



# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 20th February, 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

- |          |  |               |
|----------|--|---------------|
| <b>1</b> | <b>Minutes of the Previous Meeting</b>                             | <b>5 - 8</b>  |
|          | To consider the minutes of the previous meeting.                   |               |
| <b>2</b> | <b>Apologies for Absence and Declarations of Interest</b>          |               |
|          | To receive any apologies for absence and declarations of interest. |               |
| <b>3</b> | <b>UTT/17/2499/FUL - Land West of Mill Lane, Hatfield Heath</b>    | <b>9 - 40</b> |
|          | To consider application UTT/17/2499/FUL.                           |               |

- |           |   |                  |
|-----------|---|------------------|
| <b>4</b>  | <b>UTT/18/1708/FUL Land to West of Thaxted Road, Debden</b>         | <b>41 - 60</b>   |
|           | To consider application UTT/18/1708/FUL                             |                  |
| <b>5</b>  | <b>UTT/18/2899/FUL Adare, Parsonage Downs, Great Dunmow</b>         | <b>61 - 80</b>   |
|           | To consider application UTT/18/2899/FUL                             |                  |
| <b>6</b>  | <b>UTT/18/3278/FUL R/O 22 Thaxted Road, Saffron Walden</b>          | <b>81 - 90</b>   |
|           | To consider application UTT/18/3278/FUL                             |                  |
| <b>7</b>  | <b>UTT/18/3357/FUL - Belmont, Hollow Road, Felsted</b>              | <b>91 - 98</b>   |
|           | To consider application UTT/18/3357/FUL                             |                  |
| <b>8</b>  | <b>UTT/18/2869/HHF Ashley, Chlemsford Road, Felsted</b>             | <b>99 - 102</b>  |
|           | To consider application UTT/18/2869/HHF                             |                  |
| <b>9</b>  | <b>UTT/18/3451/HHF 3 Little Walden Road, Saffron Walden</b>         | <b>103 - 108</b> |
|           | To consider application UTT/18/3451/HHF                             |                  |
| <b>10</b> | <b>UTT/18/3134/FUL Council Offices, London Road, Saffron Walden</b> | <b>109 - 114</b> |
|           | To consider application UTT/18/3134/FUL                             |                  |

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**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 16  
JANUARY 2019 at 2.00 pm**

Present: Councillor A Mills (Chairman)  
Councillors R Chambers, P Fairhurst, R Freeman, A Gerard  
(Substitute for J Lodge), E Hicks, M Lemon, J Loughlin and  
L Wells

Officers in attendance: N Brown (Development Manager), M Jones (Planning Officer),  
A Mawson (Democratic Services Officer) and E Smith (Solicitor)

**PC126 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Lodge (Substituted by  
Councillor Gerard) and Councillor Ryles.

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

**PC127 MINUTES OF THE PREVIOUS MEETING**

The minutes of 19 December 2018 Planning Committee meeting were agreed  
pending the amendment in PC115 from; “subject to noting that the recording was  
available from which a transcript could be prepared if necessary” to “subject to  
an amendment to include a full transcript of the recording.”

Councillor Gerard referred to the minutes of 21 November 2018 and asked that  
the audio minutes be checked in relation to application UTT/18/0739/FUL -  
Joyce Franklin Trust, Newport, for accuracy.

Councillor Freeman said that the issue relating to the determination of separate  
applications together had not been resolved. He said that the Planning  
Committee had been told frequently that applications needed to be considered  
on their own merit; however two applications, UTT/18/0824/OP and  
UTT/17/2832/OP, had been considered in conjunction with each other at the  
Planning Committee meeting on 19 December 2018. Councillor Freeman raised  
concerns that there was no guidance for the planning committee in such  
instances.

Councillor Chambers responded that the question had been asked at the  
meeting at the time and legal advice had been given accordingly. Members had  
been advised that 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 as it would  
have been disproportionate for an individual application. Members had been  
advised that this was in the remit of the Committee as it was a procedural, not a  
legal, matter.

Councillor Gerard asked Councillor Lemon to bring this to the attention of the Scrutiny Committee as it could be relevant to the review of the Council's handling of major planning applications.

PC128 **UTT/18/2478/FUL - BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW**

The application had been deferred at the previous meeting to allow for a site visit.

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.

The Committee discussed the comparison of the proposed development to the existing site, in terms of design and scale and the impacts on the neighbouring listed buildings and the Fritch Way.

Members discussed the increase in cubic metres of the proposal and it was clarified by the planning officer that the building was increasing in floor level, therefore the assertion that the footprint would increase by 5 times of its original size was incorrect. It would in fact have a footprint of 2.5 times the original due to the additional floor.

Councillor Fairhurst put forward a motion for deferral for the clarification of scale, Councillor Gerard seconded the motion.

The motion was defeated.

Councillor Chambers proposed approval of the application.

Councillor Hicks seconded the motion.

RESOLVED to approve the application.

*P Calder spoke on the application.*

PC129 **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 Development Manager advised the Committee that there was a problem in the report in that the domestic extension had been omitted. He said that as the application had been deferred once and that the Committee had been on site that morning he suggested that the report be heard, speakers allowed and

discussion continue. If the Committee were minded to vote then they should do so.

In response to the Chairman, the Committee agreed to hear the application.

The Committee discussed the access that traverses the conservation area and the tilted balance; it was felt that the harm to the area far outweighed the benefits of the development.

Councillor Fairhurst proposed to reject the application.

Councillor Gerard seconded the proposal.

RESOLVED the application was refused for the following reasons:

1. The site lies outside of the development limits of Henham as defined within the Uttlesford Local Plan 2005 and would introduce inappropriate development into the open countryside. As such the proposal would cause harm to the countryside and therefore would be contrary to Policy S7 of the Local Plan.
2. The proposal introduces development to the rear of existing properties, such development is out of character with the street scene and would potentially have an inappropriate impact on neighbouring properties contrary to Policy H4 of the Uttlesford Local Plan 2005.
3. The development would have detrimental impact upon the Conservation Area contrary to Policy ENV1 of the Uttlesford Local Plan 2005 and the aims and objectives of Chapter 16 of the NNPPF 2018.

*Cllr Lees, M Ward, G Gardner and P Stollery spoke on the application.*

PC130 **UTT/18/2917/FUL - LAND NORTH OF DUNMOW ROAD, TAKELEY**

The planning officer presented the application for a residential development comprising eight dwellings and associated garaging and landscaping. The site has been cleared and works commenced on the development allowed on appeal for seven dwellings under planning application UTT/15/2454/FUL.

It was confirmed to the Committee that this application was for the introduction of a single two bedroom dwelling over garages that were already in the scheme, rather than a whole new eight dwelling development.

Councillor Hicks proposed approval of the application.

Councillor Lemon seconded the proposal.

RESOLVED: to approve the application subject to the conditions outlined in the decision notice.

*S Willsher spoke on the application.*

PC131 **UTT/18/2681/LB - STREET FARM, CAMBRIDGE ROAD, QUENDON**

The Development Manager presented the application relating to the installation of secondary glazing to eight windows of the property. The secondary glazing would be aluminium with a hardwood timber surround. The property is a Grade II Listed building in a conservation area.

Councillor Chambers proposed to approve the application.

Councillor Fairhurst seconded the proposal.

**RESOLVED:** to approve the application subject to the conditions outlined in the decision notice.



## UTT/17/2499/FUL – HATFIELD HEATH

### MAJOR

**PROPOSAL:** Demolition of existing buildings, conversion of water tower to form a dwelling, erection of 25 dwellings, and the retention, renovation and change of use of 6 buildings to form ancillary facilities to the residential development

**LOCATION:** Land to the West of Mill Lane, Hatfield Heath

**APPLICANT:** Mr W I Bampton

**AGENT:** Mr S Bampton

**EXPIRY DATE:** 6 December 2017 – Extension of Time to 28 February 2019

**CASE OFFICER:** Karen Denmark

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#### 1. NOTATION

- 1.1 Outside Development Limits/Metropolitan Green Belt/Within 2km of SSSI/Public Right of Way.

#### 2. DESCRIPTION OF SITE

- 2.1 The application site is located on the north western edge of Hatfield Heath and comprises two main parcels of land. The northern part of the site is currently used by a company known as Greenway Eggs and comprises a cluster of single storey buildings. The southern part of the site is a wooded site with clusters of single storey buildings of varying states of repair. In addition, there is a water tower of brick construction. The site as a whole is a former Prisoner of War Camp (Camp 116). The southern section, whilst being more rural in character is located between the Greenway Eggs packing plant to the north and existing residential development to the south.

#### 3. PROPOSAL

- 3.1 The proposal relates to the demolition of the egg farm buildings and a number of the buildings on the southern section of the site and the erection of 26 dwellings, including the conversion and extension of the water tower. A cluster of the former buildings are proposed to be retained for ancillary residential purposes. Areas of open space, including a local equipped area of play (LEAP) are also included in the scheme.

#### 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.

#### 5. APPLICANT'S CASE

5.1 The application is accompanied by the following documents:

- Arboricultural Implications Assessment
- Archaeological Assessment
- Contamination Report
- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Green Belt Assessment
- Landscape and Visual Appraisal
- Site Waste Management Plan
- Statement of Community Involvement
- Transport Assessment
- Planning Statement
- Affordable Housing Statement
- Heritage Assessment

5.2 Conclusions of Planning Statement:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires 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. These other considerations may be wide-ranging, and all are to be weighed in the planning balance.

Although the site is within the green belt a large part of it is categorised as “previously developed land”. The National Planning Policy Framework (NPPF) treats such land differently in relation to consideration of what constitutes inappropriate development in the green belt. Principally, the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, are exceptions to the presumption against development in the green belt. An important element of the planning application is to demonstrate that the proposed development would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development.

Policy S6- Metropolitan Green Belt of the ULP is limited in its scope and in consequentially inconsistent with the NPPF in consideration of the site’s previously developed status. Weighing heavily in favour of the proposal are the following factors:

- The site is sustainable located in a ‘Key Villages’, where development is encouraged;
- The site has been promoted through the Call for Sites and was considered to be suitable for development and well related to the village;
- Pre-app has been undertaken, which supported the principle of development;
- The site is previously developed land;
- The Council does not have a five year- supply of housing land and as such paragraph 11 and Footnote 7 7 of the NPPF are engaged: that for decision-taking, the presumption in favour of sustainable development this means “where there are no relevant development plan policies, or the policies which are most important for deeming the application are out of date” approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is clear from the

above assessment that no such harm would arise, and certainly no significant harm that would outweigh the benefits of improving the character of the area, providing much-needed affordable and market housing and the renovation of 7 former WWII POW buildings that are of local value;

- The application was submitted with a Landscape and Visual Impact Assessment and a Greenbelt Assessment that confirm that have influenced the design of the scheme and confirm that development can be delivered that will improve the character and transitional environment between the village and the open countryside beyond;
- Redistribution of existing built form to improve the transition between the existing settlement and the Green Belt beyond, ultimately improving the character and openness of the Green Belt;
- delivery of much needed market and affordable/starter housing in a sustainable location;
- provision of a range of house types and tenures to cater for the needs of the existing community as well as new residents;
- financial contributions towards community facilities to support the needs of a growing population;
- a design which integrates new homes within the context of “openness” of green belt;
- a place which has the retention of veteran trees and enhancement of the site’s ecological biodiversity as a key principle;
- a design which respects the character of the village, both in terms of space between and around properties and the style of the homes;
- removal from Mill Lane of lorries and other vehicles associated with Greenways Eggs;
- highways improvements to Mill Lane, including widening and resurfacing;
- A surface water drainage strategy which re-engineers the existing ditches to ensure an adequate and acceptable solution to surface water run-off and a system which can be maintained.

The compliance of the proposals with up-to-date and relevant policies is compelling and the application, therefore, benefits from the presumption in favour of planning permission as detailed in Section 38(6) of the Act.

UDC is required by government to consider the documentation submitted and are respectfully requested to grant planning permission in accordance with the presumptions in favour of development where it complies with up-to-date policy and delivers sustainable development in accordance with the NPPF.

## **6. RELEVANT SITE HISTORY**

6.1 UTT/16/3697/FUL: Demolition of existing buildings and the development of 40 new dwellings and associated infrastructure. Withdrawn

6.2 There is additional site history in respect of the Greenway Eggs site, but not relevant to the current application for residential development.

## **7. POLICIES**

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

Policy S6 – Metropolitan Green Belt

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection  
Policy GEN6 – Infrastructure Provision to Support Development  
Policy GEN7 – Nature Conservation  
Policy GEN8 – Vehicle Parking Standards  
Policy E2 – Safeguarding Employment Land  
Policy ENV3 – Open Spaces and Trees  
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance  
Policy ENV7 – The Protection of the Natural Environment – Designated Sites  
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation  
Policy ENV14 – Contaminated Land  
Policy H9 – Affordable Housing  
Policy H10 – Housing Mix

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

SPD: Accessible Homes and Playspace (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2011)

### **National Policies**

National Planning Policy Framework (NPPF) 2018  
Planning Policy Guidance

### **Other Material Considerations**

### **Emerging Local Plan**

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SP2 – The Spatial Strategy 2011-2033  
Policy SP10 – Protection of the Countryside  
Policy SP12 – Sustainable Development Principles  
Policy H1 – Housing Density  
Policy H2 – Housing Mix  
Policy H6 – Affordable Housing  
Policy H10 – Accessible and Adaptable Housing  
Policy TA1 – Accessible Development  
Policy TA2 – Sustainable Transport  
Policy TA2 (duplicate number in LP) – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy INF1 – Infrastructure Delivery  
Policy INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches  
Policy INF4 – High Quality Communications Infrastructure and Superfast Broadband  
Policy D1 – High Quality Design  
Policy D2 – Car Parking Design  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy D10 – Highly Energy Efficient Buildings  
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN10 – Minimising Flood Risk  
Policy EN11 – Surface Water Flooding  
Policy EN12 – Protection of Water Resources  
Policy EN16 – Contaminated Land

## 8. PARISH COUNCIL COMMENTS

- 8.1 35 dwelling scheme: The Parish Council objects to the proposed development to the Land to the West of Mill Lane on the following grounds:
1. Mill Lane is totally unsuitable for the increase in traffic caused by this development. At its narrowest point this road is only 3.1m wide which is less than the legal minimum for single carriageway at 3.5m rendering it inappropriate for two-way traffic. We anticipate that the increase in vehicle journeys will be in excess of 200% based on current usage.
  2. The junction with the A1060 has very poor visibility particularly from the west and when emergency vehicles are parked outside Hatfield Haven it is very much more dangerous.
  3. Serious risk to pedestrians as there is no footpath along Mill Lane which is the main route to bus services.
  4. Incorrect classification of the land as brown belt. This land has always been and continues to be agricultural land, previous applications having been refused on these grounds.
  5. The development is in Metropolitan Green Belt protected by the current local plan and is outside the village development envelope.
  6. Infrastructure in the village will become more strained, utilities, doctors and school are already at capacity and an additional 26 properties will significantly increase the demands on these services.
  7. There is lack of clarification in the application of numbers of market share homes versus affordable homes.
  8. An existing bridleway is designated as access to the proposed development.
  9. Serious risk of increased flooding as there is no adequate provision of disposal of surface water from the site.
  10. The application has not been correctly amended from 35 to 26 homes.
  11. Destruction of the POW camp which is an important historical site and should be retained for future generations.
  12. Significant increase in both noise and air pollution from the increased number of vehicle movements. Many existing properties along Mill Lane are listed buildings and as such are unable to reduce the noise with double glazing.
  13. Eradication of wildlife habitat. The site is currently home to bats, owls, badgers and deer that will be seriously affected by the development.
- 8.2 26 dwelling scheme: This proposal is to build 26 new dwellings on a site combining the area presently occupied by Greenways Eggs to the North and a part of the now defunct Little Heath farm to the South. Eight of the proposed 26 dwellings are designated as affordable. The combined site presently contains the remains of a world war 2 camp designated Camp 106. The Hatfield Heath Parish Council strongly object to this development on the following grounds:
- 1 The site is completely within the Metropolitan Green Belt and outside the village envelope.
  - 2 Both parts of the site are designated as agricultural land and are therefore effectively greenfield sites. The claim that the Greenways portion in brownfield is inaccurate since no change of use has been progressed from the designated agricultural use since the land was handed back to the then two farms after the war and the present use does not fit the legal definition of brownfield defined in PPG3.  
i.e.
    - a. Previously developed land which is now vacant
    - b. Vacant buildings

- c. Derelict land and buildings
  - d. Other previously developed land or buildings, currently in use, allocated for development in the adopted plan or having planning permission for housing
  - e. Other previously developed land or buildings where it is known there is potential for redevelopment.
  - f. Buildings and surrounding land that are currently in use for agricultural or forestry purposes are excluded from the definition set out above.
- 3 All previous attempts to develop the site have been turned down by the UDC on the basis that it is in fact agricultural land, outside the village envelope and completely within the Metropolitan Green Belt
- 4 The development would generate an approximate 30% increase in overall traffic flow in the extremely restricted Mill Lane, which has no footway and requires extreme caution for even normal size passenger vehicles to pass since there is a width restriction of 3.1 metres. The claim that the increase would represent only a marginal increase over the legally approved use by Greenways is incorrect. An independent survey carried out by the Parish Council in June showed that translating the present use by the 13 modestly sized houses presently occupied in Mill Lane to the 26 houses proposed would generate a minimum of double the present Greenways use.
- 5 A survey by the Parish Council as part of the Village Plan in 2016 showed a need for a further 10 affordable (rented) homes in the village with no further requirement for market value housing.
- 6 26 additional houses is an approximately three and a half percent increase in the village, which has no capacity in the local school, a severely stretched doctor's surgery, stretched electricity, gas, water, telephone and foul water facilities and only a single outlet for surface water down a well-known and documented flood route.
- 7 Much is made of footpath/cycle path access through Broomfield and Home Pastures relieving traffic congestion, yet the link between the site foot/cycle path and Home Pastures is actually a narrow earthen public footpath with no lighting. Given the observed habits of other recently developed areas within the village envelope, this link would be little used.
- 8 The 'Heritage Statement' included in the documentation appears to be a privately commissioned study for the applicant by Ian Dieffenthaler of Shaw and Jagger Architects. The conclusions drawn are at odds with other information, but naturally support the proposal. We would like to understand when the proper UDC independent heritage statement will be available and what has happened to the UDC Local Heritage application for the POW Camp that the cabinet meeting in May requested.
- 9 We also question the 'refurbishment' of some of the POW guard huts and redesignation as 'ancillary buildings'. There are neither assurances that these would be preserved in the longer term nor that they would be available to the general public.
- 10 In summary, we do not believe that this proposal fits within the spirit or intent of either the present or proposed Uttlesford District plans for Hatfield Heath and is purely speculative.

## **9. CONSULTATIONS**

### **ECC – Minerals and Waste**

- 9.1 The development is located within the Mineral Safeguarding Area, however the site is unlikely to be suitable for mineral extraction due to its size and constraints and therefore no Mineral Resource Assessment is required. The County Council, as Mineral Planning Authority, has no further comments to make.

### **Environmental Health Officer**

- 9.2 Due to the past use as a Prisoner of War Camp and current commercial Greenways Egg facility usage, in accordance with the model procedures for management of land contamination, further on-going investigations may be required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the site is suitable for use. The appropriate recommended conditions should be applied if planning permission is granted.

### **Essex Police**

- 9.3 We would like to have seen the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application.

### **ECC – Specialist Archaeological Advice**

- 9.4 The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER shows that the development area contains the site of a World War II prisoner of war camp (EHER 21265). As defined in the desk based assessment many of these buildings survive on the site in various stages of decay and will be demolished if the development proceeds. Some are still in use as commercial properties. The surrounding area contains considerable evidence of occupation potential from the medieval period. Aerial photographic evidence shows an historic route-way lying to the north of the site associated to the moated site identified in the desk based assessment.

The Historic Environment characterisation document shows the extent of archaeological deposits on other sites to the north of Hatfield Heath showing occupation from the Bronze Age through to the modern day.

It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

### **ECC Ecology**

- 9.5 25 September 2017: The Ecological Impact Assessment (The Ecology Partnership, August 2017) included with the application is thorough and robust and considers all relevant ecological issues for determination. A condition is recommended to ensure compliance with recommendations.

Whilst it is noted a significant proportion of woodland will be removed to accommodate the scheme, I acknowledge the intention to put the remainder of woodland into positive conservation management. This management also address the bat foraging habitat lost to the development. This requires a Landscape and Ecological Management Plan. See condition wording below.

It appears the SuDS drain discharges into the great crested newt pond. The report should make reference to this and how it might impact great crested newt. If impacts are foreseen, the drain should discharge elsewhere. It would be better for the

SUDS design to enhance habitats for GCN, such as form a new pond.

24 March 2018: The number of houses has reduced but this has not altered the ecological impacts of the development, therefore comments remain the same as 25 September 2017 (see above).

24 July 2018: Some of the POW buildings have been retained and two plots moved but this has not altered the ecological impacts of the development, therefore comments remain the same as 25 September 2017 (see above).

### **London Stansted Airport – Safeguarding**

- 9.6 The proposed development has been examined for aerodrome safeguarding; this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

### **ECC – Education**

- 9.7 The proposed development is located within the Hatfield Heath Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are four providers of early years and childcare in the area. Of these, one is a full day care nursery; two are childminders and one is a pre-school. Overall a total of seven unfilled places were recorded. The data shows sufficient unfilled places to meet the demand from this proposal.

This development sits within the priority admissions area of Hatfield Heath Community Primary School, which can accommodate up to 210 pupils. The school is full and currently needs to utilise temporary accommodation to meet demand. According to Essex County Council's document 'Commissioning School Places in Essex', it will require 211 places by the academic year commencing 2020. Forecasts for the area also suggest additional permanent provision will be needed. The proposed development would further add to the pressure to replace temporary accommodation at Hatfield Heath, with a permanent solution. A development of this size can be expected to generate the need for up to 9.9 primary school places. A contribution is sought based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions.

### **ECC – Lead Local Flood Authority**

- 9.8 9 October 2017: Holding Objection. The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Full Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to:

- Sufficiently limit discharge rates.

The strategy proposes to reduce the urbanised catchment by 50%, however when aiming to achieve 50% betterment, this should be of existing run off rates. The runoff rates should be calculated based on the area that will be draining via the proposed drainage scheme and this should subsequently be the same area that is used to calculate the required storage.

- Accurately calculate storage volumes.

Storage volumes have been calculated based on the incorrect discharge rates; this should be revised in accordance with the above comments.

It should also be demonstrated that urban creep has been considered when



calculating the proposed storage volumes.

4 December 2017: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

2 May 2018: Thank you for consulting us on the above application. From looking online, it does not appear that additional information in regard to drainage has been provided. Therefore I believe our comments will not have changed from that in the letter of 4-12-17.

### **ECC Highways**

- 9.9 20 December 2017: From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons: The application is an intensification of the access onto A1060 via Mill Lane which is adjacent to a bridleway and to the south has deficiencies in geometric layout and visibility which could give rise to conflict between vehicles, or between vehicles and pedestrians and vehicles and other non-motorised users. The proposal is therefore contrary to the Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

27 April 2018: The Transport Assessment and Proposed Site Layout plans accompanying the planning application have been considered in detail and the Highway Authority is satisfied that, whilst this may represent a minor increase at varying peak times, the number of trips generated by the proposed 26 residential development is broadly in line with the traffic expected to be generated by the existing lawful use and will not have a severe impact and can be accommodated safely and efficiently on the local highway network.

Given the existence of two-way traffic flow associated with the Greenway Eggs is likely to be comparable to that associated with the proposed residential trips, and the that proposed mitigation/improvement scheme provides a pedestrian/cycle link to the adjacent residential area and minor improvements are being provided along Mill lane the Highway Authority would not wish to raise an objection to the above application subject to conditions.

