore request that the following informative be attached to any approval that is granted:
- Cranes, whilst they are temporary, can be a hazard to air safety. Should any cranes or tall construction equipment be required during the construction process, a separate assessment of crane operations will be required. The developer or crane operator must therefore notify Stansted Airport Airfield Operations at least one month in advance of intending to erect a crane or tall construction equipment in order to obtain a Tall Equipment Permit. The proposed crane operations will be assessed to determine whether any regulatory procedures or operating restrictions would need to be agreed in advance of issuing the permit.
- Reason: To ensure that Stansted Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

### **Environmental Health**

- 9.6 No objection subject to imposition of recommended conditions/informatives below to address construction impacts and land contamination matters.
- This is a full application for the development of a parcel of land that has historically been used for agricultural purposes, although on-site evidence suggests that there may have been kennelling of dogs on the site at some point in the past. The proposal is to construct 8 dwellings on the site, which lies to the south-east of, Stansted Airport. It should be noted that the site has already been consented for residential development consisting of 7 dwellings under planning consent UTT/15/2424/FUL, and the adjacent Church View Close was developed after 2014 .

- 9.7 Land Contamination:  
A Phase I & Phase II geo-environmental assessment have been undertaken by Geosphere Environmental Ltd, dated April 2015, and have been submitted with the application. The site investigation has not identified any tangible contamination risks to be present and therefore does not identify any need for a further remediation strategy to be devised. The nearest potentially contaminative features identified to the site are the cemetery located some 200m to the north, and a small sewage treatment works located some 600m to the west of the site. As a result of the findings of the Phase I & Phase II investigations, no specific contaminated land condition is considered necessary in the context of further development of the site for residential purposes. However, the following "watching brief" informative should be included on any consent granted:  
Informative - Land Contamination  
The applicant is advised that it is their responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.
- 9.8 Noise:  
The site lies to the south-east of Stansted Airport. The site is outside the lowest identified daytime (57dB) and night-time (48dB) noise contours for the airport identified by the Civil Aviation Authority.  
The site lies north of Dunmow Road but road traffic noise is not considered likely to be a significant issue or barrier to development. As such, no specific conditions in respect of transport related noise are considered necessary for residential development of the site. In view of the size of the proposed development and the proximity of existing residential occupiers, I would recommend that a condition is included to require the formulation of a Construction Management Plan to cover the management of environmental issues during the development of the site
- 9.9 Other Environmental Matters  
In terms of air quality and odour, there is a small sewage treatment works located some 600m to the west of the site, but in view of the distances involved odour is not considered likely to have a significant impact on the site. No other significant issues in terms of air quality, odour or light impacts have been identified in relation to this site.

## **10. REPRESENTATIONS**

- 10.1 This application has been advertised and one representation has been received. Expiry date: 11<sup>th</sup> December 2018
- 10.2 Why is it now planning for 8 dwellings?  
The land was only for 7 houses.  
Also can you confirm these builders will not be using our entrance for all the building work and after they are built, use as their entrance?  
We were lead to believe from Taylor Wimpey that the new builds would have their own entrance and drive in.  
I do not object to the new homes but believe they should be separate from Churchview Close and a separate development.

## **11. APPRAISAL**

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

- A Whether the development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, S8, GEN2, GEN3, and H10);
- B Highway safety, and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbours amenity (ULP Policy GEN2, GEN4, H10, & SPD Accessible Homes and Playspace, SPD Energy Efficiency)
- D Impact on nature conservation (ULP Policy GEN7)
- E Impact on adjacent listed buildings (ULP policy ENV2)

**A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, S8, GEN2, GEN3, H9, H10);**

- 11.1 The site is subject to the provisions of policy S7. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.
- 11.2 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 11.3 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five- year supply of deliverable housing sites. . In this regard, the most recent housing trajectory identifies that the Council has a 3.4 or 4.45 year land supply depending on the scenario used to calculate the supply.
- 11.4 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 14 of the NPPF.
- 11.5 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment.
- 11.6 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure.. In economic terms the



proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.