### **Thames Water**

- 9.10 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### **Natural England**

- 9.11 Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

### **Historic England**

- 9.12 14 June 2018: Thank you for your letter of 24 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

16 July 2018: Thank you for your letter of 10 July 2018 regarding further information

on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### **Environment Agency**

- 9.13 The Flood Risk Assessment and Drainage Strategy states the following:

#### **FOUL WATER DISPOSAL**

10.27. Part H of the Building Regulations (2015) states that “Foul drainage should be connected to a public foul or combined sewer wherever this is reasonably practicable”.

10.28. A public sewer has been identified in Mill Lane.

10.29. Thames Water has been consulted and confirms they have capacity to accept a pumped discharge from the site. See Appendix J for Thames Water’s acceptance letter.

On this basis we’re satisfied that mains foul drainage will be used, so we have no comments to make on this application.

### **Ancient Monuments Society**

- 9.14 The AMS was recently alerted to the proposal (under Ref UTT/17/2499/FUL) to demolish a World War II Prisoner of War camp in Hatfield Heath (Camp 116) to make way for a new housing development. We have looked at the documents available on your website and wish to express support for the suggestion made in the Heritage Assessment that part of the camp could be retained. We understand that a local group called ‘History not Houses’ has been involved in detailed discussions with your authority and the developer to find a way of preserving part of the site. In our view Camp 116 is of sufficient interest to warrant conservation. We understand that retaining the full site may not be practicable; however we would welcome the retention of the camp’s most interesting features, notably the water tower. We have read English Heritage (now Historic England)’s 2003 report on Prisoner of War camps and note that Camp 116 is a ‘Class 2’ camp - meaning that it is “Near Complete” with a “Majority of features i.e. 50 -80% survival”. In 2003 Camp 116 was one of 7 camps surviving in this condition - there may possibly be even fewer today. It therefore seems important to preserve it, if only partially. We understand the camp has been given local protection and very much welcome this recognition of its rarity and interest. There is no information on your website about the planned retention of some of the buildings - we would be grateful if you could send this to us. We very much welcome any initiative to preserve the camp - even if this can only be partial - and would be happy to offer advice on how the buildings’ long-term conservation might be achieved.

### **Conservation Officer**

- 9.15 The application in question seeks consent for the demolition of all but 7 no. of the existing structures which form part of the historic World War II Prisoner of War camp (no. 116), and erection of 26 new dwellings on the site. Part of the site and some of the buildings have previously been used for commercial use, for ‘Greenways Eggs Ltd’ with some of the structures having been subject to repair and maintenance. The remaining structures have been left to deteriorate with little to no maintenance. The camp was built 1941/2 as an internment or Prisoner of War Camp for Italian prisoners initially, and later German prisoners from 1943/4. The area to the south (Area 1) was the guard’s compound, and that to the north (Area 2) was the prisoner’s compound: the site includes a drainage ditch and concrete bridge. The site comprises 43 structures, of varying conditions and types including ‘standard’

Ministry of War Production (MoWP) Huts, 'Laing huts, Nissen, British Concrete Foundation (BCF) structures and Orlichuts structures'<sup>1</sup>.

A recent site visit revealed that the structures are in varying levels of repair and structural stability, with many appearing relatively sound with walls and roofs intact, and others with the noggin removed and a limited number being partially collapsed.

However a further structural survey would be required to ascertain the structural condition of the individual buildings and capacity for repair, conversion or re-use. The site was surveyed by Historic England in 2003, and was recorded as being 'Condition 2 – near complete'. An excerpt from the report, relating to the Mill Lane camp reads as follows:

'Camp 116 (Mill Lane Camp, Hatfield Heath) conforms to the so-called 'Standard' layout, with the guards' compound consisting of MoWP huts, while the living huts are all timber Laing huts'

The supporting archaeological assessment by Archaeological Solutions Ltd notes that whilst the structures survive in varying condition, the site is a good example of the 'standard' camp layout, that it 'survives in a very good condition for the 'standard' layout of a PoW camp' and that 'the camp is one of the better preserved and more extant examples of its type'. Its 'Class 2' condition rating by H.E. places it in a significant grouping of only 17% of the 'standard' camps that survive' The report identified only one 'standard' type camp listed as 'Class 2' in Essex – Camp 116 and subject of the current application. It is reasonable to assume that since the date of this report, these numbers may have further decreased.

The site was closed in 1955 and the land passed back to the owners, who opted to retain the structures, almost in their entirety with only a few structures being dismantled and relocated, with a small number moved to 'New House Farm to become calf and storage sheds'. Despite the level of dilapidation, some original features to survive, including fixtures and fittings including doors, shower cubicles and graffiti, understood to have been the work of the Italian prisoners.

The huts are constructed in a variety of materials, ranging from timber or concrete framing with hollow clay block, brick, concrete block and timber weatherboarding. The site housed units with a variety of uses, including dormitories, ablution and lavatory blocks, canteens, kitchen and hospital. There is also a prominent water tower, surviving in good condition. It is a key landmark within the site, and is little altered.

In considering the proposed development of the site, the first matter to consider is the principle of proposed demolition of the structures and clearance of the majority of the site (Areas 1 & 2). Having reviewed the information available, I consider that the site and associated structures represents an important non-designated heritage asset, and a tangible reminder of the second world war, and how this affected people at a local level. Furthermore, it is significant to the wider narrative of the Second World War on a national level; representative of a crucial and poignant period in our nation's history as part of a national network of sites, of which over 70% have been lost. The site possesses Evidential, Historic, Aesthetic and Cultural Value by reason of the surviving structures and related infrastructure.

Evidential Value: The structures illustrate the practices associated with C20th military warfare in Britain and the conditions in which PoW's were detained. It is also reflective of the materials and construction techniques used, and availability at the time. The use of blockwork to create patterns is interesting, as it revealing the more

human side of life at the camp, and construction, illustrating perhaps the boredom of the individuals or perhaps a desire to create a pleasing aesthetic. Choices of materials and construction styles used for individual buildings are also reflective of the different functions of the structures, and the hierarchy within the site.

Aesthetic Value: Some of the structures feature decorative patterned blockwork, which results in a whimsical and pleasing aesthetic, even in the context of temporary, war-time structures such as this, which were built cheaply and for function only. The 'graffiti' is also an aesthetically pleasing addition, and attempt at interior decoration.

Historic Value: The individual structures form a grouping that is a tangible reminder of a key phase in our national, and international, history. They are associated with key social political and warfare practices in Britain. The construction and materials are also indicative with historic technological advancements and the shortage of materials available during the war.

Communal Value: The PoW's were employed at local farms, and so the presence of the camp impacted upon local communal and social values. Following the release of the prisoners, many opted to remain and settle locally, in favour of being repatriated, again reflecting the communal impact of the camps presence.

The Local Authority is currently considering the nomination of the site for inclusion on the Local Heritage List. An initial assessment finds that the structures on the site do meet the minimum criteria for inclusion on the list, for selection criteria A – Rarity, B – Aesthetic Value, C – Group Value, D – Archaeological Value and E – Archival Interest, F – Historical Associations and H – Social and Communal Value. As such, the structures would be eligible for inclusion on the LHL and would be considered non-designated heritage assets.

The supporting archaeological assessment also states that the C20th ground disturbance on the site appears to be relatively limited, whereas the archaeological potential on the site is considered moderate for the Medieval period, and very high for the Post-Medieval to Modern period. The impact of the proposed development is described as having a 'very high impact' on the archaeological remains of the site, with the proposal requiring 'complete removal' of the existing structures, and that 'mitigation against their loss may be likely'. Any surviving remains may be truncated or removed in the process of constructing the new houses, thereby leading to a 'permanent loss of these remains and chance to study them'.

As mitigation for the loss of the structures, the applicant originally proposed an information board at the entrance to the site. It was also proposed to ensure a record of the site was made publically available for future reference.

Through further negotiation with the applicant, a revised scheme has been submitted which seeks to retain part of the site, including six huts, considered to be of significance and forming a courtyard-type complex comprising the largest hut in the camp, which features the aforementioned graffiti, in addition to retention of the adjacent water tower. It is now proposed to repair these structures, and retain them in their current location with alterations to change their use, making them ancillary to the proposed new housing units. It is understood that the largest hut is proposed to provide a display or museum of sorts to the history of the camp, and the water tower would become a dwelling (Plot 19).

Conclusion: The following recommendation considers the impact of the proposal to the non-designated heritage assets within the site, and their setting. Paragraph 197

of the NPPF, 2018 requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account' and that a 'balanced judgement will be required having regard to the scale of any harm or loss and significance of the asset'.

The scale of harm and loss would be substantial with the majority of the structures on site being lost in their entirety, which would severely compromise the significance of the heritage asset(s) in my view, not to mention archaeological remains referenced in the aforementioned archaeological report.

The structures here were built on a temporary basis and for a specific purpose. Many of the timber Laing huts are in a poor state of repair and one would question how much original fabric would survive as part of future restoration or re-use. Nonetheless, the loss of these structures, and the impact to the significance of the site, its historic layout and wider setting would be wholly regrettable.

In light of the revised plans which seek to retain a small complex of huts, including the largest on the site which features the graffiti art, and the water tower which forms a key landmark in the site, this would to my mind offer a degree of mitigation for the loss of the remaining structures, in that the grouping of assets would ensure that the history of the site can still be interpreted in a very tangible way, and experienced, all be it in a truncated form, whilst the water tower to the west would serve to relate the, now isolated, grouping to the wider setting, thereby alluding to the wider expanse of the site.

Whilst the loss of the wider camp and associated structures would be considered to cause substantial harm to the significance of an important C20th heritage asset, and a good surviving example of a finite resource, it appears unlikely that funding for the repair and maintenance of the structures would be forthcoming without an associated development to facilitate this, as such I accept that a degree of development is necessary on the site. I also accept that the construction of 26 new dwellings, including conversion of the water tower would, not only represent a sizeable public benefit but also result in a viable use for the structures that are to be retained and converted; thereby increasing the likelihood that they will be preserved and maintained in the future, rather than left to deteriorate further and even lost., however, the risk of further neglect and historic lack of maintenance cannot be viewed as justification for the proposed development in itself (NPPF, 2018).

The proposed treatment of the water tower structure is low-impact overall, with its form, character and significance little altered by the proposal. The proposed fenestration is restricted to one discreet elevation, will appear as an honest modern alteration, as will the glazed ground floor extension which is modest in scale and form, whilst the primacy of the structure will be preserved within the development site.

After considering the information available, and the significance of the site and its individual assets, it is my view that should the principle of development be supported on the site, that on balance, the revised scheme represents a unique opportunity to integrate part of our World War II heritage with the current need for housing in a manner which facilitates the preservation of part of this important site so that the structures can be retained in their original context, with a viable use which could sustain their future maintenance and provide a tangible link to the history of the locality during the second world war; thereby ensuring that the significance of the site is recognised and accessible to the wider public, and future generations.

I would stress that appropriate conditions must be applied to any future consent to ensure that the significance of the asset is adequately protected, and that the future scheme delivers on the heritage objectives in tandem with any new building. In addition, specialist advice will be required to sympathetically repair, and reuse the structures in question, and a carefully considered landscaping scheme conditioned also.

On a final note, I would voice concern over the proposed 'vernacular' style of the proposed dwellings overall, and do not consider that this approach is wholly sympathetic to the modern nature of this new proposed development within the historic context of the site. Whilst I appreciate the aims of the applicant, to use a form which relates closely to the wider vernacular in the district, the site has a distinct modern character, with development being regimented and utilitarian in materials and form. Being previously undeveloped land, should the decision be taken to support this scheme, it is my opinion that the new housing should take on a more contemporary form and appearance, to ensure that it continues to be viewed as a new development, on the outskirts of a historic settlement, rather than the retained PoW camp buildings feeling isolated and surrounded in a contrived historically domestic setting which is misleading and undesirable and would be in stark contrast to the modern treatment of the water tower.

## **10. REPRESENTATIONS**

10.1 This application has been advertised and neighbours notified on several occasions. The expiry of the last round of consultation and site notice was 24 July 2018.

First consultation – 35 dwellings:

The following comments have been made in respect of the proposals:

- Overcrowded roads
- Roads and junction won't cope
- Too many houses
- Not enough existing infrastructure
- Doctors at capacity
- School is at capacity
- Not enough parking in village
- Increase in noise
- Increase in pollution
- Impact on privacy
- Proposed park will attract anti-social behaviour
- Impact on wildlife
- Site of historical interest
- Outside permitted development area
- Building in greenbelt
- Traffic increase
- Footpath will be dangerous
- Transport Assessment contains factual errors
- Loss of 'small village feel'
- Village at capacity
- Mill Lane is too narrow for increased traffic
- Flooding

- Houses won't be affordable
- Increases danger for pedestrians
- Not enough existing infrastructure
- Drainage
- Lack of footpaths
- Impact on utilities
- Light pollution
- Opens up opportunity to further development on adjacent land
- Effect on character of the area
- Insufficient recreational areas
- Village to 'Estate'
- Existing sewage system won't cope
- Remove use of Mill Lane for pedestrians
- Part of access road is designated bridleway
- Impact on already poor public transport
- Urbanisation
- Historic site must not be lost
- Overdevelopment

The following comments were made in support of the scheme:

- Restore a site in poor condition and being vandalised
- Helps meet the housing need
- Site is previously developed land
- Perfect layout and scale for the site
- Makes use of the land
- Boost to local economy
- Enhance site and surrounding area
- Well planned layout with sensible landscaping
- Good quality homes
- Removal of large commercial business and related heavy good vehicles
- Not just another 'generic' housing estate

10.2 The following comments were made in respect of the 26 house scheme:

- Overcrowded roads
- Roads and junction won't cope
- Not enough existing infrastructure
- Doctors at capacity
- School is at capacity
- Not enough parking in village
- Increase in noise
- Increase in pollution
- Impact on privacy
- Impact on wildlife
- Site of historical interest
- Outside permitted development area
- Building in greenbelt
- Traffic increase
- Footpath will be dangerous
- Transport Assessment contains factual errors
- Village at capacity

- Mill Lane is too narrow for increased traffic
- Flooding
- Houses won't be affordable
- Increases danger for pedestrians
- Drainage
- Lack of footpaths
- Impact on utilities
- Light pollution
- Opens up opportunity to further development on adjacent land
- Existing sewage system won't cope
- Remove use of Mill Lane for walkers
- Part of access road is designated bridleway
- Urbanisation
- Overdevelopment
- Proposed cycle route is dangerous
- Emergency vehicles struggle with access
- Since first app 4 houses have been built so situation has worsened
- Historic site must not be lost
- Dangerous access

The following comments were made in support of the application:

- Free up larger homes and give people smaller homes to move to

10.3 The following comments were made in respect of the 26 house scheme retaining some of the PoW camp buildings (scheme being considered for determination in this report)

- Overcrowded roads
- Roads and junction won't cope
- Not enough existing infrastructure
- Doctors at capacity
- School is at capacity
- Not enough parking in village
- Increase in noise
- Increase in pollution
- Impact on privacy
- Impact on wildlife
- Site of historical interest
- Outside permitted development area
- Building in greenbelt
- Traffic increase
- Footpath will be dangerous
- Transport Assessment contains factual errors
- Village at capacity
- Mill Lane is too narrow for increased traffic
- Flooding
- Houses won't be affordable
- Increases danger for pedestrians
- Drainage
- Lack of footpaths
- Impact on utilities



- Light pollution
- Opens up opportunity to further development on adjacent land
- Existing sewage system won't cope
- Remove use of Mill Lane for walkers
- Part of access road is designated bridleway
- Urbanisation
- Overdevelopment
- Proposed cycle route is dangerous
- Emergency vehicles struggle with access
- Since first app 4 houses have been built so situation has worsened
- Historic site must not be lost
- Dangerous access

## 11. APPRAISAL

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

- A Principle of development (ULP Policies S6 and E2, NPPF)
- B Housing mix and affordable housing (ULP Policies H9 and H10; NPPF)
- C Design and layout (ULP Policy GEN2; NPPF)
- D Access and car parking (ULP Policies GEN1 and GEN8)
- E Ecology and biodiversity (ULP Policies GEN7, ENV3, ENV7, ENV8; NPPF)
- F Flood risk (ULP Policy GEN3; NPPF)
- G Contaminated land (ULP Policy ENV14; NPPF)
- H Other material considerations (ULP Policies ENV4, GEN6; NPPF)
- I Emerging Local Plan policies

### **A Principle of development (ULP Policies S6 and E2, NPPF)**

- 11.1 The application site lies outside the development limits for Hatfield Heath and within land designated as Metropolitan Green Belt. ULP Policy S6 relates to development proposals within the Green Belt. It states that infilling, limited development or redevelopment compatible with the character of the settlement within the identified development limits of a number of villages, including Hatfield Heath. However, this site does not comply with this element of the policy due to lying outside the development limits.
- 11.2 The NPPF sets out a presumption in favour of sustainable development. This means approving development proposals unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 identifies areas that are protected which include sites within areas designated as Green Belt. Therefore, whilst the proposals may make a positive contribution towards housing supply within the district, it has to be considered against the policies within the NPPF relating to protected areas.
- 11.3 The NPPF sets out the national policy in relation to green belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 then goes on to state that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages or the partial or complete redevelopment of previously developed land. This is subject to the proposals not having a greater impact on the openness of the Green Belt than the existing development. In addition, proposals could be

appropriate where they do not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 11.4 “Previously developed land” is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 11.5 It is clear that the site does meet the definition of previously developed land. The northern part of the site is used for commercial purposes as an egg packing plant. The southern part of the site has structures within it that are still visible, albeit in various states of disrepair due to lack of maintenance and vandalism. Representations state that the site is classified as agricultural land. However, the egg packing plant falls within Class B2 of the Use Classes Order. From the evidence before the local planning authority it would appear that the last known use of the southern part of the site is as a Prisoner of War Camp. It is believed that there has been adhoc use of the buildings over the years but it is not considered that the site can be described as agricultural. Therefore, the exemption relating to agricultural buildings does not apply to the site.
- 11.6 On the basis of the above, it is considered that the redevelopment of the site meets the criteria of development that is appropriate in the green belt, as set out in paragraph 145(g), subject to the development not having a greater impact on the openness of the green belt than the existing development. As the proposal does not relate to the construction of affordable housing meeting an identified need the second criterion of this paragraph is not relevant.
- 11.7 Turning now to the nature of the development, this constitutes the demolition of the majority of the existing buildings, with the exception of 6 PoW camp buildings and the water tower. It is proposed to convert the latter into a dwelling, with two small modest extensions to provide a dining room and entrance porch.
- 11.8 It is proposed to construct 7 dwellings on the northern part of the site with a mix of styles but introducing open spaces within the site. Each plot would have substantial residential amenity area maintaining a sense of openness to the Green Belt. The southern part of the site is proposed to have 19 dwellings, including the conversion of the water tower, and the retained PoW camp buildings.
- 11.9 In their Green Belt Assessment the applicant has carried out an assessment of current built form, including hardstandings. This is set out in the tables below:

Comparison of building footprints:

Site areas	Existing m2	Proposed m2	Difference m2
PDL (PoW camp)	1640	2018	+378
Greenway Eggs	2349	1723	-626
<b>Total for site</b>	<b>3989</b>	<b>3741</b>	<b>-248</b>

Comparison areas of hardstanding:

Site areas	Existing m2	Proposed m2	Difference m2
PDL (PoW camp)	3593	3586	-7
Greenway Eggs	4436	2068	-2368
<b>Total for site</b>	<b>8029</b>	<b>5654</b>	<b>-2375</b>

- 11.10 Whilst the above indicates that the proposals would have a lower footprint and area of hardstanding in comparison to the current situation, this is not the only assessment required to be undertaken. It is necessary to consider the visual impacts of the proposed development.
- 11.11 Plots 20-26 are more visually prominent within the landscape given the current lack of landscaping particularly along the northern boundary of the site. The existing single storey buildings, whilst having a harsh appearance within the landscape, are not necessarily out of character with the rural area. The proposed dwellings would, by their very nature, have a more domesticated appearance and would be taller structures, being a mix of single and two storey structures. The ridge heights would range from 5.5m to 8.2m.
- 11.12 The southern part of the site would be more densely developed with 19 plots proposed, including the conversion of the existing water tower. These dwellings would be a mix of two storey properties with ridge heights ranging from 6.4m to 8.2m. The existing water tower, proposed to be plot 19, is 13.6m in height, but it is not expected that this building should be an indicator for appropriate ridge heights for the new dwellings.
- 11.13 On balance, it is considered that the proposals would not have a greater impact on the openness of the Green Belt than the existing development, albeit it will have a different impact due to the nature of the development.
- 11.14 The Conservation Officer carried out an assessment as to whether the site and buildings would be suitable for local listing. This assessment considers the evidential, aesthetic, historic and communal value of the buildings. The assessment is set out in paragraph 9.15 above, but concludes that the structures on the site do meet the minimum criteria for inclusion on the Local Heritage List, for selection criteria A – Rarity, B – Aesthetic Value, C – Group Value, D – Archaeological Value, and E – Archival Interest, F – Historical Associations, and H – Social and Communal Value. As such, the structures must be considered as non-designated heritage assets and paragraph 197 of the NPPF requires the effect of the application on the significance of the asset to be taken into account when determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 11.15 Following the assessment of the site by the Council's Conservation Officer, the scheme was revised to retain the water tower and a cluster of six huts, considered to be of significance and forming a courtyard-type complex. This includes a building that has graffiti, understood to be the work of Italian prisoners. The retained buildings are proposed to be converted into a mix of uses, including a gym, office space and a flexible area that can be opened to the public, including a museum relating to the site's history. These buildings would be put under the control of a management company, along with the maintenance of the communal areas of open space.

- 11.16 In terms of impact on the non-designated heritage asset, the Conservation Officer considered that the proposals would result in substantial harm given the loss of the majority of the buildings, which would severely compromise the significance of the heritage asset(s). However, it is also acknowledged that funding for the repair and maintenance of the structures is unlikely to be forthcoming without an associated development to facilitate such works. The development of 26 dwellings, including the conversion of the water tower, is seen as being of significant public benefit. These benefits include the provision of housing, particularly given the fact that the Council does not currently have a 5 year land supply, additional affordable housing, plus the retention and restoration of a cluster of the original buildings. This would increase the likelihood that they will be preserved and maintained in the future, rather than left to deteriorate further and even lost. It is noted that the historic lack of maintenance of the site is not justification for the development itself.
- 11.17 In conclusion, the Conservation Officer was of the view that should the principle of development be supported on the site, that on balance, the revised scheme represents a unique opportunity to integrate part of our World War II heritage with the current need for housing in a manner which facilitates the preservation of part of this important site so that the structures can be retained in their original context, with a viable use which could sustain their future maintenance and provide a tangible link to the history of the locality during the second world war; thereby ensuring that the significance of the site is recognised and accessible to the wider public and future generations.
- 11.18 Given the view that the proposed development would be, on balance, appropriate development within the Green Belt given the fact that it is the redevelopment of previously developed land and would not have a greater impact on the openness, it is considered that the impacts on the non-designated heritage assets would be appropriate.

## **B Housing mix and affordable housing (ULP Policies H9 and H10; NPPF)**

- 11.19 The proposal relates to the erection of 26 dwellings, including the conversion of the former water tower. This would be a mix of 2, 3, 4 and 5 bedroom properties. In terms of market dwellings, this would be 1 x 2 bed, 11 x 3 bed, 3 x 4 bed and 1 x 5 bed. Affordable housing would be provided at 40%, in line with adopted Policy H10. This would be a mix of shared equity dwellings and affordable rent. Eight of the affordable dwellings would be two bedroom and two properties would have 3 bedrooms. Shared equity dwellings would be the 2 x 3 bed properties and one 2 bed property. This is considered to be acceptable and in accordance with the adopted policies.

## **C Design and layout (ULP Policy GEN2; NPPF)**

- 11.20 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.
- 11.21 In terms of layout and amenity space, the proposals more than adequately meet the space requirements recommended in the Essex Design Guide. Back to back distances and distances to boundaries are more than satisfied.
- 11.22 As set out in 9.15 above, the Conservation Officer's response raised concerns regarding the design of the proposed dwellings. Whilst they appreciated the aim of the applicant to use a form which relates closely to the wider vernacular in the

district, the site has a distinct modern character, with development being regimented and utilitarian in materials and form. It was considered that any new development should take on a more contemporary form and appearance, to ensure that it continues to be viewed as a new development, on the outskirts of a historic settlement, rather than the retained PoW camp buildings feeling isolated and surrounded in a contrived historically domestic setting which is misleading and undesirable and would be in stark contrast to the modern treatment of the water tower.

11.23 Whilst it is agreed that a contemporary approach could be more appropriate, and potentially reduce the visual impacts even further, this is not what the applicant is proposing. Therefore, the scheme must be assessed on the basis of what has been submitted and significant harm must be identified in order to warrant refusal of the scheme.

11.24 The proposed dwellings would be a mix of render, brick and weatherboarding, with tiled roofs. Glazed extensions are proposed to the water tower. Materials are proposed to be agreed prior to the commencement of development. This can be secured by way on a condition if planning permission is granted.

A large area to the south of the site would be retained as open land. Two small areas of open space within the site are also proposed, one opposite the water tower to emphasise the importance of the building within the site, and one adjacent to plot 24. In addition, a LEAP is also proposed adjacent to the retained PoW buildings. These are proposed to be maintained by a management company.

11.25 Whilst the proposed LEAP would not be visible from the residential properties, and therefore wouldn't have natural surveillance, it would be located adjacent to the retained buildings that are proposed to have ancillary use, including a gym. Therefore, the area should benefit from some form of natural surveillance. In addition, a proposed cycle/footpath is located to the east of the play area.

## **D Access and car parking (ULP Policies GEN1 and GEN8)**

The proposed development would utilise an existing access from Mill Lane. All vehicular movements associated with the development would be via the access point at the southern boundary of the site. The development removes the existing commercial activities associated with the egg packing plant and as such all the vehicular movements, including lorries, from Mill Lane.

The proposals have been considered by the Highway Authority who concludes that the number of trips generated by the proposed development is broadly in line with the traffic expected to be generated by the existing lawful use. As such the proposals are not considered to result in a severe impact on the highway network and can be accommodated safely and efficiently.

It is noted a pedestrian/cycle link to the adjacent residential area is proposed. This, together with the minor improvements proposed to Mill Lane is considered acceptable and the Highway Authority does not raise any objections to the proposals. As such the scheme complies with Policy GEN1.

The development includes the appropriate parking provision for the dwellings as required by the adopted parking standards. Five additional spaces are provided adjacent to the retained PoW buildings. These could also be used for visitor parking. The proposals therefore comply with Policy GEN8.

**E Ecology and biodiversity (ULP Policies GEN7, ENV7, ENV8; NPPF)**

Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by an Ecological Impact Assessment. This has been assessed by the County Ecologist who concludes that the document is a thorough and robust consideration of all the relevant ecological issues. Subject to condition, no objections are raised in respect of ecological issues.

Policies ENV7 and ENV8 seek to protect designated sites for nature conservation and other landscape elements of importance for nature conservation. The site itself does not fall within any designated areas, but does lie within a 2km impact zone for a SSSI and within 250m of a local wildlife site. Given the nature of the proposals and the open space and ecological measures included in the scheme, it is not considered that the proposals would result in any significant adverse harm to these areas. As such the proposals comply with Policies ENV7 and ENV8.

**F Flood risk (ULP Policy GEN3; NPPF)**

The site is located within Flood Zone 1, the area least likely to flood and most appropriate for development. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. These have been assessed by the Lead Local Flood Authority. Following the submission of additional information relating to discharge rates and storage volumes, the proposals have been considered to be acceptable and no objections are raised, subject to conditions. The proposals therefore comply with Policy GEN3.

**G Contaminated land (ULP Policy ENV14; NPPF)**

Part of the site has previously been used as a Prisoner of War camp and the remainder currently has commercial activities associated with the egg packing plant. As such, there is a potential for there to be unknown contamination within the site. The Environmental Health Officer has considered the Contamination Report submitted with the application and, subject to conditions being imposed, raises no objections to the proposals.

**H Other material considerations (ULP Policies ENV4, GEN6; NPPF)**

The site lies within a potentially highly sensitive area of heritage assets, particularly given the historic use of the site. The surrounding area contains considerable evidence of occupation potential from the medieval period. Aerial photographic evidence shows an historic route-way lying to the north of the site associated to the moated site identified in the desk based assessment. In order to comply with the requirements of Policy ENV4 and the NPPF, it is necessary to impose conditions requiring archaeological works to be undertaken on the site prior to development commencing.

ECC Education has identified a shortfall in primary school places and therefore would require a financial contribution in order to offset the impacts of the proposed development. This can be secured by way of a s106 Legal Obligation if planning permission were to be granted.

Given the sensitivity of the site within the Green Belt, and the fact that the proposed dwellings have substantial gardens, it is appropriate to consider the potential impact of permitted development. If unrestricted permitted development rights are retained

for extensions, dormers and outbuildings, then the visual impacts of the proposed development could be significantly increased. Therefore, if planning permission is granted it is considered appropriate to remove permitted development rights in order to protect the openness of the Green Belt. It is recommended that Classes A, B, C, D and E of Schedule 2, Part 1 are removed. In addition, the construction of fences, in particular along the northern boundary, would be harmful to the character of the rural area and the Green Belt. It is therefore also recommended that Schedule 2, Part 1, Class A permitted development rights are also removed.

The Conservation Officer also considered that it would be appropriate to remove the following permitted development rights in order to protect the significance and setting of the non-designated heritage assets:

Part 2 – Class C – Exterior painting  
Part 11 – Class B – Demolition of buildings  
Part 11 – Class C – Demolition of gates, fences, walls, etc  
Part 14 – Classes A to O – Renewable Energy

## **I Emerging Local Plan policies**

Emerging Local Plan policies currently have limited weight. In terms of this site, the land still falls outside the development limits and within the Green Belt. Emerging Policy SP10 refers to national planning policy and an assessment with regards to this has been carried out above.

Policy SP1 relates to a presumption in favour of sustainable development and SP12 relates to sustainable development principles. These are further supported by a raft of policies covering various issues such as electric charging points, high quality, accessible design and superfast broadband. These reflect the aims of national policy and the proposals are generally compliant.

Policies relating to housing mix and affordable housing are updated to reflect current national policy. The proposals comply with the requirements of national policy, and as such with the emerging policy.

Emerging Local Plan Policy INF2 sets out the requirements for the provision of open space. On developments of 10 dwellings or over there is a requirement for 2 square metres per person for playspace and 10 square metres per person amenity space. This proposal contains a site of approximately 400 square metres of playspace, including a LEAP. This development would generate a requirement of around 125 square metres and therefore the proposals would comply. Given the retention of large areas of open space within the site, the proposals would more than comply with the requirement for amenity greenspace as set out in the emerging policy.

Other emerging policies, covering issues such as contamination, flooding, archaeology and heritage assets are in line with national policy and the assessment carried out above indicates that the proposals would comply with emerging policy.

## **12. CONCLUSION**

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

- A** The proposal relates to development within the Green Belt on previously developed land. This is one of the exceptions in national green belt policy where development is considered acceptable, subject to it not impacting on the openness of the green

belt. In this instance, whilst the proposed buildings would be residential in character and taller than the existing buildings, overall the openness of the site would not be adversely affected. Therefore, the proposals are considered acceptable in terms of impact on green belt. The site is considered to be appropriate for local listing and therefore the impacts on a non-designated heritage asset also have to be considered. Whilst the proposals would result in the loss of a substantial part of the asset, the retention of a courtyard of buildings and the conversion of the water tower will enable the long-term preservation of the structures. On balance, the proposals are considered to be appropriate.

- B** The housing mix and affordable housing provision are considered appropriate and in accordance with policy.
- C** The design of the dwellings is considered by the conservation officer to be at odds with the character of the site. Whilst this is agreed, there are insufficient grounds to refuse the application on design grounds.
- D** The impact on highways is considered to be acceptable by the Highway Authority. The parking provision is in accordance with the adopted standards.
- E** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation.
- F** There would be no increase in flood risk and the proposals are acceptable.
- G** There are no concerns with regards to contamination, subject to appropriate conditions being imposed.
- H** Potential impacts on archaeology can be mitigated by way of condition. Impacts on education facilities can be mitigated by a s106 Legal Obligation securing funding for additional school places.

Given the sensitive nature of the site it is recommended that permitted development rights across a range of development types are removed.

- I** The proposals comply with the requirements of the emerging local plan, which has limited weight at the present time.

#### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:**

**(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless 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 Services, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) provision of affordable housing**
- (ii) payment of education contribution for primary school spaces**
- (iii) long-term maintenance arrangements for the open space**
- (iv) long-term maintenance arrangements for the retained Prisoner of War buildings**
- (v) long-term maintenance arrangements for the sustainable drainage system (SuDS)**
- (vi) Improvements to Footpath no.12 (Hatfield Heath), connecting the proposed development to Home Pastures/Broomfields (pedestrian and cycle link)**
- (vii) payment of the Council's reasonable legal costs**
- (viii) payment of monitoring fee**

**(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 by 20 March 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) inadequate provision of affordable housing**
- (ii) non-payment of education contribution for primary school spaces**
- (iii) lack of suitable long-term maintenance arrangements for the open space**
- (iv) lack of suitable long-term maintenance arrangements for the retained Prisoner of War buildings**
- (v) lack of suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS)**
- (vi) lack of improvements to Footpath no.12 (Hatfield Heath), connecting the proposed development to Home Pastures/Broomfields (pedestrian and cycle link)**

### **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 samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, and the proposed replacement roofing materials for the buildings to be restored, shall be submitted to and approved in writing by the local planning authority. Development shall 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).

3. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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 Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the

approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to the erection of the development hereby approved cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: In the interests of protecting the character of the countryside in this green belt location, in accordance with Policies S6 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. No development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. The entirety of the site, including all structures shall be recorded to Level 3 (Historic England - Understanding Historic Buildings: A Guide to Good Recording Practice, 2016) and details shall be submitted by the applicant, and approved by the planning authority prior to the commencement of works. A copy of this report should be made available to the public within 6 months of the report date.

REASON: To record the significance of the non-designated heritage asset so that this may be properly recorded and accessible to the public, in accordance with the NPPF.

Justification: The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER shows that the development area contains the site of a World War II prisoner of war camp (EHER 21265). As defined in the desk based assessment many of these buildings survive on the site in various stages of decay and will be demolished if the development proceeds. Some are still in use as commercial properties.

7. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In order to protect and record the archaeological assets in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER shows that the development area contains the site of a World War II prisoner of war camp (EHER 21265). As defined in the desk based assessment many of these buildings survive on the site in various stages of decay and will be demolished if the development proceeds. Some are still in use as commercial properties. The surrounding area contains considerable evidence of occupation potential from the medieval period. Aerial photographic evidence shows an historic route-way lying to the north of the site associated to the moated site identified in the desk based assessment.

The Historic Environment characterisation document shows the extent of archaeological deposits on other sites to the north of Hatfield Heath showing occupation from the Bronze Age through to the modern day.

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

REASON: To preserve the significance of the non-designated heritage asset and any archaeological evidence that is available on the site, so that this may be properly recorded and accessible to the public in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

9. Prior to the commencement of the development hereby approved a full schedule for the works to repair and convert the existing structures to be retained on the site (including internal and external works) shall be submitted to and agreed by the Local Authority. This shall include an agreed phased approach clearly setting out how these will be progressed and completed in tandem with the wider development. Where possible these works shall be completed as a priority. The works shall be carried out strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to preserve the significance of the non-designated heritage assets, in accordance with Paragraph 197 of the NPPF.

10. Prior to the commencement of the development hereby approved details (of a scale not less than 1:20) for new windows and doors, including proposed new openings and rooflights, to the new dwellings and the existing structures to be retained, shall be submitted to, and approved in writing by the Local Authority. Subsequently, the development shall be carried out strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the significance and setting of the non-designated heritage assets, in accordance with Paragraph 197 of the NPPF.

11. Prior to the commencement of the development hereby approved details of proposed rainwater goods to be shall be submitted to and agreed in writing by the Local Authority. Subsequently, the development shall be carried out strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the significance of the non-designated heritage assets in accordance with Paragraph 197 of the NPPF.

12. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:  
human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

13. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be carried out strictly in accordance with the approved remediation scheme, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

14. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 13.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 14.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to protect the aquatic and terrestrial habitat of great crested newt (a legally protected species), in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

17. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to the equivalent Greenfield and Brownfield run off rates (1in1, 1in30, 1in100) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. It must be ensured that at least 50% betterment is calculated for the Brownfield run off rates.
  - Provide sufficient storage with the inclusion of long to storage ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - 2
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL

- and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

18. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: The National Planning Policy Framework paragraph 163 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

19. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

20. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report by The Ecology Partnership dated August 2017 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Prior to the first occupation of the development hereby permitted the developer shall implement an improvement scheme along Mill Lane from the junction with B1060 (Stortford Road) to Footpath no.12 (Hatfield Heath). All works to be agreed with the Highway Authority prior to their commencement. The improvements shall include but not be limited to alterations to road width/construction/drainage/markings/lining, to tie in with existing highway/carriageway. The improvements shall be carried out strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To provide a safe and convenient access for users of Mil Lane in the interest of highway safety and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and Policies DM1, 9 and 17 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development in the following sections shall be carried out in respect of the dwellings hereby permitted, or the retained structures:

Schedule 2, Part 1, Class A – The enlargement, improvement or other alteration of a dwellinghouse

Schedule 2, Part 1, Class B – additions etc to the roof of a dwellinghouse

Schedule 2, Part 1, Class C – other alterations to the roof of a dwellinghouse

Schedule 2, Part 1, Class D – porches

Schedule 2, Part 1, Class E – buildings etc incidental to the enjoyment of the dwellinghouse

Schedule 2, Part 2, Class A – gates, fences, walls etc

Schedule 2, Part 2, Class C – exterior painting

Schedule 2, Part 11, Class B – demolition of buildings

Schedule 2, Part 11, Class C – demolition of gates, fences, walls etc

Schedule 2, Part 14, Classes A-O – renewable energy

REASON: In order to protect the openness of the green belt and to preserve the significance and setting of the non-designated heritage assets, in accordance with Policy S6 of the Uttlesford Local Plan (adopted 2005) and paragraph 197 of the NPPF.

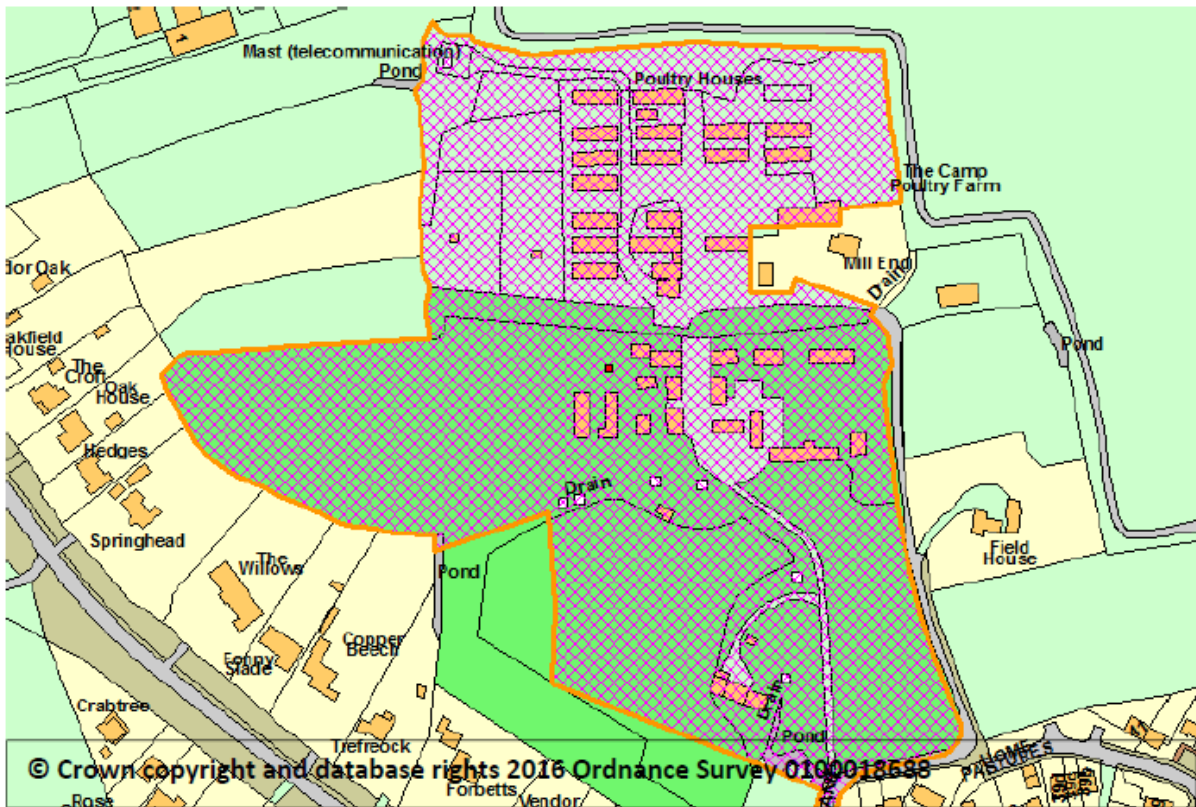
22. Prior to the first occupation of the development hereby permitted full details of the proposed uses for the retained structures on the site, aside from the water tower, shall be submitted to and agreed in writing by the local planning authority.

Subsequently, the development shall be carried out strictly in accordance with the approved details. The alternative uses shall be made available no later than 6 months following the occupation of the final dwelling hereby permitted.

REASON: To preserve the significance of the non-designated heritage assets and to ensure they have an appropriate use to retain the long-term viability in accordance with Paragraph 197 of the NPPF.

23. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) 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 subsequent SPD on Accessible Homes and Playspace.



Organisation: Uttlesford District Council

Department: Planning

Date: 05 February 2019



## UTT/18/1708/FUL (DEBDEN)

(More than five dwellings)

**PROPOSAL:** Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.

**LOCATION:** Land to the west of Thaxted Road, Debden

**APPLICANT:** Ford Homes Ltd

**AGENT:** BBR Architects

**EXPIRY DATE:** 22 March 2019

**CASE OFFICER:** Luke Mills

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### 1. NOTATION

1.1 Countryside.

### 2. DESCRIPTION OF SITE

2.1 The site is located off Thaxted Road, Debden. It comprises approximately 1.9 ha of undeveloped agricultural land.

### 3. PROPOSAL

3.1 The application is for planning permission to erect 36 dwellings, of which 14 would be affordable homes. A new access road off Thaxted Road would be formed and an area of public open space, accommodating a drainage basin, would be provided in the southern corner of the site. Furthermore, a footpath link would be provided along the western side of Thaxted Road, connecting the site to the village to the north.

### 4. ENVIRONMENTAL IMPACT ASSESSMENT

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

### 5. APPLICANT'S CASE

5.1 The application was submitted with the following documents:

- Biodiversity Validation Checklist
- Desk-Based Archaeological Assessment
- Design & Access Statement
- Flood Risk Assessment
- Landscape and Visual Assessment
- Preliminary Ecological Appraisal including a Protected Species Assessment

- Statement of Community Involvement
- SuDS Checklist
- Traffic count data
- Transport Statement

5.2 A Road Safety Audit was submitted during the determination period.

## **6. RELEVANT SITE HISTORY**

6.1 There is no recent, relevant planning history for the site. However, it is noted that the emerging Local Plan allocates approximately half of the site for residential development of approximately 25 dwellings (Ref: DEB 1).

## **7. POLICIES**

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

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

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires 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.

7.3 Relevant development plan policies and material considerations are listed below.

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

7.4 S7 – The Countryside  
 GEN1 – Access  
 GEN2 – Design  
 GEN3 – Flood Protection  
 GEN4 – Good Neighbourliness  
 GEN5 – Light Pollution  
 GEN6 – Infrastructure Provision to Support Development  
 GEN7 – Nature Conservation  
 GEN8 – Vehicle Parking Standards  
 ENV2 – Development affecting Listed Buildings  
 ENV4 – Ancient Monuments and Sites of Archaeological Importance  
 ENV5 – Protection of Agricultural Land  
 ENV8 – Other Landscape Elements of Importance for Nature Conservation  
 ENV10 – Noise Sensitive Development and Disturbance from Aircraft  
 H1 – Housing Development  
 H9 – Affordable Housing  
 H10 – Housing Mix

## **Supplementary Planning Documents/Guidance**

- 7.5 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

## **National Policies**

- 7.6 National Planning Policy Framework (NPPF) (2018)  
- paragraphs 11, 73, 78-79, 102-111, 127, 155-165, 170, 175, 178-180 & 189-196  
Planning Practice Guidance (PPG)  
- Conserving and enhancing the historic environment  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Light pollution  
- Natural environment  
- Planning obligations  
- Rural housing  
- Water supply, wastewater and water quality

## **Other Material Considerations**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)  
Landscape Character Assessment (LCA) (2006)

- 7.8 The emerging Local Plan was submitted to the Planning Inspectorate on 18 January 2019. While its policies currently carry little weight in decision-making, it is noted that the following are relevant:

SP1 – Presumption in Favour of Sustainable Development  
SP2 – The Spatial Strategy 2011-2033  
SP3 – The Scale and Distribution of Housing Development  
SP10 – Protection of the Countryside  
SP12 – Sustainable Development Principles  
H1 – Housing Density  
H2 – Housing Mix  
H6 – Affordable Housing  
H10 – Accessible and Adaptable Homes  
TA1 – Accessible Development  
TA2 – Sustainable Transport  
TA3 – Provision of Electric Charging Points  
TA3 – Vehicle Parking Standards  
TA4 – New Transport Infrastructure or Measures  
INF1 – Infrastructure Delivery  
INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches  
INF4 – High Quality Communications Infrastructure and Superfast Broadband  
D1 – High Quality Design

D2 – Car Parking Design  
D7 – Innovation and Variety  
D8 – Sustainable Design and Construction  
D9 – Minimising Carbon Dioxide Emissions  
D10 – Highly Energy Efficient Buildings  
EN1 – Protecting the Historic Environment  
EN4 – Development affecting Listed Buildings  
EN5 – Scheduled Monuments and Sites of Archaeological Importance  
EN7 – Protecting and Enhancing the Natural Environment  
EN9 – Ancient Woodland and Protected Trees  
EN10 – Minimising Flood Risk  
EN11 – Surface Water Flooding  
EN12 – Protection of Water Resources  
EN15 – Air Quality  
EN17 – Noise Sensitive Development  
EN18 – Light Pollution  
C1 – Protection of Landscape Character  
DEB1 – Land west of Thaxted Road

## **8. PARISH COUNCIL COMMENTS**

### **8.1** Objection. Concerns include:

- The site is located beyond the Development Limits in the Local Plan
- The proposal represents a disproportionate increase in the size of the village
- Adverse effect on the character of the area
- The affordable housing may not be genuinely affordable
- Inadequate provision of two-bedroom market homes
- Loss of valuable agricultural land
- Inadequate parking provision
- Increased risk to highway safety
- Increased traffic congestion
- Inadequate pedestrian links to the village
- Inadequate public transport options
- Loss of privacy at neighbouring properties
- Noise nuisance from the associated vehicle movements
- Increased risk of flooding
- Lack of mains gas for heating
- The applicant does not have control over the verge along Thaxted Road

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

### **9.1** No objections, subject to conditions. Extract:

“In assessing this site, the transport Statement (TS) was reviewed in terms of highway capacity, safety and accessibility and site visits undertaken. The assessment of the TS was undertaken with reference to the National Planning Policy Framework 2018 and in particular paragraphs 108 and 109, the following was considered: the opportunities for sustainable transport: access and safety; network capacity; and mitigation measures. A footway has since been proposed along Thaxted Road to connect the site to the existing footway to the north. A stage 1 safety audit was conducted, and the

Highway Authority is satisfied that a footway can be provided within the highway and/or land of the applicants control. In conclusion, the Highway Authority considers that the proposal will not have a detrimental impact on highway safety, efficiency or accessibility.”