- 11.7 Social: The NPPF identifies this as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with assessable services and open spaces that reflect current and future needs and support communities health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district and would also help to maintain the vitality of the local community.
- 11.8 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. There is a new development of residential housing to the east of the site and on the opposite side of the road. The front of the site, and rear and western boundaries are screened by mature landscaping. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. The proposed development would effectively be a continuation of the adjoining ten house development in terms of access, design and orientation. The rear gardens of each house would back onto a retained tree-lined boundary on the west, south and north boundaries. A material consideration is, however, that the site already has an extant permission for the erection for seven dwellings. The erection of one more dwelling on this site would not materially change the character of the area. The proposed development would be contained within the tree-lined boundaries on the northern and western edges of the site, which would provide a clearer defensible boundary for any further expansion of Takeley. As a result of these boundaries, and the existence of the housing developments, the proposed development would not be overly conspicuous in the surrounding area. The site is located within the Countryside Protection zone, for which policy S8 applies, however the open characteristics of the CPZ would not be particularly affected, nor would coalescence occur over and above that caused by the development of the site previously allowed on appeal.
- 11.9 Since the previous decision, the NPPF has been updated; however the heart of the updated framework is still for a presumption in favour of sustainable development. The proposal was considered to be sustainable development by the Inspector dealing with the appeal relating to planning application UTT/15/2424/FUL. The addition of one more dwelling would not change this position and therefore the proposal is acceptable in principle. In addition the proposal would make effective use of land in accordance with paragraph 117 of the NPPF.
- B Highway safety, and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- 11.10 The proposed properties are a mixture of two and three and four bedroom houses. Essex County Council parking standards require the provision for two parking spaces per two and three bed roomed dwellings, three parking spaces for four bed roomed dwellings and additional visitor parking spaces. The proposal meets these standards. Each dwelling would have two or three parking spaces and there would also be two unallocated parking spaces within the development to provide visitor parking. A transport statement has been submitted in support of this application. As with the previously approved scheme, access into the site will be via the private access road connected to the internal road associated with the completed ten dwelling scheme to the

east of the application site. Essex County Council, as the Local Highway Authority, has been consulted and their response raises no objections to the proposals. The proposed access would be sufficiently distant from the neighbouring properties that it would not result in any material noise or disturbance to the occupiers of those properties. It would therefore comply with the requirements of ULP Policy GEN4.

The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8

- 11.11 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible. In new housing developments of less than 10 dwellings, the council will require the dwellings approved by this permission to be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

In this respect the proposal does not meet these requirements in respect of criteria a), however as seven of the dwellings already have extant permission (before the introduction of Part M4 (2) ) and the new dwelling is a flat it is considered unreasonable to request this criteria.

- C Design, scale and impact on neighbours amenity (ULP Policy GEN2, GEN4, H10, & SPD Accessible Homes and Playspace, SPD Energy Efficiency)

- 11.12 The proposed development of this site would be relatively low density at around 33 dwellings per hectare.
- 11.13 The proposed dwellings would respect the scale of the adjoining development to the east and approved developments to the south. The design and scale of the proposed dwellings is considered appropriate for this location. Boundary treatment around the site will be retained. New planting is also proposed. The proposed buildings and overall street scenes would fit comfortably with the design of the neighbouring approved development.
- 11.14 Subject to the use of appropriate materials the proposed development would provide a suitable development for this site
- 11.15 The dwellings have been designed to comply with the requirements set out in the SPD: Accessible Homes and Playspace. The homes will be built to Lifetimes Homes standards and plot 8 has also been designed to be wheelchair accessible.
- 11.16 The development has been designed to minimise the potential for overshadowing or

overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking.

There is the potential for the development to result in noise nuisance to neighbouring properties from the extra traffic generated. However it is not considered that the harmful impact would be to such an extent to warrant refusal. Plot seven has windows to the first floor elevation, facing east, however this would serve a hallway and can be conditioned to be obscure glazed. It is considered that there would be no materially detrimental impact from the development to neighbouring properties.

- 11.17 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The proposed gardens accord with the requirements of the Essex Design Guide.

- 11.18 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows.

This states:

Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The housing mix for this application is for three two bedroomed properties, four three bedroomed properties, and one four bedroomed properties. The proposal, complies with the requirements of Policy H10 and broadly in line with the Strategic Housing Market Housing report.

- 11.19 The Parish Council have commented that the land has been split into two separate applications to avoid the provision of affordable housing or contributions. This was discussed within the Planning Inspectors report for the appeal relating to UTT/15/2424/FUL and the Inspector considered that as the ten house development was a separate permission, now built and occupied, it would not be fair or reasonable to seek a contribution by combining both sites. Government guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the [written ministerial statement](#) of 28 November 2014 and should be taken into account. These circumstances are that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (Gross internal area).

- 11.20 With regards to the provision of bungalows, as the seven dwellings can be built under the extant permission UTT/15/2424/FUL there is no scope for the provision of a bungalow on the site.

11.21 The proposal complies with ULP policies GEN2, H10 and GEN4.

**D There would be a detrimental impact on protected species (ULP Policy GEN7);**

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

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- There must be "no satisfactory alternative"; and
- The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Several questions were answered with a yes and as such a Preliminary ecological Appraisal and a Dormouse survey report have been submitted with the application. These have been considered by the Ecologists at Essex County Council and they have no objections to the proposals subject to the imposition of conditions. The proposal subject to conditions would comply with ULP policy GEN7.

**E Impact on adjacent listed building (ULP policy ENV2)**

11.23 Although the site is close proximity to grade II listed buildings to the west (on the other side of Church Road) and also the Holy Trinity Church to the north west, it is considered that the development would be sufficiently distant from both properties to avoid harm to the settings of those properties. The proposal would comply with the aims of ULP policy ENV2.

**12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development of this site has already been established under UTT/15/2424/FUL as acceptable in light of the sites sustainable location and the limited impact the proposal would have on the surrounding countryside by way of the proposed retention and additional landscaping.
- B** The proposal would comply with the current adopted parking standards and provide two visitor spaces. Access to the site is acceptable. Essex County Council Highways authority has no objections subject to appropriate conditions. The proposal complies with policies GEN1 and GEN8
- C** The proposed design and layout is acceptable and the application provides an acceptable mix of dwellings on this site. The proposal complies with the Essex Design Guide. The proposal would not result in any material, detrimental impact on neighbour's amenity
- D** The presence of protected species does not present any overriding constraints to development and subject to appropriate mitigation measures; the proposed development would not adversely affect the ecological interests of the site.
- E** Although the site is in close proximity to listed buildings to the west and to the north west it is considered that the development would be sufficiently distant from both properties to avoid harm to the settings of those properties.

## **RECOMMENDATION: CONDITIONAL APPROVAL.**

### **Conditions/reasons**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in allocated parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times.  
  
REASON: To ensure that appropriate parking and turning is provided in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
3. Prior to occupation of the development the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be provided clear of the highway. These areas shall be adhered to throughout the construction period for the development.  
  
REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
- 4 Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing

- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

REASON: In the interests of highway safety and the control of environmental impacts in accordance with Uttlesford Local Plan Policy GEN4

- 5 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Geosphere Environmental Ltd., March 2015) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. *This includes creation of log piles for stag beetles, due diligence regarding nesting birds, installation of integrated bat bricks and bat boxes, use of native planting, creation of bug hotels and the creation of hedgehog permeable boundaries (gaps in fencing).*

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan policy GEN7.

- 6 Proactive measures must be taken to deter birds from the site and manage the site area to minimise the amount of time that topsoil will be exposed.