**Essex Police (Crime Prevention)**

- 9.2 Encourages the developer to seek a ‘Secured by Design’ award.

**Lead Local Flood Authority (Essex County Council)**

- 9.3 No objections, subject to conditions.

**Anglian Water**

- 9.4 No objections.

**Education Authority (Essex County Council)**

- 9.5 No objections, for the following reasons:

- There is no need to make a contribution towards early years and childcare provision, or primary education

- While contributions are necessary to increase capacity at Joyce Frankland Academy, the restrictions imposed by the CIL Regulations ensure that the education authority does not request a contribution from this development

**Ecological Consultant (Place Services)**

- 9.6 No objections, subject to the use of a condition. Extract:

“I have reviewed the Preliminary Ecological Appraisal Report (Skilled Ecology Consultancy Ltd., July 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly mammals and identification of proportionate mitigation. The proposed development falls well within the arable field and will therefore not be near the area where wildlife has been found, along the ditch line.

...The mitigation measures identified in the Preliminary Ecological Appraisal Report (Skilled Ecology Consultancy Ltd., July 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly mammals.

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.”

**Historic Environment Advisor (Place Services)**

- 9.7 No objections, subject to conditions. Extract:

“The Historic Environment Record and the desk based assessment provided with the application indicates that the proposed development lies within a potentially sensitive area of heritage assets. Cartographic evidence shows a

linear Green running along the eastern boundary of the site. To the south of the development area lies the moated site of Broctons (EHER 47262) forming part of the historic landscape along with the historic settlement at Debden. Other developments outside the immediate area have shown that frequently occupation from the Middle Bronze Age through to the medieval period is found on rural sites such as this.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.”

#### **Environment Agency**

- 9.8 Does not wish to comment.

#### **Environmental Health Officer**

- 9.9 No objections, subject to conditions. Extract:

“As a sizeable development, construction has the potential to cause noise and dust impacts. Conditions are recommended to protect the amenity of existing residential properties close to the site.”

#### **Housing Enabling Officer**

- 9.10 No objections, provided that both bungalows would be wheelchair accessible and subject to confirmation of the shared ownership units. Extract:

“The mix and location of the affordable homes is policy compliant and I am pleased to see 2 bungalows included. Please could you confirm that these are fully wheelchair accessible (Cat. M3).

From the site plan, it is difficult to know which homes are intended for shared ownership. I would recommend 3x2 bed houses and 1x3 bed house for this tenure.”

#### **London Stansted Airport**

- 9.11 No objections, subject to the use of a condition. Extract:

“The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. This site is 9.9km north from the centre of Stansted Airport. The proposals include a SuDs attenuation basin in the southern corner of the site, at this distance from the airport the Suds basin, depending on design, has the potential to attract and support hazardous waterfowl which would create a birdstrike risk to aircraft. Therefore, we seek assurances that the attenuation basin will be largely dry, holding water only during or immediately after an extreme rainfall event with a quick drawdown time. If the basin will be permanently or regularly wet then we request Condition for a Bird Hazard Management Plan to prevent breeding feral geese at the site. Reason: flight safety.”

#### **NATS Safeguarding**

- 9.12 No objections.

## **UK Power Networks**

- 9.13 General advice regarding safe working practices near electrical lines/plant.

### **Cllr T Knight (Ward Councillor)**

- 9.14 Objection. Concerns include:

- Adverse effect on the character of the area
- Lack of need for additional housing
- Loss of valuable agricultural land
- Overbearing and overlooking impacts on neighbouring properties
- Increased risk of flooding
- Inadequate parking provision
- Increased risk to highway safety
- The developer has not engaged properly with the local community

## **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 among the submitted representations:

- 1) Conflict with the adopted and emerging Local Plans
- 2) Adverse effect on the character of the area
- 3) Loss of mature trees
- 4) Lack of sustainable transport opportunities
- 5) Inadequate parking provision
- 6) Increased risk to highway safety
- 7) Increased traffic congestion
- 8) Inadequate pedestrian link to the village, including safety concerns regarding the effect of the proposed footpath on parking
- 9) Loss of privacy at neighbouring properties
- 10) Overbearing impact on neighbouring properties
- 11) Loss of daylight at neighbouring properties
- 12) Nuisance to neighbours from light pollution, including car headlights
- 13) Noise nuisance from the proposed residential use
- 14) Increased risk of flooding
- 15) Inadequate infrastructure e.g. sewerage, electricity, education, healthcare
- 16) Loss of biodiversity
- 17) Loss of valuable agricultural land
- 18) Increased air pollution
- 19) The proposal represents a disproportionate increase in the size of the village
- 20) No need for additional housing
- 21) Inadequate affordable housing provision
- 22) Lack of genuinely-affordable homes
- 23) Inadequate provision of smaller homes
- 24) The proposed drainage basin would be a safety hazard
- 25) Inadequate use of sustainable construction methods
- 26) Nuisance during construction
- 27) The applicant does not have control over the whole application site

10.2 The following comments are made in relation to the above concerns:

1) – 23) Covered in the below appraisal.

24) The detailed drainage design would be secured using a planning condition.

25) This would be assessed through the separate Building Regulations approval process.

26) This would primarily be regulated through the Control of Pollution Acts.

27) The applicant has confirmed in the application that all land is in either their, or the highway authority's, ownership. It should be noted that any grant of planning permission would not override any land ownership claims.

## 11. APPRAISAL

The issues to consider in the determination of the application are (relevant policies in brackets):

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, 127, 170, 189-196 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG)
- F Flooding (GEN3, 155-165, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, ENV8, 175 & PPG)
- I Archaeology (ENV4, 189-196 & PPG)
- J Agricultural land (ENV5 & 170)
- K Affordable housing (H9 & PPG)
- L Housing mix (H10 & SHMA)
- M Housing land supply (11 & 73)

### **A Location of housing (S7, H1, 78-79 & PPG)**

11.1 The Local Plan places the site beyond the defined Development Limits for town and villages, and therefore in a countryside location that is inconsistent with policies S7 and H1 on the location of housing.

11.2 Notwithstanding the above conflict with development plan policies, the proposal accords with the more up-to-date national policy in the NPPF. Paragraphs 78-79 take a less restrictive approach compared with the Local Plan, supporting the growth of existing settlements while preventing isolated homes that could lead to sporadic development in the countryside. The site's location adjacent the built-up area of Debden ensures its consistency with paragraphs 78-79.

### **B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, 127, 170, 189-196 & PPG)**

11.3 The introduction of housing to an undeveloped field would inherently have a harmful effect on the rural character of the area, in conflict with Policy S7



and paragraph 170 of the NPPF. However, it is necessary to determine the weight that should be given to such an adverse effect.

- 11.4 Mitigating factors include the fact that the site is not in an area of designated landscape value. Furthermore, existing housing to the north and east ensures that the proposed development would read as a natural extension of the village. The proposed landscaping in the southern corner of the site and along its western boundary would soften the edge of the development facing open countryside.
- 11.5 It is considered that the proposed layout responds well to the existing settlement pattern, with a row of houses in line with Thaxted Road and a similar overall depth to the development at Highfields to the north. The traditional designs include a mix of external finishes, including red, buff and brown bricks, render, timber boarding, clay pantiles and natural slates.
- 11.6 The proposed footpath along Thaxted Road has the potential to affect a tree to the front of Rowney House, which is the subject of a Tree Preservation Order (TPO Ref: 11/94 – T1). No information has been submitted to demonstrate that there would be no harm to the tree, such that there is conflict with Policy ENV3 and paragraph 127.
- 11.7 It is noted that the site is located near the Grade II listed buildings known as Broctons Farm, Millers Farm and West View. Nevertheless, a combination of distance and intervening development ensures that there would be no significant effect on the setting of these designated heritage assets.
- 11.8 It is concluded that the proposal conflicts with the above policies insofar as they relate to landscape character and protected trees, and that limited weight should be given to this adverse effect. There is no further conflict with respect to the above policies insofar as they relate to design and heritage impacts.
- 11.9 In assessing the proposal's effect on listed buildings, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

#### **C Transport (GEN1, GEN8 & 102-111)**

- 11.10 The site's location on the edge of the village ensures that the residents of the development would have reasonable access to a range of local services and facilities, including a primary school, restaurant, playing field and village hall. Furthermore, a regular bus service (Stephensons No. 6) provides realistic public transport to Saffron Walden and Stansted Airport. It is notable that the emerging Local Plan identifies the site as being a suitable focus for growth, with an allocation for approximately 25 dwellings.
- 11.11 Taking into account the comments of the highway authority, it is considered that there would be no significant adverse effects on road safety or capacity. Furthermore, the proposed footpath link would use highway authority land and has been found to provide a suitable connection to the village. The majority of the suggested conditions are appropriate, although the requirements for residential travel packs and internal visibility splays are considered unnecessary.

- 11.12 The development complies with the Council's minimum residential parking standards, as confirmed in the full Accommodation Schedule appended to this report.

**D Accessibility (GEN2, 127 & PPG)**

- 11.13 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

**E Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG)**

- 11.14 Taking into account The Essex Design Guide, which represents non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts.

- 11.15 Concerns have been raised among the submitted representations that headlights from cars using the new access would cause nuisance to the existing residents on the opposite side of Thaxted Road. However, it is considered that the relationship would be relatively typical and the number of night-time vehicle movements would be limited, such that there would be no significant loss of amenity. Furthermore, it is noted that the Environmental Health Officer has raised no objections, subject to the use of conditions to prevent nuisance during the construction period.

**F Flooding (GEN3, 155-165, PPG & SFRA)**

- 11.16 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding but, as the proposal is a 'major development', national policy requires the use of a sustainable drainage system.

- 11.17 Taking into account the comments of the lead local flood authority, it is considered that an appropriate SuDS could be installed. Therefore, subject to the use of conditions and obligations to secure the detailed drainage design and long-term maintenance arrangements, it is concluded that the proposal accords with the above policies.

**G Infrastructure (GEN6)**

- 11.18 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

**H Biodiversity (GEN7, ENV8, 175 & PPG)**

- 11.19 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse

effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

**I Archaeology (ENV4, 189-196 & PPG)**

11.20 The Historic Environment Advisor has identified that the proposed development has the potential to affect archaeological remains, and recommended that any planning permission should include conditions to ensure appropriate investigation and recording. It is concluded that, subject to the use of such conditions, the proposal accords with the above policies insofar as they relate to archaeology.

**J Agricultural land (ENV5 & 170)**

11.21 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

**K Affordable housing (H9 & PPG)**

11.22 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. A total of 14 affordable homes would be built, in accordance with the requirement that 40% of new homes should be affordable.

**L Housing mix (H10 & SHMA)**

11.23 Policy H10 requires that a significant proportion of market housing should be provided as ‘small properties’, with two or three bedrooms. The Council’s Strategic Housing Market Assessment (SHMA) provides further analysis of housing needs, indicating that the need for three-bedroom units is far greater than for two-bedroom units. A comparison between the SHMA and the proposal is provided in the following table:

<b>Market house type</b>	<b>SHMA</b>	<b>Proposal</b>
1 bed flat	140 (1.4%)	0
2+ bed flat	80 (0.8%)	0
2 bed house	690 (7.1%)	0
3 bed house	4,290 (44.2%)	11 (50%)
4 bed house	3,110 (32%)	6 (27.3%)
5+ bed house	1,410 (14.5%)	5 (22.7%)
<b>Total</b>	<b>9,700 (100%)</b>	<b>22 (100%)</b>

11.24 It is considered that the provision of 50% of the dwellings as three-bedroom houses ensures compliance with Policy H9.

**M Housing land supply (11 & 73)**

11.25 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent

housing trajectory document, Housing Trajectory and 5-Year Land Supply Statement 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 – 4.45 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

## **12. CONCLUSION**

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, landscape character and protected trees.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the limited adverse effect on landscape character would not significantly and demonstrably outweigh the benefits from the contribution towards housing land supply. Furthermore, a condition could be used to ensure that all possible steps are taken to prevent harm to a protected tree. It is considered that, should removal be necessary, the benefits associated with the development and its pedestrian link would outweigh the adverse effect, taking into account that a condition could mitigate the impact to an extent through replacement planting.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.
- D** The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:**

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless 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 Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
  - (i) provision of affordable housing**
  - (ii) long-term maintenance arrangements for the sustainable drainage system (SuDS)**
  - (iii) payment of the Council's reasonable legal costs**

**(iv) payment of monitoring fee**

- (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 by 20 March 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
- (i) inadequate provision of affordable housing**
  - (ii) lack of suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS)**

**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 commencement of the development, a written scheme of investigation including a programme of archaeological trial trenching must be submitted to and approved in writing by the local planning authority. The archaeological trial trenching must be carried out in accordance with the approved details prior to commencement of the development.  
  
REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.
3. Following completion of the archaeological trial trenching required by Condition 2 and prior to commencement of the development, a mitigation strategy detailing the excavation/preservation strategy must be submitted to and approved in writing by the local planning authority. The works detailed in the mitigation strategy must be carried out in accordance with the approved details prior to commencement of the development.  
  
REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.
4. Within three months of the completion of the works required by Condition 3, a post-excavation assessment (including the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report) must be submitted

to and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

5. Prior to commencement of the development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 the occupation of any dwelling, and should include but not be limited to:

- Limiting discharge rates from the site to 2.6l/s for the 1 in 100 year rainfall event with 40% allowance for climate change and allowance for urban creep.

- Provide sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year rainfall event with allowance for 40% climate change.

- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved

REASON: To prevent flooding, ensure the effective operation of the drainage system and provide mitigation for any harm to the local water environment, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to prevent a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

6. Prior to commencement of the development, a Construction Method Statement (including provisions for the control of noise and dust, consistent with the best practicable means as set out in the Uttlesford Code of Development Practice) must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved Statement.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that construction impacts are minimised.

7. Prior to commencement of the development, a Construction Traffic Management Plan must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details, which must provide for:

- i. safe access into the site
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities.

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

8. Prior to commencement of the development, details of existing and proposed ground levels and/or building heights must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To clarify the visual relationship between existing and permitted buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

9. Prior to any works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. Prior to occupation of any dwelling, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features

- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, 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 must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Prior to commencement of works to form a drainage basin, a Bird Hazard Management Plan must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved Plan.

REASON: To prevent hazards to aircraft operating from London Stansted Airport as a result of breeding feral geese, in accordance with the National Planning Policy Framework.

12. Prior to commencement of the footway works shown on Drawing No. PL53, details of associated works to adjacent trees, a method statement for the footway works and details of any replacement planting must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

All planting must be carried out in the first planting season following the occupation of the first dwelling and any plants which within a period of five years from occupation die, are removed or become seriously damaged or diseased must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To minimise adverse effects on the health of adjacent trees, ensure appropriate mitigation and in the interests of pedestrian safety and accessibility, in accordance with Policy GEN2, Policy ENV3 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. Prior to occupation of any dwelling, large-scale drawings of the vehicular access off Thaxted Road (including details of carriageway width, radii,



footways, pedestrian crossings and visibility splays) must be submitted to and approved in writing by the local planning authority. The access must be formed in accordance with the approved details prior to occupation.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. Prior to occupation of any dwelling, details of improvements to the passenger transport infrastructure on Thaxted Road (including but not limited to the formalisation of bus stops, footways, crossing points and bus shelters) must be submitted to and approved in writing by the local planning authority. The improvements must be carried out in accordance with the approved details prior to occupation.

REASON: To maximise the use of sustainable transport options, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

15. Prior to occupation of any dwelling without a garage, details of secure, convenient, covered cycle parking must be submitted to and approved in writing by the local planning authority. The cycle parking for each dwelling must be provided in accordance with the approved details prior to occupation of the dwelling.

REASON: To maximise the use of sustainable transport options, in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

16. Prior to occupation of any dwelling, details of all external lighting and consequent light emissions must be submitted to and approved in writing by the local planning authority. The lighting must be installed in accordance with the approved details prior to occupation of the development.

REASON: To preserve the rural character of the area and protect the amenity of neighbouring residents, in accordance with Policy S7 and Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

17. No construction work, machinery operation or material deliveries shall take place at the site at the following times:

- Before 7.30am or after 6.00pm on Monday to Friday
- Before 7.30am or after 1.00pm on Saturdays
- At any time on Sundays or Public Holidays

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

18. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Preliminary Ecological Appraisal Report (Skilled Ecology Consultancy Ltd., March 2018). This includes bat sensitive lighting, protection of the ditch line from

development, due diligence regarding nesting birds, native and wildlife friendly planting, protection for amphibians, new hedgerow at the western boundary, installation of bat and bird boxes.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

19. The bungalows at Plots 08 and 26 must be built in accordance with Requirement M4(3)(2)(b) (Wheelchair user dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

20. The allocated parking space(s) for each dwelling must be fully completed and hard surfaced prior to occupation of the dwelling.

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

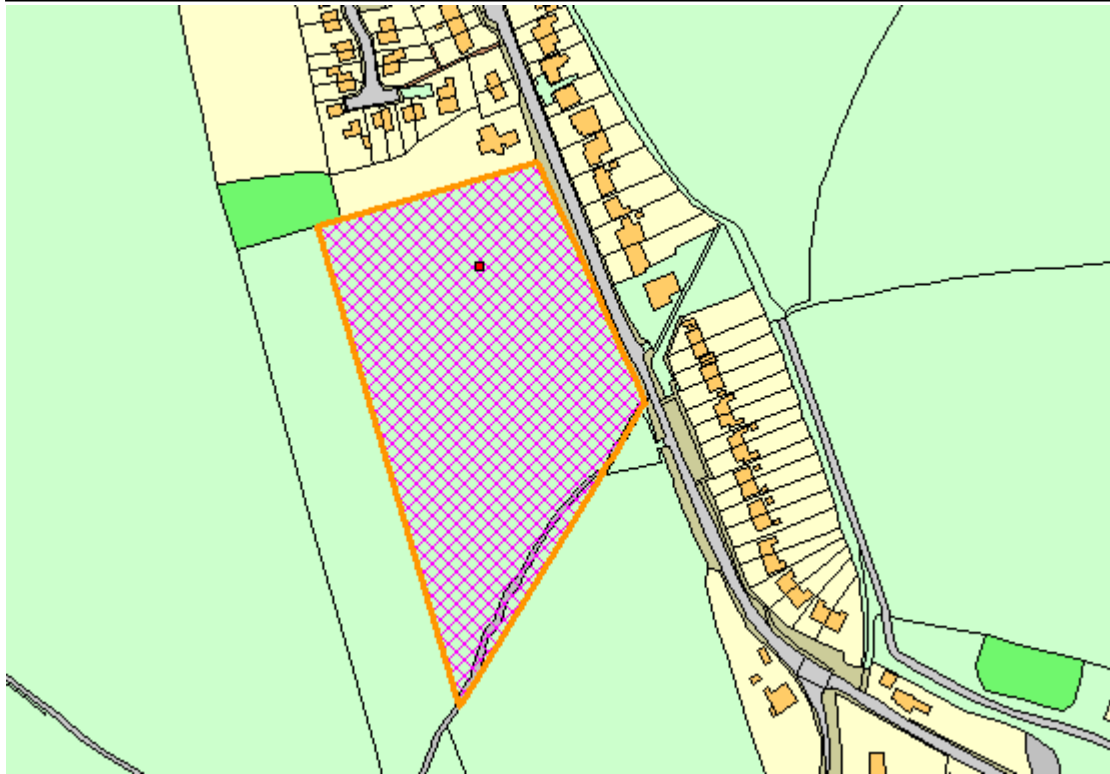
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**Appendix:  
Accommodation Schedule**

<b>Plot</b>	<b>Tenure</b>	<b>Bedrooms</b>	<b>Garden standard (sq m)</b>	<b>Garden size (sq m)</b>	<b>Parking standard (No.)</b>	<b>Parking spaces (No.)</b>
1	Market	5	100	203	3	4
2	Market	3	100	119	2	2
3	Market	3	100	111	2	2
4	Market	3	100	104	2	2
5	Affordable	2	50	88	2	2
6	Affordable	2	50	79	2	2
7	Affordable	2	50	71	2	2
8	Affordable	2	50	189	2	2
9	Affordable	2	50	146	2	2
10	Affordable	2	50	73	2	2
11	Affordable	2	50	71	2	2
12	Affordable	3	100	114	2	2
13	Affordable	3	100	110	2	2
14	Market	3	100	112	2	2
15	Market	3	100	125	2	2
16	Market	5	100	138	3	4
17	Market	4	100	102	3	4
18	Market	4	100	102	3	4
19	Market	5	100	134	3	4
20	Market	5	100	171	3	4
21	Market	3	100	105	2	2
22	Affordable	3	100	107	2	2
23	Affordable	3	100	101	2	2
24	Affordable	1	-	18	1	1
25	Affordable	1	-	18	1	1
26	Affordable	2	50	113	2	2
27	Market	4	100	101	3	3
28	Market	3	100	125	2	2
29	Market	3	100	117	2	2
30	Market	3	100	124	2	2
31	Market	3	100	134	2	2
32	Market	3	100	150	2	2
33	Market	4	100	118	3	3
34	Market	4	100	102	3	3
35	Market	4	100	106	3	3
36	Market	5	100	139	3	4
Visitors	-	-	-	-	9	10

Application: UTT/18/1708/FUL

Address: Land to the west of Thaxted Road, Debden  
© Crown copyright and database rights 2018 Ordnance Survey 0100018688



Organisation: Uttlesford District Council

Department: Planning

Date: 30/01/2019

(Call in request by Cllr John Davey if application is recommended for approval.  
Reason: The proposed development is outside the Great Dunmow Neighbourhood Plan boundary)

**PROPOSAL:**        **Erection of 4 no. new dwellings with parking and access road.**

**LOCATION:**        **Adare, Parsonage Downs, Great Dunmow.**

**APPLICANT:**     **Mr Richard Lockwood.**

**AGENT:**         **Mr Christopher Henham.**

**EXPIRY DATE:**   **14 December 2018 (extension of time agreed).**

**CASE OFFICER:** **Clive Theobald.**

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## **1.        NOTATION**

1.1        Outside Development Limits / Adjacent Conservation Area / Affecting setting of adjacent Listed Building.

## **2.        DESCRIPTION OF SITE**

2.1        The site is located on the east side of Beaumont Hill (B184) opposite Parsonage Downs and contains a large C20 built dwelling set within substantial enclosed grounds comprising 0.44 ha which is served by a private access drive which crosses a strip of frontage highway greensward and pavement running behind. A patron car park within the curtilage of the former Cricketers PH which has now closed down exists to the immediate south of the vehicular access, whilst a row of frontage dwellings line Beaumont Hill below the car park. Beaumont Cottage within this row of frontage dwellings is Grade II listed.

## **3.        PROPOSAL**

3.1        This full application proposal relates to the erection of 4 no. dwellings with associated on-plot parking and improved vehicular access from the B184 (Beaumont Hill) and represents in effect a re-submission proposal without change to refused application UTT/17/1967/FUL for the same development for the same site.

3.2        The proposed dwellings as shown would comprise 3 no. detached 1½ and 2 storey dwelling units (Plots 1, 2 and 3) and a detached bungalow unit (Plot 4) to be built in a mix of traditional building styles, whilst the existing dwelling on the site (Adare) would remain. Plots 1 and 2 (handed) would be 3 bedroomed, Plot 3 (larger unit) would be 4 bedroomed and Plot 4 would be 3 bedroomed. Parking for the new dwellings would be in the form of both on-plot garaging (Plot 4) and on-plot hardstandings (Plots 1, 2 and 3) , whilst the existing parking for Adare would be re-assigned. The existing access drive across the frontage greensward would be widened to a maximum of 5m with new bell-mouth junction onto the B184. The development proposal would have a site density of 9 dwellings per ha.

3.3        It is stated in the application that the proposed development would be aimed at the self-build and custom build housing market.

## **4.        ENVIRONMENTAL IMPACT ASSESSMENT**

4.1        The proposed development does not fall within the scope of the Environmental Impact Regulations for assessment given the size of the proposed development.

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

5.1 The application is accompanied by a supporting planning statement (HJL Planning, October 2018) which describes the site and its surroundings, the proposal, relevant planning history to the site, including reference to refused application UTT/17/1967/FUL for the same housing development as now applied for, national and local plan policy considerations, a response to the Council's single reason for refusal for application UTT/17/1967/FUL with reference to the current status of the Great Dunmow Neighbourhood Plan (GDNP), the officer's delegated report, custom and self-build housing, sustainable development and also other matters, including responses to third party representations received against application UTT/17/1967/FUL and relevant appeal decisions.

5.2 The statement concludes as follows:

9.1 The site is in a highly sustainable location on the outskirts of the market town of Great Dunmow. The principle of developing sustainable sites close to the settlement boundary has been accepted elsewhere in the vicinity.

9.2 The proposal would contribute to meeting the demand for self-build plots in the District, and this small scale scheme would be highly deliverable in a much-sought after location. The provision of plots for self-build is a material consideration of significant weight.

9.3 The Development Plan (the adopted Local Plan and the Great Dunmow Neighbourhood Plan) is silent on the need to make provision for custom/self-build housing. Paragraph 11 of the NPPF confirms that, for decision-taking, the presumption in favour of sustainable development means "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is clear from the above assessment that no such harm would arise, and certainly no significant harm that would outweigh the benefits of providing much-needed housing.

9.4 In addition, the introduction to this statement sets out the issue of housing land supply, and confirms that paragraph 11 of the NPPF would be engaged on another level (having regard to the transitional arrangements in respect of made Neighbourhood Plans). However, regardless of the land supply position, the silence of the Development Plan on the matter of self-build housing is an overriding factor that would justify the re-consideration of this proposal when any technical policy conflict is balanced against the merits (accepted by the Council) of the proposal.

9.5 Having regard to national and local planning policy, and all other material considerations, a grant of planning permission is anticipated.

## **6. RELEVANT SITE HISTORY**

6.1 Planning permission was refused by the Council on 11 January 2018 for the erection of 4 no. dwellings for custom/self-build together with parking and access road at Adare, Parsonage Downs (UTT/17/1967/FUL refers):

6.2 The application was refused for the following single reason (*full reason recital for Members clarification and understanding*):

1 "The Uttlesford Local Plan, which was adopted on 20 January 2005, identifies the site as being outside any settlement limits; that is, within the open countryside. Accordingly, ULP Policy S7 nominally applies to the proposal. The Local Plan recognises the intrinsic value of the countryside by limiting development that either

needs to take place there or would be appropriate for the area. The Local Plan cannot solely be used in the determination of the application for the following reasons:

- following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and
- there are additional considerations when a LPA cannot demonstrate a five year supply of deliverable housing sites; and
- the site is within the Great Dunmow Neighbourhood Plan, which was made in 2016, and now forms part of the development plan.

The proposal must be determined in accordance with the current development plan, which includes made Neighbourhood Plans, unless there are material considerations that indicate otherwise.

In July 2012, the LPA asked an independent consultant to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that ULP Policy S7 took an unduly restrictive approach to sustainable development in the countryside, and so was only partially consistent with the NPPF.

Paragraphs 47-49 of the NPPF require the Council to identify enough sites to provide at least five years' supply of land suitable for housing. In particular, paragraph 49 states, '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 such cases, the principle of development would be determined by the 'tilted balance' of sustainable criteria set out in paragraph 14 of the NPPF.

In areas covered by Neighbourhood Plans, however, a different housing supply threshold should be used which is based on comments made in a written ministerial statement by Gavin Barwell, the Housing and Planning Minister, on 12 December 2016. The LPA's policies for the supply of housing in areas with an adopted neighbourhood plan would not be out-of-date (as defined in NPPF paragraph 49) providing all three of the following conditions apply:

- The written ministerial statement is less than two years' old, or the Neighbourhood Plan has been part of the development plan for two years or less; and
- The Neighbourhood Plan allocates sites for housing; and
- The local planning authority can demonstrate a three-year supply of deliverable housing sites.

The LPA understands that the Minister's statement is subject to judicial review, but the High Court has yet to make a final decision. Consequently, for the moment at least, the relevant threshold remains three years' supply of deliverable housing land. The LPA's latest housing trajectory (in August 2017) calculated that the LPA could provide around four years' worth of deliverable housing land. Therefore there is no need to refer to the NPPF's paragraph 14 criteria in this instance and the policies of the Neighbourhood Plans for the allocation of sites will be the determining factor.

The Neighbourhood Plan's Policy DS1:TDA identifies the site as outside the town's development limits and so unsuitable for housing. Four new residential dwellings on the site as proposed would be contrary to policy". (*End of refusal reason*)

6.3 An appeal has subsequently been lodged against the Council's decision to refuse application UTT/17/1967/FUL with a request by the applicant that the appeal be

considered and determined by way of a local hearing to test the voracity of the Council's reason for refusal when balanced against the planning merits of the application, including the provision of custom/self-build housing. However, no advancement has been made on that appeal by the applicant which is pending in part on the outcome of the Council's decision for current application re-submission UTT/18/2899/FUL and in light of the current status of the Great Dunmow Neighbourhood Plan (GDNP) when assessed against the requirements of the NPPF (see internal consultation response from UDC Planning Policy with regard to the GDNP).

- 6.4 Planning permission was granted on 8 May 2018 for alterations and improvements to the existing vehicular access at Adare, Parsonage Downs (UTT/18/0169/HHF which involve the provision of an access bell-mouth onto the existing road carriageway (Beaumont Hill) to improve the turning radii with the track entrance to Adare. ECC Highways raised no highway objections to the proposed engineering works (unimplemented permission to date).

## **7. POLICIES**

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

ULP Policy S7 – The Countryside  
ULP Policy H1 – Housing development  
ULP Policy H4 – Backland development  
ULP Policy H10 – Housing Mix  
ULP Policy ENV2 – Development affecting Listed Buildings  
ULP Policy ENV3 – Trees and Open Spaces  
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Protection  
ULP Policy GEN7 – Natural Conservation  
ULP Policy GEN8 – Vehicle Parking Standards

### **Emerging Local Plan**

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SP2 – The Spatial Strategy 2011-2033  
Policy SP3 – The Scale and Distribution of Housing Development  
Policy SP12 – Sustainable Development Principles  
Policy P10 – Protection of the Countryside  
Policy C1 – Protection of Landscape Character  
Policy H2 – Housing Mix  
Policy H8 – Self-Build and Custom Units  
Policy INF1 – Infrastructure Delivery  
Policy TA1 – Accessible Development  
Policy TA2 – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy D1 – High Quality Design  
Policy D2 – Car parking Design  
Policy D3 – Small Scale Development/Householder Extensions  
Policy D7 – Innovation and Variety  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy EN1 – Protecting the Historic Environment  
Policy EN3 – Protecting the Significance of Conservation Areas  
Policy EN4 – Development affecting Listed Buildings  
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN10 – Minimising Flood Risk



Policy EN11 – Surface Water Flooding  
Policy EN12 – Protection of Water Resources  
Policy EN6 – Contaminated Land

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

SPD – “Accessible Homes and Playspace”

### **National Policies**

National Planning Policy Framework (NPPF) (revised July 2018)

### **Other Material Considerations**

Great Dunmow Neighbourhood Plan (GDNP) (“made” 8 December 2016):

Policy DS1: TDA: Town development Area  
Policy LSC3: The Chelmer Valley

Essex Design Guide  
ECC Parking Standards - “Design and Good Practice” (Sept 2009)  
UDC Parking Standards - (Feb 2013)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Great Dunmow Town Council strongly objects to this application on the same grounds as application UTT/17/1967/FUL which was refused permission with an appeal now lodged with the Planning Inspectorate.

The site is located outside the Town Development Area as defined in the Great Dunmow Neighbourhood Plan contrary to Policy DS1: TDA. Its location in the Chelmer Valley would compromise the amenity value of that area contrary to Neighbourhood Plan Policy LSC3 and adopted UDC Local Plan Policy H7. Its location is therefore in the countryside and there are no special reasons why the development needs to be there contrary to UDC Local Plan Policy S7.

## **9. CONSULTATIONS**

### **MAG London Stansted Airport**

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict with aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

### **ECC Highways**

- 9.2 The proposed vehicular access for this site the subject of the current application has previously been granted permission under application UTT/18/0169/HHF. There is a long-standing issue over land at the point of access and a Stopping Up Order was made by the DfT to stop up the highway. It is understood that this order has been revoked and that there is currently a draft order pending, but at the time of this response no action has been taken on it.
- 9.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to recommended highway conditions.

### **ECC Place Services - Archaeology**

- 9.4 The HER has identified the application as having archaeological implications. The following recommendation is in line with the new National Planning Policy

Framework.

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

"No development shall commence until the applicant has secured and undertaken a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."

### **UDC Legal Services**

- 9.5 Thank you for your email. We met regarding this issue on, I believe 10<sup>th</sup> December, and I advised that paragraph 14 of the NPPF applies. Were the only debatable element to be the age of the GDNP then I would have suggested that it could still be given reasonable weight, but given that the other limbs of the test are similarly questionable then the GDNP can be given much less weight. I hope this is of assistance.

### **UDC Planning Policy**

- 9.6 This email is to provide further advice in relation to paragraph 14 of the NPPF following the internal legal advice given last December noted in your email. The advice in my previous email in relation to paragraph 11 of the NPPF still stands.
- 9.7 As per my previous email, paragraph 14, criterion a) is not engaged as the decision [planning application] is to be taken more than two years after the Neighbourhood Plan was made.
- 9.8 Turning to criterion b), the Neighbourhood Plan does not have a specific identified housing requirement, and it is noted that the Neighbourhood Plan for Great Dunmow was made in December 2016, prior to the introduction of the requirement for strategic policy-making authorities to set out a housing requirement for designated neighbourhood areas.
- 9.9 There not being a specific identified housing requirement, paragraph 66 of the NPPF 2018 states:
- "Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority".*
- 9.10 Taking into account the factors indicated in this paragraph, it is appropriate to take the figure indicated in the Regulation 19 Local Plan for Great Dunmow as an indicative requirement for the Neighbourhood Plan area. The Regulation 19 Local Plan indicates a housing supply of 3,298 dwellings in Great Dunmow from 2011 to 2033 on sites of 6 or more dwellings (see table 5 page 32).
- 9.11 There are a number of complications when considering whether the Neighbourhood Plan contains policies and allocations to meet this indicative housing requirement. The Neighbourhood Plan looks at a different timescale (2015-2032). It includes a housing supply of 2,900 units (see paragraphs 9 and 10 on pages 8 and 9), was made in 2016 and much of the work on developing the plan was, necessarily, undertaken prior to this.
- 9.12 The Regulation 19 Uttlesford Local Plan was published in June 2018, and there are a number of differences in detail between the Local Plan and the Neighbourhood

Plan. On balance however, it is considered that the Neighbourhood Plan does contain policies and allocations to meet its identified housing requirement, as at the point in time the Neighbourhood Plan was made it sought to provide a Town Development Area that met the identified needs at that time.

9.13 Hence it is considered that criterion b) of paragraph 14 of the NPPF is engaged.

9.14 The Council's five year housing supply situation (5YHLS) is set out in the statement published October 2018. This indicates a 5YHLS of 3.46 years if the draft allocations from the Regulation 19 Local Plan are excluded (see paragraph 17 of this statement).

9.15 Hence criterion c) is engaged.

9.16 Turning to criterion d); the NPPF at paragraph 215 states that:

*"The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018".*

9.17 These test results were not published in November. However, a Housing Delivery Test (HDT) rulebook was published in July of 2018. This states that the HDT% = total net homes delivered over three year period / total number of homes required over three year period. Turning back to the Uttlesford 5YHLS statement published in October, this indicates that in the last three years (2015/16-2017/18), 2,242 homes were built (see table 2). The annual requirement is 632.8 homes per year (see Appendix 1), hence the appropriate calculation for the HDT% is:

$2,242 / (3 \times 632.8)$

Giving a HDT% of 118%.

118 is greater than 25, hence criterion d) is engaged (see paragraph NPPF 216.b).

9.18 My previous advice was given on the basis that if one of the criteria of paragraph 14 was failed to be engaged, then the whole paragraph would not be engaged when considering a decision on a planning application. However, the internal legal advice differs from this, and as criterion a) is the only criteria of paragraph 14 that is not engaged, it flows from this advice that the Neighbourhood Plan could still be given some weight.

9.19 If all the criteria apply, paragraph 14 allows the decision maker to assume that this balance is weighted in favour of assuming the adverse impacts of conflict with the Neighbourhood Plan outweigh the benefits of the application. If one of the criteria is not fulfilled, it must follow that the likelihood of the balance being weighted this way must reduce.

9.20 Therefore, in seeking to determine this application, modest weight can be attached to the policies in the Neighbourhood Plan, but it cannot be assumed that the adverse impacts of allowing the development are significantly and demonstrably likely to outweigh the benefits thereof.

### **UDC Environmental Health**

9.21 Recommendation

No objection subject to the imposition of conditions in relation to land contamination.

Comments:

This application seeks permission for the erection of 4 new dwellings. A similar

proposal was previously refused, although it doesn't appear that Environmental Health made any comments. The Council records indicate that this site may be contaminated due to commercial activity to the north of the site. I therefore recommend that the following conditions are placed on any permission should you be minded to grant approval.

"No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

REASON: To protect human health and the environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment.

## 10. REPRESENTATIONS

10.1 Neighbour notification period expires 16 November 2018. 6 representations received (Object). Neighbour notification period expires 16 November 2018. Advertisement expires 29 November 2018. Site notice expires 30 November 2018.

10.2 Summary of representations received as follows:

- Site is outside the GDNP Town Development Area and the proposal is therefore contrary to GDNP Policy DS1:TDA.
- There would also be an impact on the Chelmer Valley.
- Site is outside defined development limits under the Council's adopted local plan and is therefore contrary to ULP Policy S7.
- Submitted drawings are too vague.
- 4 no. dwellings is a very small contribution to UDC's housing supply..
- Council is being asked to approve a housing scheme which is not defined given that this is for a custom build housing scheme where the applicant states that future applications are likely in the future to cater for individual requirements for the design of the dwellings.
- The development would result in residential amenity loss to properties in Beaumont Hill by reason of overlooking/loss of privacy
- Would be alterations in ground levels which would result in application site being higher than the backs of Beaumont Hill.
- Ecology impact.

## 11. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S7, H1, H4, GEN3 and Great Dunmow Neighbourhood Plan).
- B Whether access arrangements would be satisfactory (ULP Policy GEN1).

- C Housing Mix (ULP Policy H10);
- D Impact of development on adjacent conservation area and upon setting of adjacent heritage asset (ULP Policies ENV1 and ENV2).
- E Design (ULP Policy GEN2, SPD “Accessible Homes and Playspace” and Essex Design Guide).
- F Whether parking arrangements would be satisfactory (ULP Policy GEN8, ECC Parking Standards, UDC Parking Standards).
- G Impact on residential amenity (ULP Policy GEN2).
- H Trees (ULP Policy ENV3).
- I Impact on protected / priority species (ULP Policy GEN7).

**A Principle of development (NPPF, ULP Policies S7, H1, H4, H10, GEN3 and Great Dunmow Neighbourhood Plan).**

- 11.1 As mentioned previously in this report, planning permission was refused by the Council on 11 January 2018 for the same residential development at Adare as now re-applied for without change (i.e. 4 no. custom/self-build dwellings with associated parking and improved access road) with the sole reason for refusal for application UTT/17/1967/FUL being that the Great Dunmow Neighbourhood Plan (GDNP) was made prior to receipt of that application and was a material consideration as to its planning merits as reflected in the wording of the refusal reason, namely that the application proposal was contrary to GDNP Policy DS1:TDA as the development site falls outside the Town Development Area boundary identified in the plan.
- 11.2 In essence, this reason for refusal turned on two factors, namely that development of the site would be contrary to the GDNP and that paragraphs 49 and 14 of the NPPF were not therefore engaged because the Council is able to demonstrate a 3 years’ supply of deliverable housing land. However, since the application was determined, a revised NPPF has been published (24 July 2018). This incorporates the former Ministerial Statement in respect of housing land supply when a Neighbourhood Plan is in place and is set out at paragraph 14 of the NPPF. In this case, the GDNP was formally made by the Council on 8 December 2016, but the transitional arrangements set out in the NPPF would enable it to remain relevant in terms of paragraph 14 up to and including 11 December 2018. Therefore, the GDNP is now over two years old.
- 11.3 Paragraph 11 of the revised NPPF states that plans and decisions should apply a presumption in favour of sustainable development, adding that for decision making this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.4 It should be noted that footnote 7 to paragraph 11 d) states for situations where there are no relevant development plan policies or those policies which are most important for determining the application are out of date that this includes for applications involving the provision of housing situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years (with transitional

arrangements for the Housing Delivery Test being set out in Annex 1).

- 11.5 Having regard to footnote 7, the Council's adopted plan policies which are most important for determining the application are out of date (i.e. housing policies), whilst ULP Policy S7 has been found to be only partly consistent with the NPPF through independent plan policy compatibility review and therefore no longer carries full weight if it can be shown that a presumption in favour of sustainable development otherwise prevails. However, more fundamentally for the interpretation of paragraph 11 of the NPPF, the Council cannot currently demonstrate a 5-year supply of housing land.
- 11.6 Given the lack of a 5-year housing land supply, paragraph 11 of the NPPF indicates that permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole". It should be noted specifically in this respect that the delegated officer report for the previously refused application for 4 no. dwellings at Adare under ref; UTT/17/1967/FUL identified no demonstrable harm other than a conflict with the GDNP) It should be further noted that once the GDNP is over two years old/8 December 2018 has passed, which indeed is now the case, the benefit for the Council of having a three year supply of deliverable housing sites as set out in paragraph 14 of the NPPF no longer applies.
- 11.7 As it was the case that your officers found 4 no. dwellings with associated parking and upgraded vehicular access at Adare under previous ref; UTT/17/1967/FUL to be acceptable in all land use planning terms, including its impact upon the countryside at this edge of town backland location (ULP Policy S7), indicated access arrangements (ULP Policy GEN1) and its impact upon adjacent heritage assets and adjacent residential amenity (ULP Policies ENV2 and GEN2), the material change in circumstances concerning the age of the GDNP as a made plan now more than two years old with regard to its soundness with paragraph 14 of the revised NPPF and the Council's lack of a 5-year supply of housing land now requires the Council to consider reaching a different conclusion on the proposal as now re-submitted for the current application and if a grant of planning permission is now justified in the light of these changed circumstances where the revised NPPF with its renewed emphasis on requiring LPA's to identify appropriate sites within sustainable locations for small to medium housing proposals which can be delivered quickly, including providing self and custom build housing as part of the overall housing mix (as now proposed) and in doing so making more effective and efficient use of land is a material consideration in terms of the overall planning merits of the current proposal.
- 11.8 It is the applicant's central case for the current application re-submission for Adare that as the GDNP will have become over two years old before the Council's anticipated determination of the application (i.e., the 8 December 2018 date will have passed) that criterion b), c) and d) of paragraph 14 of the NPPF cannot be satisfied and therefore do not apply in view of these transitional arrangements and that there is because of this a tilted balance towards the presumption in favour of sustainable development under paragraph 11 of the NPPF where the significant and demonstrable benefits of approving the proposed development outweigh the adverse effects of not doing so and as such paragraph 11 of the NPPF is engaged. It is contended from this that the GDNP no longer carries any material weight in the planning decision making process.
- 11.9 It will be seen from the internal advice received from the Council's Litigation and Planning Solicitor and also the Council's Planning Policy Team Leader that the applicant's contention that the GDNP no longer carries any material weight in the decision taking process because of the foregoing stated reasons is not fully supported. In this respect, it is internal legal opinion that were it the case that the only debatable element of paragraph 14 of the NPPF to be the age of the GDNP, then the "made" plan can still be given reasonable weight, but given that the other limbs of the test (or criterion) set out in paragraph 14 relating to Neighbourhood Plan

housing policies and allocations, deliverable housing sites when set against a three year housing supply (against a five year housing supply requirement, including appropriate buffer) and the Council's housing delivery rate where this is required to be at least 45% of that required over the previous three years are similarly questionable then the GDNP can be given much less weight.

- 11.10 In response, the Council's Planning Policy Team Leader has subsequently advised that he confirms that criterion a) of paragraph 14 of the NPPF is not engaged as the determination on the current planning application for Adare will be taken more than two years after the Neighbourhood Plan was made. Turning to criterion b), it is considered for the reasons given that on balance it is considered that the Neighbourhood Plan does contain policies and allocations to meet its identified housing requirement, as at the point in time the Neighbourhood Plan was made it sought to provide a Town Development Area that met the identified needs at that time and hence it is considered that criterion b) of paragraph 14 of the NPPF is engaged. Turning to criterion c), the Council's five year housing supply situation (5YHLS) is set out in the Council's statement published in October 2018 which indicates a 5YHLS of 3.46 years if the draft allocations from the Regulation 19 Local Plan are excluded hence criterion c) of paragraph 14 of the NPPF is engaged. Turning to criterion d), it has been calculated using the Housing Delivery Test (HDT) rulebook that the annual housing requirement is 632.8 homes per year meaning that the Council would have a HDT of 118% which would be greater than 25. Hence criterion d) of paragraph 14 of the NPPF is also engaged.
- 11.11 It is concluded from the above analysis that as criterion a) is the only criterion of paragraph 14 of the NPPF that is not engaged that it must follow that the balance weighted in favour of assuming the adverse impacts of conflict with the GDNP for the application proposal outweigh the benefits of the application must reduce. Thus, in seeking to determine the current application, it is the view of your Officers that only modest weight can be attached to the policies adopted in the GDNP as previously cited for the single reason for refusal for application UTT/17/1967/FUL, but it cannot be assumed that the adverse impacts of allowing the development are significantly and demonstrably likely to outweigh the benefits thereof as will now be explained.
- 11.12 The site is located on the northern edge of Great Dunmow settlement opposite Parsonage Downs behind a built up frontage to the immediate south of a bus garage depot whereby it forms part of a ribbon of housing that lines the B184, which is the main approach road into the town from the north. The site is conveniently positioned directly opposite the Helena Romans secondary school, which also doubles as a leisure centre, and is also within reasonable reach of the town's local services. As such, it is considered that the site by reason of its location is situated within a sustainable position whereby it should be noted that a small residential development at land to the rear of Herbs of Grace further down Beaumont Hill to the north of the site was approved by the Council in 2014 when that small housing scheme was considered by the Council to represent a presumption in favour of sustainable development (permission implemented).
- 11.13 Accordingly, it is considered that the social strand of the NPPF would be met as previously identified for application UTT/17/1967/FUL, notwithstanding that the site lies outside development limits within the Council's adopted local plan whereupon ULP Policy S7 applies and also outside the Town Development Area as identified within the GDNP which seeks to direct future housing growth in line with allocations set out in the plan, to protect the rural setting of Great Dunmow and to contain the spread of the town by promoting infill within the existing built-up areas.
- 11.14 The site has an enclosed setting at the top end of Beaumont Hill behind a row of frontage properties whereby the dwelling at Adare is set back behind a deep front garden, albeit that the site backs onto open countryside forming the Chelmer Valley to the immediate east below. However, given the dense planting which exists to the

rear boundary of the site, the proposed residential development would not intrude into open countryside beyond, but would be contained instead within the established 'building line' of the existing houses fronting Beaumont Hill and the buildings at Parsonage Farm to the north. As such, the development would have limited visual impact on the wider landscape, including the Chelmer Valley (GDNP - Policy LSC3: The Chelmer Valley). Therefore, the environmental strand of the NPPF would be met, notwithstanding that a nominal and *de facto* objection exists under ULP Policy S7 given that the site lies outside development limits within the countryside, although it can be argued that the development needs to take place at the site to make more efficient use of previously developed land as a windfall site within a sustainable location on the edge of the town as previously reasoned.