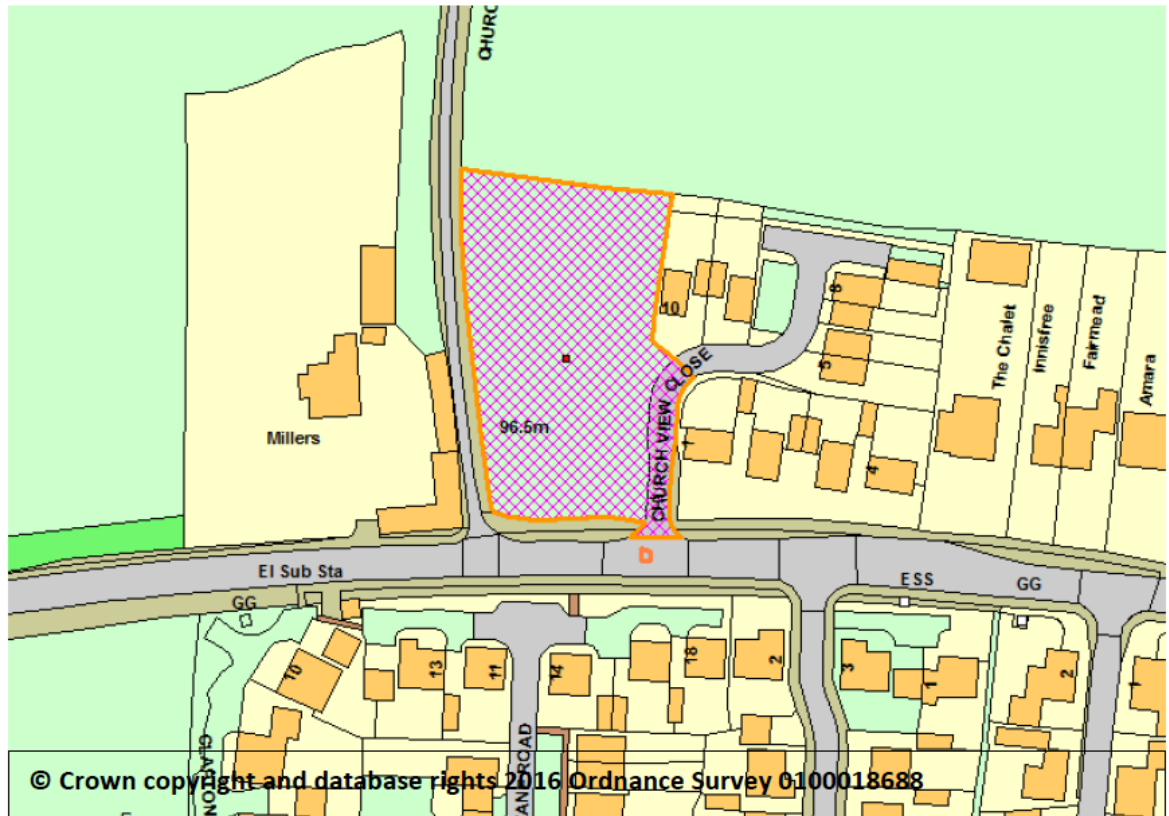
REASON: To ensure that the proposal does not conflict with safeguarding criteria of Stansted Airport in respect of potential bird strike avoidance in accordance with Uttlesford Local Plan Policy GEN2.

- 7 All new hard and soft landscape works shall be carried out in accordance with drawing number MCA115/02 C All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or in accordance with a programme submitted to and agreed in writing by the local planning authority, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Uttlesford Local Plan (adopted 2005) policy GEN2.

8. All of the dwellings approved by this permission shall be built to Category 2: Accessible

Reason : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace



Organisation: Uttlesford District Council

Department: Planning

Date: 28 November 2018

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## UTT/18/2681/LB - (QUENDON AND RICKLING)

(Referred Committee as related to Councillor)

**PROPOSAL:** Proposed Installation of secondary glazing  
**LOCATION:** Street Farm, Cambridge Road, Quendon CB11 3XJ  
**APPLICANT:** Mrs L Clark  
**AGENT:** N/a  
**EXPIRY DATE:** 26 December 2018  
**CASE OFFICER:** Rosemary Clark

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### **1. NOTATION**

- 1.1 Within Development Limits, Grade II Listed Building, Conservation Area

### **2. DESCRIPTION OF SITE**

- 2.1 The application site comprises a detached late 18<sup>th</sup> Century/early 19<sup>th</sup> Century, two storey red-brick dwelling with outbuildings. It is located adjacent to the main B1384 that runs through the village of Quendon set back behind a small front garden.

### **3. PROPOSAL**

- 3.1 This application relates to the installation of secondary glazing to 8 windows of the property. The secondary glazing would be aluminium with a hardwood timber surround.

### **4. APPLICANT'S CASE**

- 4.1 Design and Access Statement submitted with application.

### **5. RELEVANT SITE HISTORY**

- 5.1 None relevant

### **6. POLICIES**

#### **6.1 National Policies (2018)**

- National Planning Policy Framework – Revision 2

#### **6.2 Uttlesford Local Plan (2005)**

- Development affecting a Listed Building – ENV2

### **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 No objection

## **8. CONSULTATIONS**

### **Conservation Officer**

No objection in principle subject to following condition:-

Further detail regarding the appearance of the proposed glazing is provided to and approved by the local authority, including information regarding how the units will be attached to the window surrounds and of the material construction of the existing windows.

## **9. REPRESENTATIONS**

- 9.1 The application has been advertised on site and in the local press. The neighbouring properties have been consulted. No responses received.