- 11.15 The Self-build and Custom House building Act 2015 sought to build upon existing Government initiatives, particularly the 'Right to Build', with the aim of increasing the number of self/custom built properties in England. As a result of the Act, there is a statutory obligation upon the Council firstly to keep a register in relation to Self-Build and use the demand data from the register in the area (supported as necessary by additional data from secondary sources) when preparing its Strategic Housing Market Assessment (SMAA), and secondly to promote and support Self-Build. The application of section 2(1) of the Act means that the register was (and is) a material consideration for the Council when determining the current planning application at Adare and indeed was also the case for previously refused application ref; UTT/17/1967/FUL for the same development.
- 11.16 The Council's adopted Local Plan and the GDNP make limited provision for self-build housing. In the context of the obligations of the Act and the provisions of the NPPF, it is clear that the proposed development of 4 no. custom/self-build dwellings at Adare should be afforded significant weight in the determination of an application where paragraph 61 of the NPPF states that local authorities should plan for a mix of housing based on the needs of different groups, including people wishing to build their own homes, notwithstanding that the officer report for refused application UTT/17/1967/FUL gave little weight to this increasingly relevant housing sector as a material consideration and where the demand for self-build plots remains high.
- 11.17 It should be emphasised that the Council's now formally submitted emerging Local Plan includes a detailed policy relating to Self-Build and Custom Units (Policy H8) which reflects government advice which expects local authorities to consider favourably proposals for self and custom build development as reflected in the statutory duties set out in the 2015 Act. However, as an emerging local plan which has yet to receive formal SoS endorsement, the plan only carries limited weight for Development Management purposes. The absence of any policy in respect of self-build or custom house building in both the 2005 adopted Local Plan and the GDNP is sufficient to further engage the 'tilted balance' as set out in paragraph 11 of the NPPF in favour of sustainable development for the current application whereby the proposal for a small, deliverable scheme would make a positive contribution towards meeting this specific demand for the district.
- 11.18 The application is accompanied by a signed and dated Unilateral Undertaking by the applicant to ensure that the scheme at Adare is developed for self/custom build housing as intended which reflects the legal wording of a nearby self-build/custom build housing development previously allowed at appeal at St Edmunds Lane. This, and the fact that future occupants of the new dwellings would likely to rely upon local services and amenities means that the economic strand of the NPPF would be met.
- 11.19 With regard to other matters of principle, the site is situated within Flood Zone 1 (lowest risk of flooding) meaning that the development would not be at risk of fluvial flooding. The applicant has stated that the development would be drained to soakaways either by use of SuDS underground storage tanks or by more conventional soak-away systems or a mixture of both drainage methods. Such



drainage methods would be acceptable for this site, although any grant of planning permission would need to be subject to a planning condition so that the drainage details could be approved by way of condition discharge. The proposal would therefore comply with ULP Policy GEN3 subject to this condition being imposed on any permission granted.

- 11.20 It is therefore considered that the proposal by reason of its location, its limited impact upon the wider local landscape and the self-build/custom build nature of housing proposed would amount to a presumption in favour of sustainable development when assessed against the three strands of sustainable development and therefore paragraph 11 of the NPPF is engaged. The proposal is therefore considered acceptable in principle as before with application UTT/17/1967/FUL in this respect.

**B Whether access arrangements would be satisfactory (ULP Policy GEN1).**

- 11.21 The proposed vehicular access arrangements for this 4 no. dwelling scheme are the same arrangements as shown for refused application UTT/17/1967/FUL, namely that a 5m wide access road would feed into the site from the back edge of the existing wide greensward of highway land across which the existing vehicular entrance track crosses, which would be modified at its junction with the B184 to provide a bell-mouth (see approved application UTT/18/0169/HHF for further details). Drawing 484.15 shows by means of swept path analysis how a lorry would be able to be turned both in and out of the modified site entrance with clear visibility in both directions along the B184 frontage, whilst drawing 484.01F shows similarly how a lorry would be able to be turned within the site and to be able to be driven out again in forward gear.
- 11.22 ECC Highways have advised that they do not have any highway objections to the proposed scheme insofar as they do not alter from the arrangements shown for UTT/17/1967/FUL and UTT/18/0169/HHF, notwithstanding that a Stopping Up Order process seeking the required site visibility along the B184 frontage south-eastwards has yet to be formally completed which in itself is not a material planning consideration. The proposal would therefore comply with ULP Policy GEN1.

**C Housing Mix (ULP Policy H10)**

- 11.23 The indicated housing mix for the site showing 3 and 4 bedroomed market dwellings to include a bungalow (Plot 4) as shown on the submitted drawings would represent an appropriate housing mix for the site which would be broadly in line with the Council's most recent SMAA housing assessment evidence base which has identified a local housing need within the district for the provision of 3 and 4 bedroomed market dwellings and bungalows where the inclusion of a bungalow within the site development as proposed is welcomed in terms of providing more accessible homes, albeit that a wheelchair accessible bungalow is not required in this instance given the number of dwellings proposed. The proposal would therefore comply with ULP Policy H10.

**D Impact of development on adjacent conservation area and upon setting of adjacent heritage asset (ULP Policies ENV1 and ENV2)**

- 11.24 The site lies immediately adjacent to the Great Dunmow Conservation Area, albeit that the access track to the site across the highway greensward lies within it. As noted for application UTT/17/1967/FUL, the proposed dwellings would incorporate traditional designs with a good level of architectural detail and having traditional finishes. It is considered from this that the proposed development would preserve the character and appearance of the conservation area, albeit that the development would not be able to be readily seen from within the conservation area itself and therefore not from the wider public domain. The proposal would therefore comply with ULP Policy ENV1.

11.25 LB ...Beaumont Cottage. The proposed development would lead to less than substantial harm to the setting of the adjacent designated Grade II heritage asset when weighed against the public benefits of the proposal, including securing the site's optimum viable use for housing. The proposal would therefore comply with ULP Policy ENV2.

**E Design (ULP Policy GEN2, SPD "Accessible Homes and Playspace", Essex Design Guide).**

11.26 The layout of the proposed development would be acceptable for this garden backland location whereby the dwellings would be sited within generous sized garden plots having rear private garden amenity areas exceeding 100sqm for 3 and 4 bedroomed dwellings. The dwellings would also have good separation distances within their respective plots. As the donor dwelling on the site would retain a generous garden curtilage. The housing density for this edge of settlement location would be low at 9 dwellings per hectare, although this density is appropriate for the site given its backland nature.

11.27 The design and scale of the dwellings would be appropriate for the site ranging from a bungalow to a larger 4 bedroomed dwelling. The dwellings are shown that they would incorporate accessible homes standards, which would be conditioned in any event. The proposal would therefore comply with ULP Policy GEN2 in terms of design.

**F Whether parking arrangements would be acceptable (ULP Policy GEN8, ECC Parking Standards, UDC Parking Standards).**

11.28 The proposed site layout has been laid out as such that each new dwelling would have the required ratio of on-plot parking either in the form of garaged parking (Plot 3) or hardstanding parking spaces under adopted parking standards. The same would apply for the donor dwelling. The parking provision would also allow for on-plot visitor parking. The proposal would therefore comply with ULP Policy GEN8.

**G Impact on residential amenity (ULP Policy GEN2).**

11.29 The dwellings shown for Plots 1, 2 and 3 would be positioned and orientated as such so that their impact on the residential amenities of those closest dwellings lining Beaumont Hill to the front of the site in terms of overbearing effect would not be significant. The nearest dwelling to the front boundary, namely that shown for Plot 4 would be a bungalow which would not because of its single storey nature and its distance from the boundary at 15m have any tangible overbearing effect or any loss of light to the nearest dwellings to the front.

11.30 There would be some reverse overlooking of some of the rear garden of the bungalow for Plot 4, although the immediate sitting out area for this plot would not be affected whereby any loss of private amenity could be mitigated by mature planting on the front boundary as shown to be implemented by the applicant in Site Section A-A on Site Plan Layout drawing 484.01F whereby the angle of view from the rear of those dwellings positioned to the front across an eye to eye distance of 25m to the middle of the rear garden for Plot 4 would be reduced to insignificant levels were such boundary planting to be implemented. The proposal would therefore comply with ULP Policy GEN2 in terms of its impact on adjacent residential amenity subject to additional appropriate planting measures being implemented, which can be conditioned.

**H Trees (ULP Policy ENV3)**

11.31 The site contains a number of trees and boundary hedgerow of varying species on all of its boundaries and internally across the site, including a tree grouping along

the site entrance track. A combined tree survey and tree protection drawing accompanies the application (Hayden's, July 2017) which identifies the condition and amenity value of the trees/hedging. Two trees have been identified as being Category B (Good amenity value) of which one would be removed (Yew hedge) and another (site entrance tree grouping "*which are of lower individual merit, but which together form a good collective feature*") would be crown lifted to 3m over the existing/proposed access. A number of other trees identified as Category C (Fair amenity value) would be removed. Those trees of good or fair amenity value to be retained through the proposed development are shown to be subject to tree protection measures, namely temporary protective barriers, temporary ground protection and crown lifting whereby these measures are to be implemented prior to and during the course of the development.

- 11.32 The number of trees to be removed at the site to facilitate the development and the specified tree protection measures to be put in place for tree retention are considered acceptable. The proposal therefore complies with ULP Policy EN3.

#### **I Impact on protected / priority species (ULP Policy GEN7)**

- 11.33 The application is accompanied by an ecology report (together with addendum report) (A Arbon) and a Bat Survey Report (Essex Mammal Surveys). The ecology reports have identified that the rear of the site has good natural habitat opportunities for reptiles given that an area of former lawn is taken over with the long term storage of a large quantity of garden pots and assorted items. However, no evidence of reptiles was found during the survey. The site does not contain any ponds, although there are a number of ponds within close proximity to the site which could represent natural habitats for Great Crested Newts (not surveyed). However, no commuting newts were found at the site from any of these ponds during the time of the survey. The bat survey conducted did not find any evidence of bats at the site either within existing outbuildings to be demolished or within trees whereby the report of findings states that the lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for the site.
- 11.34 Given the absence of protected or priority species at the site from the ecology surveys conducted, the proposal would not have a harmful impact on protected or priority species. The proposal therefore complies with ULP Policy GEN7.

## **12. CONCLUSION**

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

- A The proposal to erect 4 no. self-build/custom build residential units is considered acceptable in principle in that the proposal would make more effective use of previously developed land as a deliverable small to medium self-build/custom build housing scheme at this sustainable residential backland location on the northern approach to the town. Given that one criterion of paragraph 14 of the revised NPPF is not fulfilled, namely the age of the Great Dunmow Neighbourhood Plan (GDNP), a situation which did not exist at the time of determination by the District Council of refused application UTT/17/1967/FUL, it is considered that the benefits of the proposed scheme significantly and demonstrably outweigh the adverse impacts of resisting the proposal in the planning balance, including impacts on highway safety, heritage and residential amenity, given the reduced and only the modest weight that can now be afforded to the GDNP as a made plan. Therefore, paragraph 11 of the NPPF is engaged for the purposes of decision taking whereupon the proposal represents a presumption in favour of sustainable development when assessed against the NPPF as a whole.
- B Proposed access arrangements would be acceptable.
- C The housing mix for the proposed development would be acceptable.
- D The proposed development would preserve the character and appearance of the adjacent conservation area and would lead to less than substantial harm to the

setting of the adjacent designated Grade II heritage asset when weighed against the public benefits of the proposal, including securing the site's optimum viable use for housing.

- E The design of the site layout/dwellings is considered acceptable.
- F Parking arrangements would be acceptable.
- G The development would not have a significant impact on adjacent residential amenity.
- H The number of trees to be removed and tree protection measures to be implemented would be acceptable.
- I The proposal would not have a harmful impact on protected or priority species.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS WITH SIGNED AND DATED UNILATERAL UNDERTAKING (SELF BUILD/CUSTOM BUILD HOUSING)**

### **Conditions**

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, including ground clearance and compound set up, or any works pursuant of any other condition within this planning permission, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) Stock trees (species and size to be approved) to be planted along the southern (frontage) boundary of the site as indicated on approved drawing 484.01F.

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 ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development hereby granted can be properly assimilated into the local landscape by appropriate landscape mitigation measures and to provide sufficient protection to adjacent residential amenity.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. 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, the completion of the

development, or in agreed phases whichever is the sooner, 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: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development and to provide sufficient protection to adjacent residential amenity.in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the commencement of development, including ground clearance (or any works pursuant of any other condition within this planning permission), tree protection measures for those trees to be retained shall be implemented in accordance with the recommendations as set out in the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan (Hayden's, 25/10/2016).

REASON: To ensure that the important landscape features of the site are protected and not prejudiced by the development hereby approved in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that those trees identified as being of medium and good amenity value to be retained are suitably protected prior to and during construction works to ensure their long term health.

5. Prior to the commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the appearance of the resulting development is not injurious to visual amenity, the character and appearance of the adjacent conservation area or the setting of the adjacent listed building.

6. Prior to first occupation of the dwellings the vehicular access with associated visibility splays, parking and turning areas shall be implemented as shown on submitted drawings 484.01F and 484.15 and shall be maintained in perpetuity thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and that appropriate resident/visitor parking is provided on the site in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

7. Prior to commencement of development, no works shall take place until a scheme to minimise the risk of off-site flooding which may result from surface water run-off and groundwater from the site during construction works and the built development thereafter has been submitted to and approved in writing by the local planning authority, which shall incorporate sustainable drainage principles. The scheme shall

subsequently be implemented as approved.

REASON: The National Planning Policy Framework states that local planning authorities shall ensure that new development does not increase flood risk elsewhere in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development is made acceptable in terms of impacts on groundwaters and impacts on adjacent residential properties and to reflect climate change events.

8. The dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD "Accessible Homes and Playspace"

9. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary by the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that future occupants of the dwellings hereby approved are not placed at undue risk of contamination.

10. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

11. No development shall commence until the applicant has secured and undertaken a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies adjacent to a Roman cemetery identified in the 18th century and visible in crop mark evidence (EHER1277&1278). These cropmarks contain the Scheduled Monument of Square and circular barrows to the south east of Parsonage Farm (EHER1278). Roman settlements north and south of the site were reoccupied during the Saxon period, The earliest medieval settlement appears to

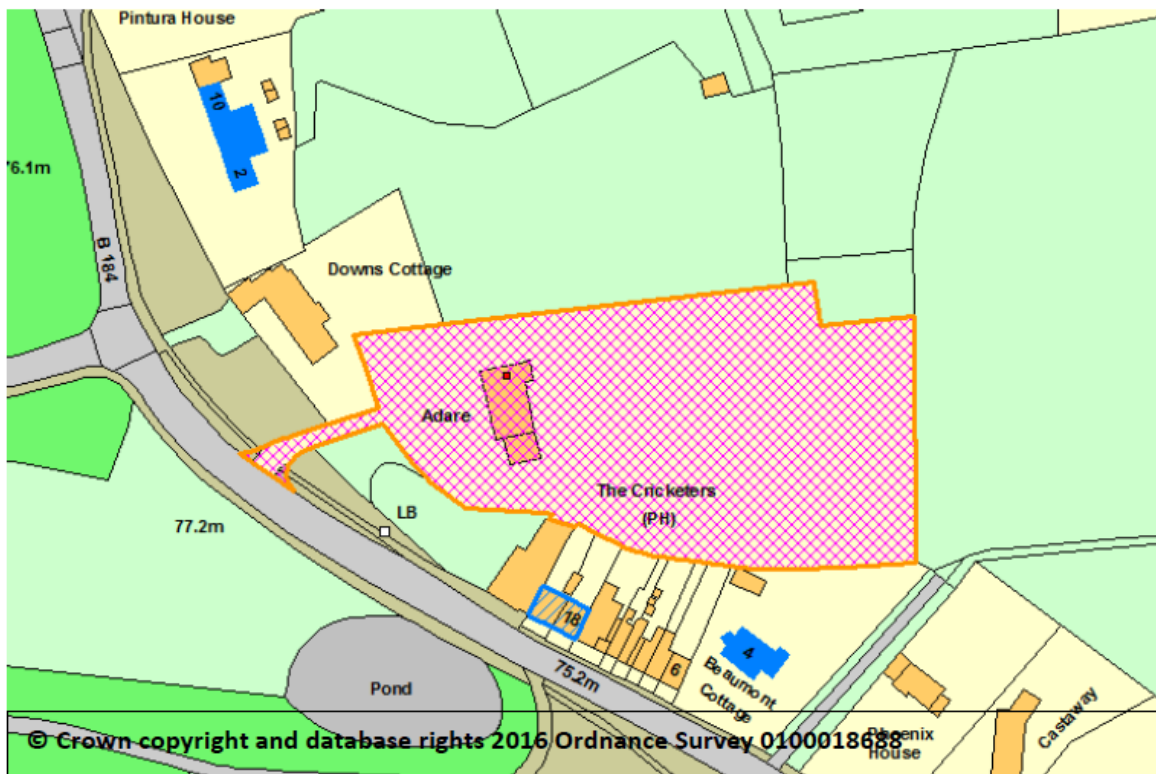
have been a continuation of the late Saxon settlement at Church End, where the parish church is located. There is, therefore, potential for Roman, Saxon and Late Iron Age remains within the development area.

The site is also located to the southwest of the Scheduled Monument Parsonage Farm moated site.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.

A recognised professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the opportunity for underground heritage assets to be first recorded.



Organisation: Uttlesford District Council

Department: Planning

Date: 06 February 2019

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UTT/18/3278/FUL (Saffron Walden)  
(Applicant related to Cllr Gerrard)

**PROPOSAL:** Erection of single storey front/side extension

**LOCATION:** Rear Of 22 Thaxted Road, Saffron Walden

**APPLICANT:** Mrs S Perry

**AGENT:** Mr Jeremy Denn

**EXPIRY DATE:** 22<sup>nd</sup> January 2019

**CASE OFFICER:** Chris Tyler

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## 1. NOTATION

1.1 Within Development Limits,

## 2. DESCRIPTION OF SITE

2.1 The site relates to a large timber shed located between the 22 and 26 Thaxted Road in the town of Saffron Walden. Access to the site is provided by private driveway next to 16 Thaxted Road. To the rear of the site is a large open amenity area mainly bound by hedgerow and trees.

## 3. PROPOSAL

3.1 This planning application is for the proposed removal of the existing timber shed building and the erection of a single dwelling. The dwelling will be a terrace dwelling two storey to the front of the site and three storeys to the rear.

## 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 applicant has provided a design and access statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is a completed biodiversity checklist

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/18/1824/FUL- Removal of timber shed and erection of 1 no. dwelling (Refused 1/11/2018)  
Refused due to the restrictive size of the garden area.

## **7. POLICIES**

- 7.1 National Policies

- 7.2 National Planning Policy Framework (2018)

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

Policy S1 – Development limits for Main Urban Areas  
Policy GEN2 – Design  
Policy GEN4- Good Neighbourliness  
Policy GEN7 - Nature Conservation  
Policy GEN1- Access  
Policy GEN8 - Vehicle Parking Standards  
Policy ENV13- Exposure to poor air quality  
Policy ENV14- Contaminated land

### **7.5 Other Material planning considerations**

The following policies are included in Regulation 19 Local Plan submission and therefore have been considered in the assessment of the application; these emerging local plan policies hold some limited weight and are considered in the assessment of the development, these are listed below:

SP9- Development within development limits  
D1- High quality design  
TA4- Vehicle parking standards  
TA1- Accessible development  
EN8- Protecting the natural environment.  
EN18- Contaminated Land  
EN17 Air Quality

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

Uttlesford Local Residential Parking Standards (2013)  
Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No objection, subject to UDC approval of parking and access arrangements.

## **9.0 CONSULTATIONS**

The Highways Authority

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on DWG no. PE 0518.01 C has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASONS 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. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **Environmental Health**

#### 9.2 Recommendation

No objection to the application as submitted subject to the conditions recommended below to address noise, air quality and contaminated land matters.

I note that this is a resubmission of a previously submitted application for a similar scheme that was refused under UTT/18/1824/FUL. This is a full application that seeks the erection of a 3 storey, 4 bedrooled terraced dwelling between two existing dwellings. The site is situated within the Saffron Walden Air Quality Management Area (AQMA).

#### Noise:

Access to the site is proposed via the frontage of a neighbouring property (no.16) and will involve access across the rear of nos. 18-22 Thaxted Road. Although the proposed development is only likely to generate a limited number of vehicle movements, the proximity of the access drive to the living accommodation of the neighbouring dwellings may give rise to noise impacts if no mitigation is put in place. I would therefore recommend that the following condition is included with any consent granted for development of the site as proposed:

#### Noise Attenuation

No occupation of the dwelling hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway.

#### Land Contamination

The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

#### Air Quality:

The site is within Saffron Walden Air Quality Management Area and additional vehicles entering the town centre as a result of the development will impact on the level of emissions with the AQMA. The impact on the AQMA is likely to be small in the context of this particular application, but taking account of cumulative impacts it must be minimised as far as practicable by encouraging access other than by motor vehicle, for example by provision of Secure, covered cycle storage and other measures that promote use of more sustainable modes of transport. In view of the scale of proposed development, I do not think this warrants a specific air quality condition for this particular application.

#### Ecology

##### 9.3 No objection

The proposals are limited in scale/scope and are unlikely to impact designated sites, protected/priority species or priority habitats. It is noted that the weather boarded shed is approximately 208m from water and is covered in ivy therefore I recommend informatives regarding bats and breeding birds.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

#### 10 REPRESENTATIONS

10.1 Neighbouring properties consultation- expiry 31/12/2018  
1 Objection received in regards to the provision of parking

10.2 All material planning merits will be considered in the following report.

#### 11 APPRAISAL

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

- A The principle of development of the site (NPPF, ULP Policies S1, GEN2, ENV14 , ENV13 and the NPPF)
- B Design and visual impact (ULP Policy GEN2)
- C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4);
- D Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, UDC Parking Standards)
- E Nature Conservation (ULP Policy GEN7)
- F Any other material considerations

**A The principle of development of the site (NPPF, ULP Policies S1, GEN2, ENV14**

**and the NPPF)**

- 11.1 The principle of development of the site (ULP Policies S1, GEN2 and the NPPF) The application site lies within the development limits of Saffron Walden ULP Policy S1 where development compatible with the character of the settlement and countryside setting will be permitted within these boundaries.
- 11.2 The proposal is in relation to the demolition of a shed building and erection of a single dwelling. The sites character mainly consists of terrace and semi-detached two storey dwellings of a linear layout along the highway of Thaxted Road. The mix of design and scale of dwellings actively existing contributes to the character of the street scene; the proposed dwelling will be sited along the existing development line of the neighbouring property and will result in the a row of terrace although this will result in an intensification of use of the site, this is not considered a significant level that will be detrimental to the site and its surroundings.
- 11.3 Due to the historic use of the site it may include some contamination. The Council Environmental Health Officer has been consulted and not objections are raised subject to the imposition of conditions. As such it is considered then development accords with ULP Policy ENV14.

In regards to poor air quality, due to the scale of the development the impact to the air quality management area is likely to be small in the context of this particular application, in view of the scale of proposed development it is not considered a specific air quality condition is necessary for this particular application.

- 11.4 Taking into consideration the mixture and scale and form of neighbouring properties it is considered the principle of the proposed dwelling is appropriate in the context of the site, the surrounding dwellings and character of the area. Taking into account the pattern of development surrounding the site with neighbouring dwellings and the sustainable position of the site within Saffron Walden, in this instance it is considered that there are no material considerations that would warrant refusal of this application. The proposal accords with ULP Policy S1, GEN2 and the NPPF.

**B Design and visual impact (ULP Policy GEN2)**

- 11.5 The scale of the proposed dwelling is a moderate scale comparable with the neighbouring buildings. The dwelling will include a flat roof design with flat roof single storey element to the rear; this is comparable to the nearby development of Long Row Close. The materials to be used on the external finishes are traditional, vernacular materials and the proposed dwelling would provide an appropriate transition between the neighbouring properties and would be compatible with the group as a whole, that being said a condition should be imposed for the submission of the materials prior to the commencement of the development.
- 11.6 The development will result in the removal of the unsightly shed building and with the introduction of this new dwelling and residential landscaping the street scene would be enhanced. The Council's Landscape officer has been consulted and has not objections; however a landscape condition should be imposed for future boundary treatments. To the rear of the site is off street parking for the neighbouring properties, this will not be affected, however the requirement of a planning condition is required to ensure the parking provision and turning area is retained.
- 11.7 The development will include 100sqm of private rear amenity space; this is consistent with aims of the Essex Design Guide. The parking tom the rear of the site

will impede the use of the amenity space; however this is compatible with the neighbouring properties

The parking area to the rear of the site will require a significant area for car turning and as such this will result in a loss of useable residential amenity space. This was one of the main refusal reasons of the previous planning application on this site (UTT/18/1824/FUL). It is considered the reduction of footprint of the dwelling has provided a significant increase in garden space. 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.

**C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4)**

11.8 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

11.9 Due to the siting and design of the dwelling it will introduce further windows to the rear first floor elevation, however due to the terrace character of the application site the existing neighbouring dwellings already include windows at this level and position, as such it is considered the proposed dwelling will not result in any significant increase in loss of privacy or overlooking to neighbouring properties that will have a harmful impact.

11.10 The location of the parking area will be to the rear of the site. The rear of the application site and neighbouring properties already offer off street parking and as such it is considered the location of the parking area close to the neighbouring properties parking area will not result in a material increase in nuisance and noise that will have a significant harmful impact to neighbouring properties. The proposed amenity area will be in close proximity to the neighbour's front garden area; as such the landscaping condition will deal with proposed boundary treatment.

11.11 The location of the parking area will be to the rear of the site. The rear of the application site and neighbouring properties already offer off street parking and as such it is considered the location of the parking area close to the neighbouring properties parking area will not result in a material increase in nuisance and noise that will have a significant harmful impact to neighbouring properties. The proposed amenity area will be in close proximity to the neighbour's front garden area; as such the landscaping condition will deal with proposed boundary treatment.

**D Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, UDC Local Residential Parking Standards)**

11.12 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. Access to the front of the site will remain, however a new access to the rear of the site will be created and will provide 2 off street parking spaces. As part of the determination the Highways Authority were consulted, no objects have been made subject to the imposition of conditions.

11.13 The proposal will not generate a volume of traffic that would impact on the surrounding transport network, the site is sustainable with regard to the viability of public transport and services within walking distance. It is therefore considered that the proposed development accords with Policy GEN1.

- 11.14 The parking will be to the rear of the site, as demonstrated on the submitted block plan, two parking spaces have been provided, however following the case officer site visit it is considered the site could accommodate further off street parking. To ensure the proposal is in accordance with Uttlesford Residential Parking Standards (2013) 3 off street parking spaces should be provided, from the case officers site visit it is clear this could be provided, as such a condition for a plan of the proposed parking to be submitted prior to the implementation of the development. As such the proposed parking for the development is considered to comply with ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted 2013).

## **E Nature Conservation (ULP Policy GEN7)**

- 11.15 The applicants submitted a biodiversity questionnaire as part of the proposal. The proposed development does include the demolition of the shed building, however it is considered the development will not result in the removal of protected habitat. Essex County Council ecology has been consulted and has not made any objections. As such it is considered the proposal is not considered not to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7.

## **F Any other material considerations**

- 11.16 Any other material considerations:  
The following policies are included in Regulation 19 Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP9- Development within development limits  
D1- High quality design  
TA4- Vehicle parking standards  
TA1- Accessible development  
EN8- Protecting the natural environment.  
EN18- Contaminated Land  
EN17 Air Quality

## **12. CONCLUSION**

- 12.1 In conclusion, the proposal is considered an appropriate form development that would represent an acceptable scheme within the development limits and in terms of design, layout, amenity, parking and the impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

## **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 commencement of the development hereby approved a parking plan shall be submitted and approved in writing by the Local Planning Authority. The parking layout plan shall demonstrate three off street parking spaces; these shall not be changed without prior written approval from the Local Planning Authority.

REASON

This prior commencement condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policies GEN1 and GEN8.

3. Prior to commencement of the development, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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, the completion of the development, or in agreed phases whichever is the sooner, 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: To ensure compatibility with the character of the area in accordance with ULP Policies S1 and GEN2 of the Uttlesford Local Plan (adopted 2005)

4. Notwithstanding the details shown on the submitted plans, details of the proposed external finishing materials shall be submitted and approved by the Local Planning Authority prior to the commencement of the works. The development will be implemented in accordance with the approved material and shall not be changed without prior written approval from the Local Planning Authority.

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

5. The dwelling 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 of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

6. Prior to the occupation of the dwelling hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.



REASON: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway, in accordance with ULP Policy GEN2

- 7 Prior to the development hereby permitted a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority, in accordance with the aims of ULP Policy ENV14

The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

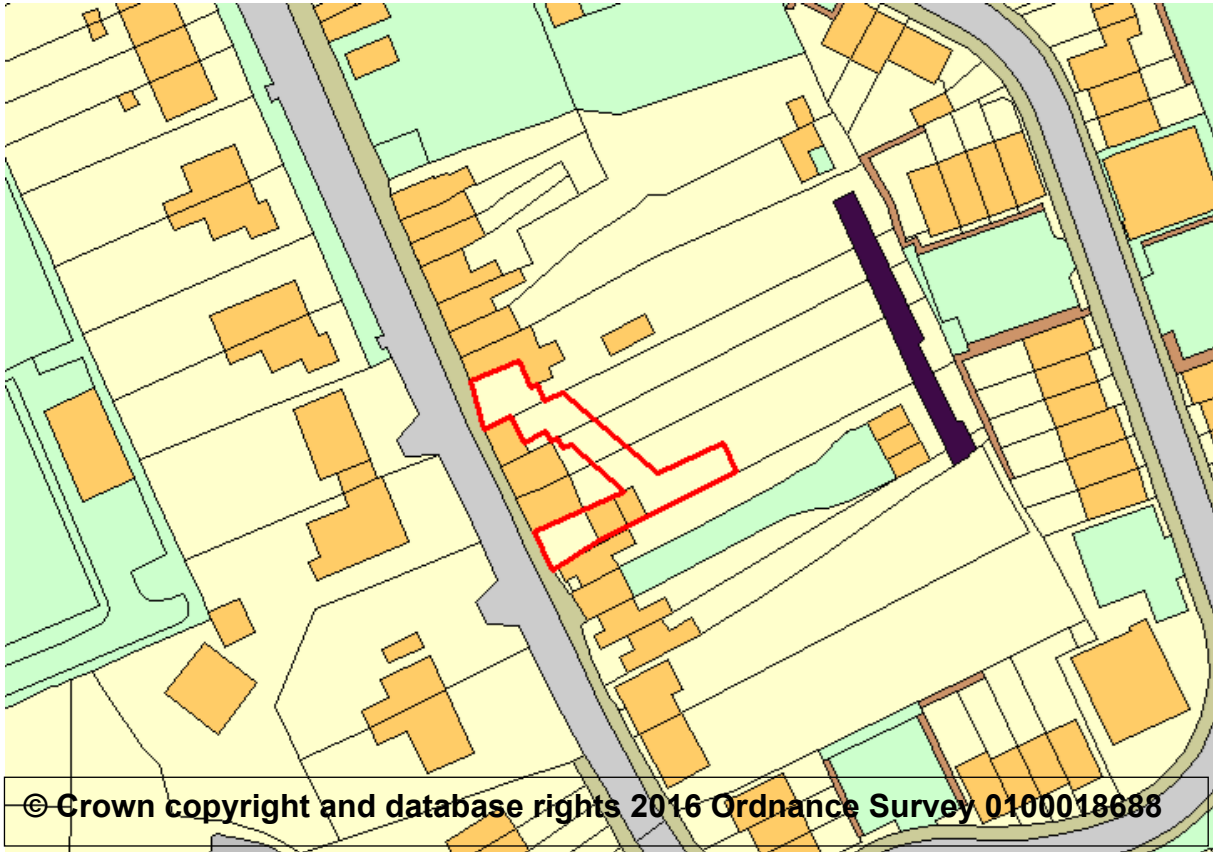
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. If any contamination is found during the phase 1 investigation, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2 and ENV14 of the Uttlesford Local Plan (adopted 2005).

3. The approved remediation scheme shall thereafter be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



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Organisation: Uttlesford District Council

Department: Planning

Date: 05 February 2019

## UTT/18/3357/FUL - FELSTED

Referred to Committee because applicant is a Councillor

**PROPOSAL:** Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building – revised scheme to that approved under UTT/17/2725/FUL

**LOCATION:** Belmont, Hollow Road, Felsted

**APPLICANT:** Mr A Mills

**AGENT:** Mr J Norman

**EXPIRY DATE:** 7 February 2019 – EOT agreed

**CASE OFFICER:** Karen Denmark

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### 1. NOTATION

1.1 Outside Development Limits/Adjacent Listed Building.

### 2. DESCRIPTION OF SITE

2.1 The application site is located on Hollow Road in Felsted which is located to the east of the main core of Felsted village. The site previously contained a bungalow and a substantial outbuilding. The bungalow has since been demolished and work has commenced on the construction of the replacement dwelling.

2.2 The site has a frontage of approximately 84 metres and a dept of 48 metres, tapering to 24 metres. There is boundary screening of varying quality and density.

### 3. PROPOSAL

3.1 The proposal seeks planning permission for an alternative design to the previously approved dwelling and garage. The amendments are:

- New entry design with brise soleil added
- Window to be relocated on larder
- Terrace design updated to include the installation of swimming pool and brise soleil added
- New window added at first floor to road fronting elevation
- New hatch for roof access
- Installation of solar panels on flat roof
- Relocation of garage and addition of pitched roof

### 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 This application is accompanied by a Design and Access Statement and a Bat Survey. These were submitted with the original application.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/17/2725/FUL: Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building. Approved March 2018.

## **7. POLICIES**

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

Policy S7 – The Countryside  
Policy H7 – Replacement Dwellings  
Policy ENV2 – Development affecting Listed Buildings  
Policy GEN2 – Design  
Policy GEN8 – Vehicle Parking Standards

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

SPD: Replacement Dwellings (2006)  
SPD: Accessible Homes and Playspace (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2011)

### **National Policies**

National Planning Policy Framework (NPPF) 2018  
Planning Policy Guidance

### **Other Material Considerations**

Emerging Local Plan

Policy SP10 – Protection of the Countryside  
Policy H4 – House Extensions and Replacement Dwellings in the Countryside and the Green Belt  
Policy H10 – Accessible and Adaptable Housing  
Policy TA2 – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy D1 – High Quality Design  
Policy D2 – Car Parking Design  
Policy D3 – Small Scale Development/Householder Extensions  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy D10 – Highly Energy Efficient Buildings

Policy EN1 – Protecting the Historic Environment  
Policy EN4 – Development affecting Listed Buildings  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN12 – Protection of Water Resources  
Policy C1 – Protection of Landscape Character

## **8. PARISH COUNCIL COMMENTS**

8.1 No comment.

## **9. CONSULTATIONS**

### **ECC Ecology**

9.1 No objection.

The changes to the garage location does not affect the ecology of the site. Therefore my comments remain the same as those dated 10<sup>th</sup> October 2017:

“The bat survey dated September 2017 included with the application does not raise any concerns over the protected species investigated (bats). Further surveys for bats are not required.

Given the small-scale and limited scope of the development, there are no further ecological considerations.”

### **ECC Highways**

9.2 No objections subject to a condition relating to no loose material within 6m of the highway.

### **Environmental Health**

9.3 No objections subject to condition requiring contamination to be addressed should any be identified during works on site.

## **10. REPRESENTATIONS**

10.1 This application has been advertised and one letter of representation has been received raising the following issues. Notification period expired 17 January 2019.

Pool and terrace will result in encroachment of our privacy  
Been evident the garage would not fit on plot in original position. This should have been considered when the build site was moved.  
Essex County Council state that there shall be no discharge of water onto the highway, however, there is a problem with water on the Highway at the junction of Hollow Road and Mole Hill Green Road. This should be investigated before any amendments to the original plans are approved as we cannot see this improving if there is an increase in the footprint on this plot of land.  
It was a gross error of judgement to approve the original planning application as the new property is totally out of keeping with neighbouring properties and contravenes the council's planning policy. It is hoped that all planning policies are respected with this planning application.

Comment on representations: The applicant is not required to resolve existing

issued with regards to drainage in the highway.

## **11. APPRAISAL**

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

- A Principle of the proposal (ULP Policies S7, H7; NPPF)
- B Design and amenity (ULP Policies H7, GEN2; NPPF)
- C Impact on setting of listed building (ULP Policy ENV2; NPPF)
- D Parking and access (ULP Policies GEN1 and GEN8)
- E Biodiversity (ULP Policy GEN7; NPPF)
- F Other material considerations (Emerging Local Plan)

### **A Principle of the proposal (ULP Policies S7, H7; NPPF)**

- 11.1 The principle of the proposal has previously been established with planning permission being granted for the replacement dwelling under reference UTT/17/2725/FUL. The development has commenced and this application seeks amendments to the approved plans. The amendment relating to the garage has arisen as a result of surveying work revealing that the site was not as deep as original measured and therefore the approved garage would result in harm to the boundary vegetation.

### **B Design and amenity (ULP Policies H7, GEN2; NPPF)**

- 11.2 The design of the dwelling has previously been considered and found to be appropriate for this location. The proposed new service hatch, new window to the roadside elevation and the introduction of a brise soleil and solar panels to the main dwelling are considered to be acceptable and would not result in the loss of residential amenity.
- 11.3 Representations have been made with regards to the proposed swimming pool and that this would give rise to overlooking issues. The proposed pool would be located on the decked area, some 40cm above natural ground level. It should be noted that decking could be installed as permitted development to a maximum height of 30cm, as can the proposed swimming pool. It is not considered that the proposed pool would give rise to a loss of residential amenity sufficient to refuse the proposals.
- 11.4 The garage was originally proposed to be adjacent to the dwelling. However, constraints around protecting tree roots to the frontage vegetation have led to the proposed relocation of the garage. This would also enable the retention of the in-out drive arrangement and reduce the requirement for turning manoeuvres within the site to utilise a single access point.
- 11.5 The garage has also been redesigned and incorporates a pitched roof. Whilst the relocation of the garage results in the built form being more spread along the street scene, it is not considered that this would be detrimental to the character of the area. The introduction of a pitched roof, whilst being different in character to the dwelling which is flat roofed, would be considered appropriate. The design of the dwelling overall would be in keeping with the character of the dwelling with the use of vertical boarding.
- 11.6 The relocation of the garage would not result in a loss of amenity to the neighbours. The building would be located approximately 6m from the boundary and 9m from the neighbouring property at the closest points.

**C Impact on setting of listed building (ULP Policy ENV2; NPPF)**

11.7 The impacts on the setting of the listed building were considered under the previous planning application. The proposed amendments to the approved scheme do not alter the impacts. The proposed garage would be located further away from the listed building and therefore would not result in any detriment to the setting of the listed building.

**D Parking and access (ULP Policies GEN1 and GEN8)**

11.8 The proposed parking arrangements would be rearranged with the relocation of the garage. However, there would be no loss of parking provision as a result of the proposals.

11.9 The previous application proposed to close off one of the existing access points. This application would retain both existing access points which would enable an in-out arrangement to operate. Highways has raised no objections to the proposal and therefore it is considered to be in accordance with Policy GEN1.

**E Biodiversity (ULP Policy GEN7; NPPF)**

11.10 Biodiversity issues were considered in respect of the original application and there are no amendments which would result in a detrimental impact on biodiversity. The County Ecologist has confirmed they have no objections to the proposals.

**F Other materials considerations**

11.11 The Council submitted its Regulation 22 Local Plan on 18 January 2019 and therefore the policies contained within that document have to be considered, although they currently have limited weight until such time they have been examined by the Inspector.

11.12 Policies SP10 and C1 relate to the protection of the countryside and landscape character. Policy H4 relates to replacement dwellings in the countryside, and Policies D1 and D3 relate to design, the latter being concerned with the design of small scale development. The dwelling granted permission and currently under construction is considered to be appropriate development in this countryside location.

11.13 Policy H10 relates to Accessible and Adaptable Housing and it should be noted that a condition was imposed on the previous consent requiring the dwelling to be constructed in accordance with the requirements of M4(2) Accessible and adaptable dwellings of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

11.14 Policy TA3 relates to parking standards and Policy DA3 relates to car parking design. The proposal is compliant with the Council's adopted parking standards.

11.15 Policy EN1 relates to the protection of the historic environment and Policy EN4 relates to development affecting listed buildings. An assessment in relation to impacts on historic assets was carried out in accordance with the previous policies and the NPPF and as such the proposals comply with these policies.

11.16 Policy EN7 relates to the protection and enhancement of the natural environment.

An assessment of impacts on biodiversity was carried out in respect of the original planning permission and this proposal does not result in any additional impacts.

- 11.17 Policies TA2, D8, D9, D10 and EN12 relate to sustainability issues such as electric vehicle charging points, sustainable construction and minimising water resources. The dwelling already has an extant consent and is currently under construction and therefore it would be inappropriate to impose more stringent requirements in line with these policies. Notwithstanding this, the building is being constructed to a high specification with the use of solar panels, a heat exchange system and high levels of insulation. Therefore, it is probable that the approved building is meeting all of the requirements set out in the policies.

## **12. CONCLUSION**

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

- A** The principle of development has previously been established under UTT/17/2725/FUL and these amendments are considered acceptable.
- B** The design of the proposed amendments are considered appropriate and do not result in any significant loss of amenity to the neighbours.
- C** The impacts on the setting of the listed building are unchanged following the grant of planning permission under reference UTT/17/2725/FUL.
- D** There are no impacts on parking as a result of the amended design to the approved scheme.
- E** There are no further impacts on biodiversity as a result of the proposed amendments.
- F** The policies in the Emerging Local Plan have been assessed and it is considered that the proposals would comply with the policies, which have limited weight at the current time.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD: Accessible Homes and Playspace and the Planning Practice Guidance.

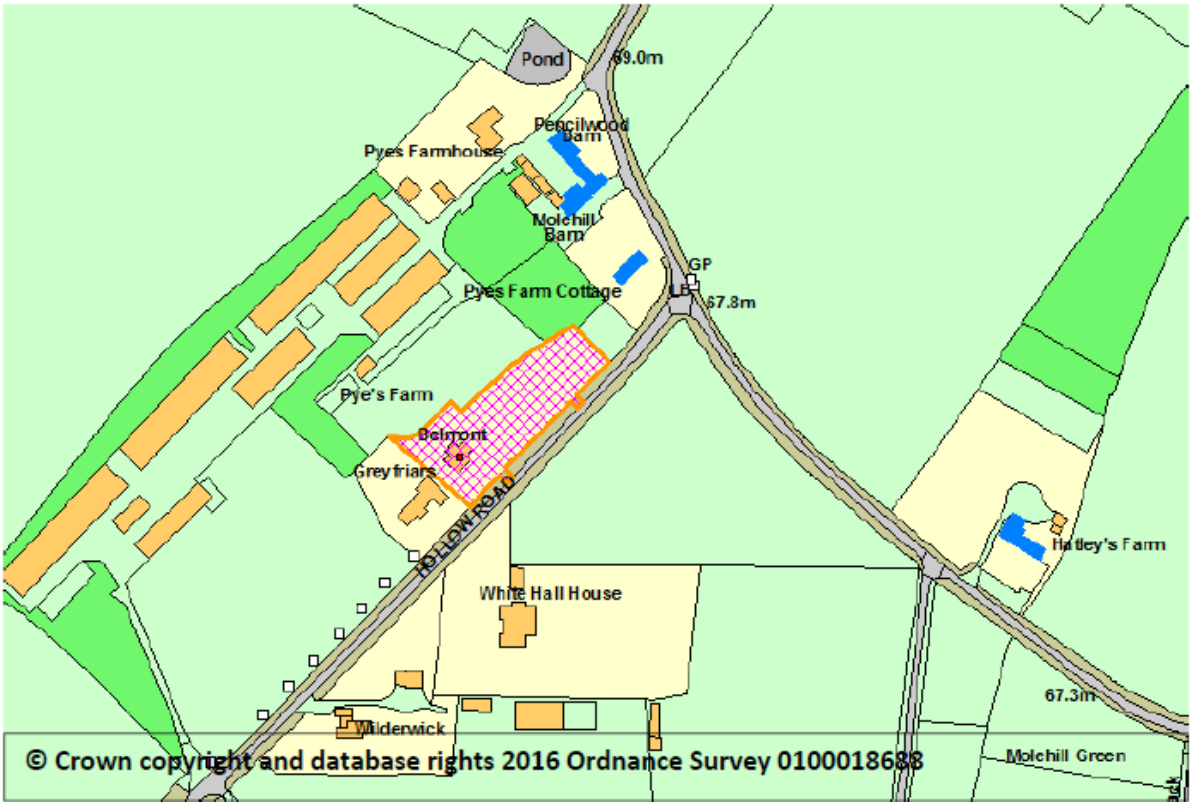
2. No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

3. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the accesses to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).





Organisation: Uttlesford District Council  
Department: Planning  
Date: 05 February 2019

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**(UTT/18/2869/HHF)**

(Application submitted by Councillor Ranger as agent on behalf of applicant)

**PROPOSAL:** Alterations to the front elevation including 2 no. new bay windows at ground floor level, 1 no. new bay window at first floor level with pitched roof over and erection of 4 no. supporting columns. Removal of existing painted boarding to be replaced by painted render and stained boarding.

**LOCATION:** Ashley, Chelmsford Road, Felsted

**APPLICANT:** Mr & Mrs Shields

**AGENT:** Mr Vic Ranger

**EXPIRY DATE:** 20 December 2018 (extension of time agreed).

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 Within Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site comprises a detached chalet dwelling with pronounced front bargeboard gable projection which stands in a road frontage position within a line of dwellings of varied styles and house types on the west side of Chelmsford Road leading down from Braintree Road.

**3. PROPOSAL**

3.1 This householder application relates to alterations and modifications to the principal elevation of the existing dwelling to provide enhanced front bedroom accommodation together with bay window changes and associated changes to frontage external materials.