## **10. APPRAISAL**

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

### **A Whether the proposal would adversely impact the historic importance of the Listed Building**

- A Whether the proposal would adversely impact the historic importance of the listed building

- 10.1 In considering whether to the grant listed building consent, the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which is possesses (Section 16(2) and (66)1 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 10.2 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the fabric, character and the setting of listed buildings from development, which would adversely affect them. This policy reflects the thrust of the statutory duty in section (66)1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently extensions and alterations to listed buildings are strictly controlled to fulfil the requirements of the Act. This is also highlighted in the NPPF (2018).
- 10.3 The proposal is to install secondary glazing to the windows as indicated. The existing windows are traditional timber box sashes and the aluminium framed secondary glazing has been designed to not interfere with any of the architectural features or disturb any historic features. It is therefore considered that the proposal is sensitively designed and there would be no detrimental impact to the special architectural and historic elements of this listed building and the proposal complies with the NPPF and Policy ENV2 of the Uttlesford Local Plan (Adopted 2005).

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposal is acceptable in terms of design and would not be harmful to the historic fabric of the heritage asset. The proposal therefore complies with Uttlesford Local Plan Policy ENV2 and the NPPF..

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

## Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision

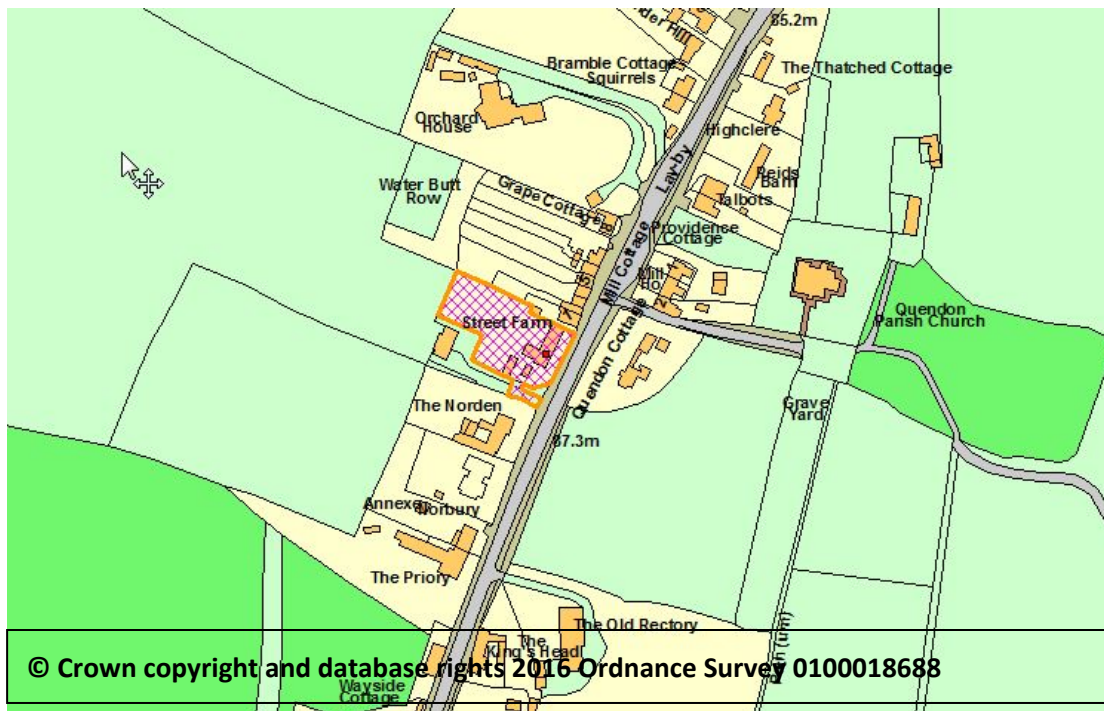
REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before work commences further details regarding the appearance of the proposed glazing, including information on how the units will be attached to the window surrounds and of the material construction of the existing windows, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details

REASON: In the interest of the special historic significance and appearance of the heritage asset in accordance with the NPPF, Rev2 (2018) and Uttlesford Local Plan Policy ENV2 (adopted 2005).

Application: UTT/18/2681/LB

Address: Street Farm, Cambridge Road, Quendon, Saffron Walden, CB11 3XJ



Organisation: Uttlesford District Council

Department: Planning

Date: 04/01/2019