3.2 The existing front ground floor bay windows would be slightly enlarged and squared off as new bay windows which would have narrow flat roofs and end columns and be positioned on dwarf boarded walls, whilst the existing front projecting roof gable would be brought forward by 1m to provide a first floor projecting bay bedroom window which would also be supported by two columns that would stand over the front door. The existing black and white cladding material to the principal elevation would be replaced by painted render as part of the proposal.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This application by reason of its householder nature does not fall for consideration within the scope of the Environmental Impact Regulations.

**5. APPLICANT'S CASE**

5.1 None submitted, although not required for this type of application.

## **6. RELEVANT SITE HISTORY**

- 6.1 A planning application for extensions to both sides of this circa 1960's constructed chalet dwelling together with new vehicular access was approved in 1972 (DUN/0353/72). This permission was implemented to how the dwelling appears today. Alterations and additions to form a much larger dwelling at "Ashley" were subsequently approved in 1973 (DUN/0259/73) (permission not implemented).

## **7. POLICIES**

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

ULP Policy H8 – Home Extensions  
ULP Policy GEN2 - Design

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

SPD – "Home Extensions"

### **National Policies**

National Planning Policy Framework (NPPF) (revised July 2018)

### **Other Material Considerations**

Emerging Local Plan

Policy D1 – High Quality Design  
Policy D3 – Small Scale Development/Householder Extensions  
Policy EN3 – Protecting the Significance of Conservation Areas

## **8. PARISH COUNCIL COMMENTS**

- 8.1 "The proposed alteration is unattractive, giving the building a top-heavy appearance which would not enhance the environment".

## **9. CONSULTATIONS**

- 9.1 None.

## **10. REPRESENTATIONS**

- 10.1 No neighbour representations received. Neighbour notification period expires 22 November 2018.

## **11. APPRAISAL**

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

- A Design (NPPF, ULP Policies H8 and GEN2 and SPD "Home Extensions").  
B Impact upon residential amenity (NPPF, ULP Policies H8 and GEN2).

- A Whether the design of the proposed works to the principal elevation of this previously extended chalet dwelling would represent good design, respect the**

**scale, design and external materials of the original building and be compatible with the scale, form, layout, appearance and materials of surrounding buildings (NPPF, ULP Policies H8 and GEN2 and SPD “Home Extensions”).**

- 11.1 Paragraph 130 of the NPPF as revised states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”. ULP Policy H8 of the adopted local plan states that extensions will be permitted if their scale, design and external materials respect those of the original building, whilst ULP Policy GEN2 states that development will not be permitted amongst other things unless its design is compatible with the scale, form, layout, appearance and materials of surrounding buildings and has regard to adopted Supplementary Design Guidance and SPD’s.
- 11.2 The existing chalet bungalow as previously altered and modified at this established residential frontage location along Chelmsford Road is of unremarkable form and appearance, although maintains a pleasing level of symmetry across the dwelling’s principal elevation with its 1½ storey front jettied gabled projection providing a dominant central feature on this elevation against the previously extended flanks.
- 11.3 The proposed frontage alterations to this chalet dwelling as described would to a certain degree change its external appearance by providing a first floor front projecting bay window supported on columns within a forward extended roofline. Whilst the modified twin front bays introduced below the forward extended gable would have flat roofs, these would be narrow when read against the changed front elevation. Whilst the comments received from Felsted Parish Council regarding the design of the proposal are noted, namely that the proposed alterations would be unattractive giving the front of the existing building as modified a top-heavy appearance, the existing form and symmetry of the building frontage as altered through the proposal would be essentially maintained in both the vertical and horizontal planes, albeit in a changed style with new external materials. Accordingly, the scale, design and external materials of the altered dwelling elevational frontage would respect those of the original building insofar as the essence of the building’s character as a previously extended chalet dwelling would not be significantly eroded. The proposal would therefore comply with ULP Policy H8.
- 11.4 The existing built form along both sides of Chelmsford Road within the immediate vicinity of the site, including opposite, comprises a mixture of house types and architectural styles ranging from chalet dwellings to two storey dwellings, including a terrace of two storey Victorian dwellings which stand to the south on the same side of the road as the application site. The streetscene because of this mix therefore has a lack of any meaningful uniformity. The proposed alterations to the front of Ashley by reason of their minor nature would not therefore have any disruptive effect upon the streetscene and no design objections are raised under ULP Policy GEN2.
- 11.5 It follows from this design assessment that the proposal would not lead to poor design and would not be contrary to the provisions of the NPPF.

**B Impact upon residential amenity (NPPF, ULP Policies H8 and GEN2).**

- 11.6 The proposed alterations would not have any detrimental impact on neighbouring

residential amenity and would not therefore be contrary to the provisions of the NPPF (paragraph 130).

## 12. CONCLUSION

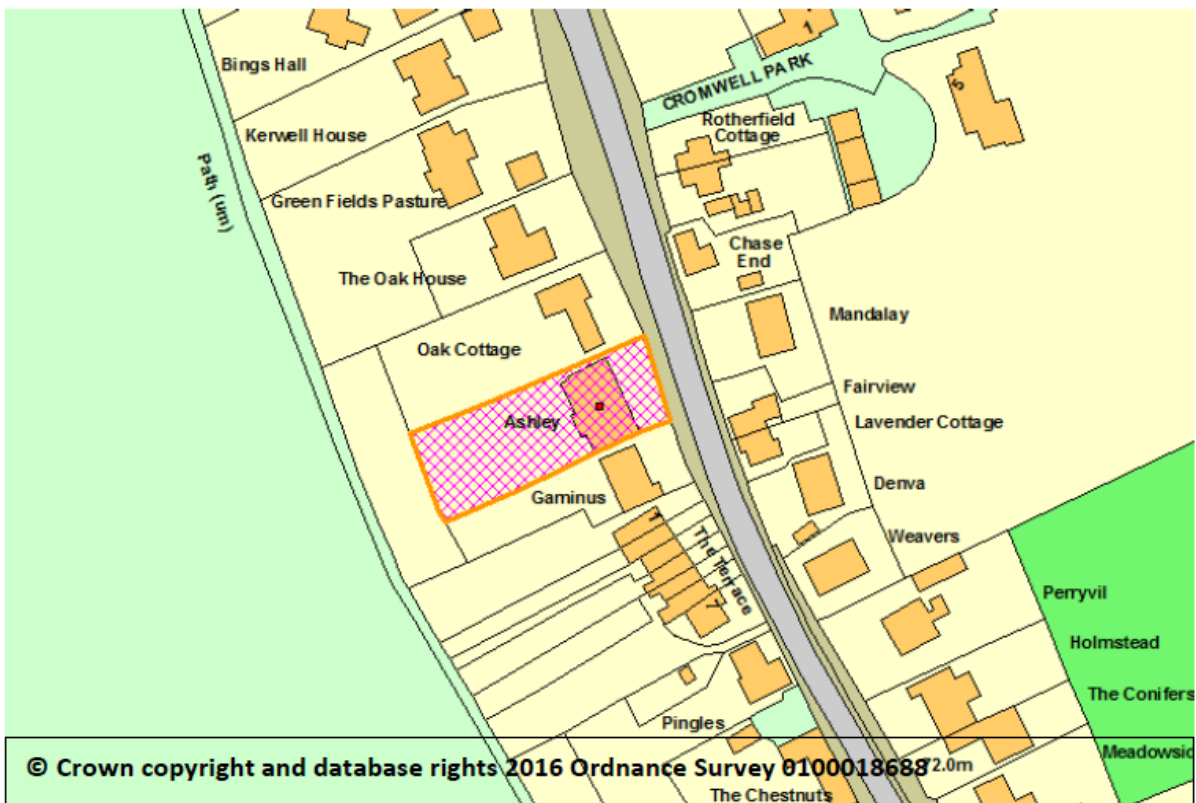
The following is a summary of the main reasons for the recommendation:

- A The design of the proposal is considered acceptable.
- B No residential amenity objections arise from the proposal.

## 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.



Organisation: Uttlesford District Council

Department: Planning

Date: 06 February 2019

## UTT/18/3451/HHF – Saffron Walden)

(Referred to Committee by Cllr Freeman. Reason: Impact of development on neighbouring properties, locality and street scene)

<b>PROPOSAL:</b>	<b>Erection of a single storey side and rear extension and loft conversion</b>
<b>LOCATION:</b>	<b>3 Little Walden Road Saffron Walden, CB10 2DZ</b>
<b>APPLICANT:</b>	<b>Mr and Mrs Allwood</b>
<b>AGENT:</b>	<b>Miss Zoe Newton</b>
<b>EXPIRY DATE:</b>	<b>11.2.19 – extension of time 22.2.19</b>
<b>CASE OFFICER:</b>	<b>Rosemary Clark</b>

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- 1. NOTATION**
  - 1.1 Within development Limits, Conservation Area
- 2. DESCRIPTION OF SITE**
  - 2.1 The application site comprises a two storey end of terrace cottage situated adjacent to Little Walden Road to the north of the town centre of Saffron Walden. The property is finished in red brick under a tiled roof. To the rear is a garden area bordered with a combination of brick walls and fencing. To the side is a parking area.
- 3. PROPOSAL**
  - 3.1 This application relates to the proposed construction of a single storey rear extension with a 1.2m addition to the side. It is proposed to convert the loft space and insert two rear facing dormers with rooflights to the front facing roofslope. Changes to internal layout.
- 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 N/A
- 6. RELEVANT SITE HISTORY**
  - 6.1 None

- 7. POLICIES**
- 7.1 Uttlesford Local Plan (2005)**
- S1 – Development within Development Limits  
 GEN2 – Design  
 ENV1 – Development affecting character and appearance of Conservation Area  
 GEN8 – Highway Safety and parking provision
- 7.2 Supplementary Planning Documents/Guidance**
- Supplementary Planning Document 1 – Home Extensions
- 7.3 National Policies**
- National Planning Policy Framework
- 7.4 Other Material Considerations**
- Emerging Local Plan Policies –  
 SP9 – Development within Development Limits  
 D3 – High Quality Design  
 EN2 – Design of development within Conservation Areas  
 TA3 – Vehicle Parking Standards
- 8. TOWN COUNCIL COMMENTS**
- 8.1** Town Council consulted – expired – Objection – loss of off road parking; and possible impact on street scene of velux windows in conservation area
- 9. CONSULTATIONS**
- None
- 10. REPRESENTATIONS**
- 10.1** 4 neighbours consulted – expired 17.1.19 – 2 responses received – main points –
- Overlooking from dormer windows, loss of privacy
  - Over development of site, impact on neighbouring properties and Conservation Area
  - Concerns regarding boundary wall
  - Parking
- 11. APPRAISAL**
- The issues to consider in the determination of the application are:
- A Whether the proposal would respect the size, scale and form of the original dwelling (ULP Policy S1, GEN2 and H8)
- B Whether the proposal would be harmful to the character and appearance of the Conservation Area
- C Whether the proposal would adversely impact neighbouring



- D residential amenity (ULP Policy GEN2 and H8)  
Whether the proposal would adversely impact highway safety and parking provision
- A** **Whether the proposal would respect the size, scale and form of the original dwelling**
- 11.1 The property is situated within the development limits of Saffron Walden, therefore the principle of modest extensions and alterations are acceptable in accordance with ULP Policy S1.
- The property is also situated within the Conservation Area of Saffron Walden, whereby ULP Policy ENV1 would apply. This policy aims to allow development that would enhance or preserve the character and appearance of the Conservation Area.
- Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) - Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance, in addition the SPD requires that all development should respect the scale, height and proportions of the original house.
- The proposed rear/side extension represents a modest addition to this dwellinghouse. The contemporary design of the proposal clearly identifies this as a more modern addition. The side element would be set back from the front elevation by 3.5m and using matching materials would not look out of place in this location. The dormer windows to the rear roof slope, whilst slightly larger than would be preferred are not considered to be sufficiently harmful to refuse the application.
- B** **Whether the proposal would be harmful to the character and appearance of the Conservation Area**
- 11.2 The bulk of the development is to the rear of the property and therefore would not be visible from the street scene. It is therefore considered that the character and appearance of the Conservation Area would not be unduly harmed as a result of this proposal. A condition would be attached to any approval to ensure that the rooflights to the front facing roof slope are of Conservation Area range.
- C** **Whether the proposal would adversely impact the residential amenity of neighbouring properties**
- 11.3 Due to the location and nature of the rear/side extension there are no concerns regarding neighbouring residential amenity. Whilst it is acknowledged that the addition of the two rear facing dormers may give the impression of an increase in the potential for overlooking, one would serve an ensuite and in reality the potential for any increase in loss of privacy is minimal. It is therefore considered that the proposal complies

with ULP policies GEN2 and H8.

- D** Whether the proposal would adversely impact highway safety and parking provision
- 11.4 There is currently no parking provision within the site. The dimension of the area to the side currently does not meet the minimum requirements for parking provision as detailed in Uttlesford Local Parking Standards (February 2013). It is acknowledged that an additional bedroom is being provided with the conversion of the loft, however, given the central, town centre location of the property it is considered unreasonable to insist upon additional parking provision being provided, due to the proximity to Saffron Walden town centre and its amenities.

**12. CONCLUSION**

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

- A** The proposed development is acceptable in terms of design, size and scale and would comply with the NPPF, ULP Policies GEN2, H8 and SPD1
- B** The proposed development would not be harmful to the character and appearance of the Conservation Area given the nature and location of the proposals. The proposals therefore comply with the NPPF and ULP Policy ENV1
- C** The proposed development would not adversely harm the residential amenities of the neighbouring properties given the nature and location of the proposals and therefore complies with the NPPF and ULP Policies GEN2 and H8.
- D** The proposed development would not adversely affect Highway Safety and parking provision within the site would not be altered as a result of this proposal.

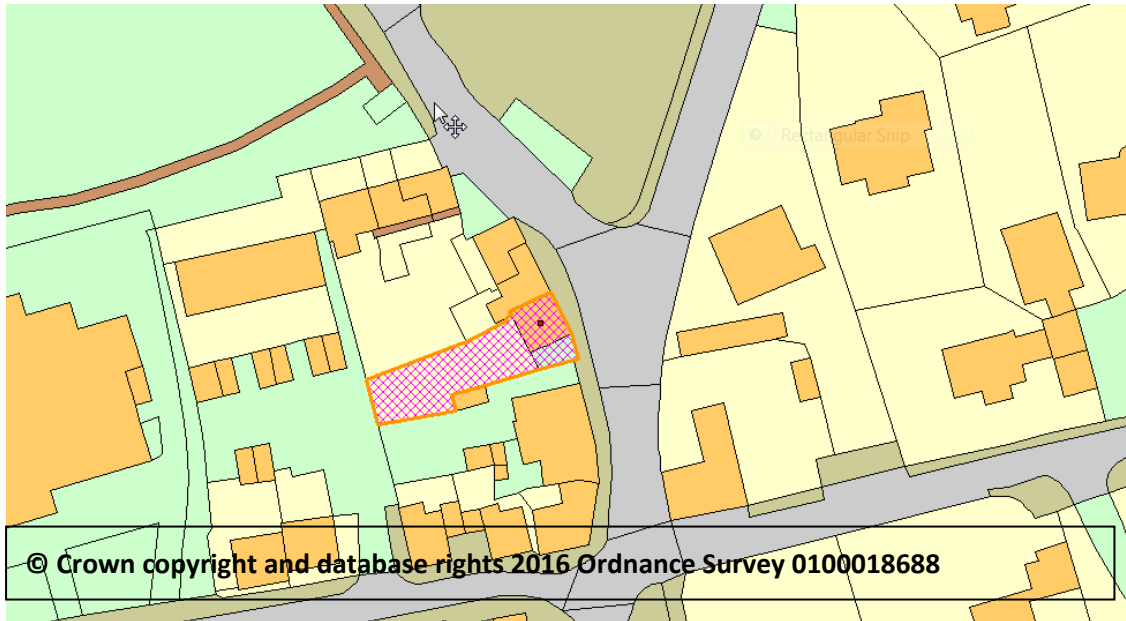
**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**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. The rooflights shall be of conservation range.  
REASON: In the interest of the appearance of the development in accordance with ULP Policy GEN2 and ENV1

Application: UTT/18/3451/HHF

Address: 3 Little Walden Road, Saffron Walden  
Essex cb10 2DZ



Organisation:	Uttlesford District Council
Department:	Planning
Date:	7.2.19

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## UTT/18/3134/FUL(SAFFRON WALDEN)

(Referred to Committee. Reason: UDC application)

<b>PROPOSAL:</b>	<b>Installation of Air Quality Station</b>
<b>LOCATION:</b>	<b>Council Offices, London Road, Saffron Walden, Essex CB11 4ER</b>
<b>APPLICANT:</b>	<b>Uttlesford District Council</b>
<b>AGENT:</b>	<b>Mrs A Lee-Moore</b>
<b>EXPIRY DATE:</b>	<b>23.1.19 Extension of time 22.2.19</b>
<b>CASE OFFICER:</b>	<b>Rosemary Clark</b>

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- 1. NOTATION**
  - 1.1 Within Development Limits, Conservation Area, curtilage of Listed Building
- 2. DESCRIPTION OF SITE**

The application site comprises the Saffron Walden hospital building that was converted to the Council Offices in the 1980's. To the south-west of the main offices is a separate 'Lodge' building that is currently being used by Essex Police. The car park for the Lodge, Council Offices and other organisations is located to the front and rear of the lodge. A red brick boundary wall extends along the boundary of the site.

  - 2.1
- 3. PROPOSAL**
  - 3.1 This application relates to the proposed installation of an Air Quality Station to be situated behind the boundary wall to the south of the 'lodge', to replace the existing temporary station.
- 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 submitted with

application – main points

- The station replaces the existing mobile air quality monitoring station
- The current proposal is smaller

**6. RELEVANT SITE HISTORY**

6.1 UTT/16/0446/FUL – Temporary siting of mobile air quality monitoring unit for a period not exceeding 2 years – approved 12.4.16

**7. POLICIES**

**Uttlesford Local Plan (2005)**

7.1 S1 – Within Development Limits  
ENV1 – Development affecting the Conservation Area  
ENV2 - Development affecting the character and setting of a Listed Building  
GEN2 - Design

**Supplementary Planning Documents/Guidance**

7.2 N/a

**National Policies**

7.3 National Planning Policy Framework – Rev 2

**Other Material Considerations**

7.7 Uttlesford Emerging Local Plan –  
The following policies are relevant regarding this proposal, however until the plan adopted little weight can be given to them -  
SP9 – Development within Development Limits  
D1 – High Quality Design  
EN2 – Design of Development within Conservation Areas  
EN4 – Development affecting Listed Buildings

**8. TOWN COUNCIL COMMENTS**

8.1 Saffron Walden Town Council – Expired 28.12.18 -  
No objection

**9. CONSULTATIONS**

9.1 Essex County Highways – expired 21.12.18 – No objection

- 9.2 Historic England – expired - No comment
- 9.3 Environmental Health – Expired 21.12.18 – No comment
- 9.4 Place Services – Expired – Expired 21.12.18 – No Objection to this application – Despite not being the most aesthetically pleasing of units, the air quality station is sufficiently removed from the listed building to not cause harm to its setting. Smaller than the existing unit, the proposed air quality station will be largely obscured by the boundary walls of the property and its permanency will not be harmful to the character of the conservation area.

**10. REPRESENTATIONS**

- 10.1 16 Neighbours consulted – expired 28.12.18 – One response – no objection

**11. APPRAISAL**

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

- A Whether the proposal would adversely impact the character and appearance of the locality (ULP GEN2)
- B Whether the proposal would adversely impact the character and appearance of the Conservation Area and adjacent Listed Building (ULP Policy ENV1 and ENV2)
- C Whether the proposal would adversely impact the residential amenity of neighbouring properties

**A Whether the proposal would adversely impact the character and appearance of the locality (ULP Policy GEN2)**

- 11.1 The proposed air quality station would replace an existing unit that has been in situ since 2016. The current proposal is to be sited in the same location, behind the front boundary wall but would be of a reduced size to that currently in place. It is therefore considered that the proposal would not be harmful to the character and setting of the locality as a whole.

**B Whether the proposal would adversely impact the character and appearance of the Conservation Area and adjacent Listed Building (ULP Policy ENV1 and ENV2)**

- 11.2 It is acknowledged that whilst the air quality unit is the most aesthetically pleasing of units, the location

of the unit is sufficiently removed from the listed building itself to not cause harm to its setting. The smaller scale of this proposal would result in the unit largely being obscured by the boundary walls of the property and its permanency would not be harmful to the character of the Conservation Area. It is therefore considered that the proposal complies with ULP Policies ENV1 and ENV2.

**C** **Whether the proposal would adversely impact the residential amenity of neighbouring properties (ULP Policy GEN2)**

11.3 Due to the nature and location of the proposed unit, there would be no adverse impact on the residential amenity of any neighbouring properties.

**12. CONCLUSION**

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

**A** The proposed unit is acceptable in terms of design, size and scale and would comply with the NPPF, and ULP Policy GEN2.

**B** The proposed unit would not adversely impact the character and appearance of the Conservation Area or the setting of the Listed Building and therefore complies with ULP Policies ENV1 and ENV2.

**C** Due to the nature and location of the proposed unit, there would be no adverse impact on the residential amenity of any neighbouring properties in accordance with ULP Policy GEN2 and H8.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

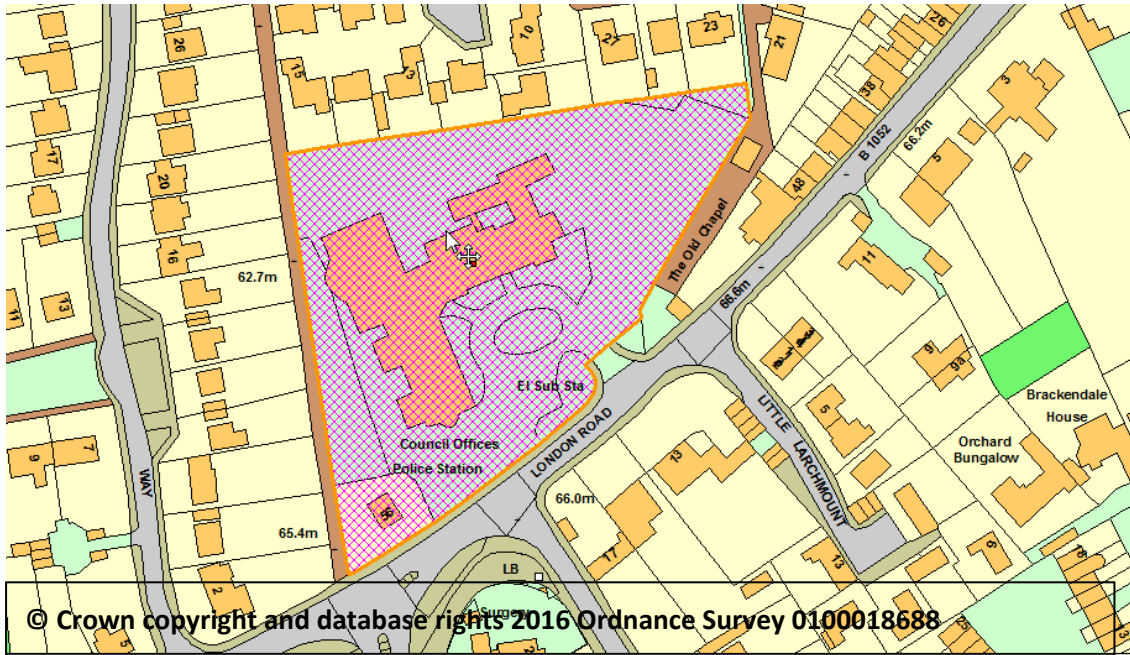
**Conditions**

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.

Application: UT/18/3134/FUL

Address: Council Offices, London Road, Saffron Walden, Essex CB11 4ER





Organisation:	Uttlesford District Council
Department:	Planning
Date:	7.2.19

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