



## Public Document Pack

# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 6th May, 2020

**Time:** 2.00 pm

**Venue:** Zoom

**Chair:** Councillor S Merifield

**Members:** Councillors G Bagnall, M Caton, P Fairhurst, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve, A Storah and M Sutton

**Substitutes:** Councillors S Barker, N Gregory, R Jones, B Light, E Oliver, G Sell, M Taylor and J De Vries

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## AGENDA PART 1

### Open to Public and Press

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

To receive any apologies for absence and declarations of interest.

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|----------|---|---------|
| <b>2</b> | <b>Minutes of the Previous Meeting</b>                                      | 4 - 11  |
|          | To consider the minutes of the previous meeting held on 19 February.        |         |
| <b>3</b> | <b>UTT/19/1508/FUL - Land East of St. Edmunds Lane, Great Dunmow</b>        | 12 - 34 |
|          | To consider application UTT/19/1508/FUL.                                    |         |
| <b>4</b> | <b>UTT/19/2288/FUL - Land North of Bartholomew Close, Great Chesterford</b> | 35 - 58 |
|          | To consider application UTT/19/2288/FUL.                                    |         |
| <b>5</b> | <b>UTT/19/2875/FUL - Holroyd Components Ltd, Shire Hill, Saffron Walden</b> | 59 - 69 |
|          | To consider application UTT/19/2875/FUL.                                    |         |
| <b>6</b> | <b>UTT/19/2777/FUL - The Stables, May Walk, Elsenham Road, Stansted</b>     | 70 - 82 |
|          | To consider application UTT/19/2777/FUL.                                    |         |

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 19  
FEBRUARY 2020 at 10.00 am**

Present: Councillor S Merifield (Chair)  
Councillors G Bagnall, M Caton, P Fairhurst, G LeCount,  
M Lemon, J Loughlin, R Pavitt, A Storah and M Sutton

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development  
Manager), K Denmark (Development Management Team  
Leader), M Jones (Planning Officer), M Shoosmith  
(Development Management Team Leader) and E Smith  
(Solicitor)

Public speakers: S Amico, D Baker, R Bryan, R Freeman (Felsted Parish  
Council), A Harrison, J Harrison, J Knight, C Loon,, P Gadd, V  
Ranger, F Wilkinson and C Williams

## PC103 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Reeve.

Councillor Caton declared a personal and pecuniary interest in Item 12, in that he had instructed the applicant in the estate of his late mother. He would leave the room for consideration of this item.

Councillor Freeman declared an interest in Items 10 and 12 as a member of Saffron Walden Town Council.

Councillor Bagnall declared an interest in Item 3 as a member of Takeley Parish Council.

Councillor Storah declared an interest in item 10, as he had been a planning consultant to the town residents groups in opposing the outline application. He would leave the room for consideration of this item.

Councillors Fairhurst, Freeman, LeCount and Storah declared personal interests in Item 8, as the applicant was a personal friend. They would leave the room for consideration of this item.

Councillor Fairhurst declared an interest in Items 10 and 12 as a member of Saffron Walden Town Council.

Councillor Lemon declared an interest in Item 5 as he knew the applicant and others involved. He would leave the room for consideration of this item.

Councillor Merifield declared an interest in Item 7 as a ward member for Felsted and Stebbing.

**PC104 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 15 January were approved and signed as a correct record of the meeting.

**PC105 UTT/18/3524/FUL - BAMBERS GREEN ROAD, TAKELEY**

The Development Management Team Leader gave a summary of the report.

As the applicant had appealed against non-determination on this application, the Council can no longer determine the application

Members expressed concern that the scale and appearance of the proposed development would result in significant harm to the setting of a listed building and would result in inappropriate development in the Countryside Protection Zone. More harm would be caused by the development than benefits.

Councillor Fairhurst proposed to refuse the application. Councillor Bagnall seconded this motion.

RESOLVED to object to the application for the following reasons:

- a. The proposed development, due to the scale and appearance, would result in significant harm to the setting of the listed building, contrary to Policy ENV2 and paragraphs 193-195 of the NPPF. There are insufficient public benefits to outweigh the harm.
- b. The proposed development would result in inappropriate development in the Countryside Protection Zone, promoting coalescence and adversely affecting the open characteristics of the zone. The tilted balance in paragraph 11d)ii) is disapplied and as such the benefits of the proposals do not outweigh the harm.

**PC106 UTT/18/3525/LB - BAMBERS GREEN ROAD, TAKELEY**

The Development Management Team Leader gave a summary of the report.

As the applicant had appealed against non-determination on this application, the Council can no longer determine the application

Councillor Fairhurst proposed to approve the application. Councillor Bagnall seconded this motion.

RESOLVED to raise no objections to this application subject to the conditions in the report.

**PC107 UTT/19/2159/FUL - SHEERING ROAD, HATFIELD HEATH**

*Councillor Lemon left the room for consideration of this item.*

The Development Manager gave a summary of the report which recommended approval of the continued use of B2/B8 building, ancillary buildings and associated yard area. The building itself and immediate curtilage benefitted from planning consent for B2/B8 use, but ancillary buildings had been added since this consent was granted; hence the application was part retrospective.

Councillor Storah proposed approval of this application.

Councillor Sutton seconded this motion.

RESOLVED to approve this application subject to the conditions in the report, and the replacement of conditions 8 and 10 with the following:

8) Within 3 months of the date of this permission, a scheme indicating the defined area for the parking of buses and coaches associated with the authorised use shall be submitted to the Local Planning Authority. Within 28 days of the formal approval of any details, this approved area should not be used for any other use apart from the storage of coaches and buses associated with the approved use. No buses or coaches shall be stored outside of this defined approved area. Thereafter the approved details shall be adhered to unless otherwise agreed by the Local Planning Authority.

REASON: To protect the character of the area in accordance with Policies S6, S7, GEN 2 and GEN4 of the Uttlesford Adopted Local Plan 2005.

10) No additional external lighting shall be installed at the site without the prior written approval of the Local Planning Authority.

REASON: To protect the character of the area in accordance with Policies S6, S7, GEN 2 and GEN4 of the Uttlesford Adopted Local Plan 2005

*Councillor Lemon returned to the room.*

*S Amico, D Baker and R Bryan spoke on this item.*

PC108 **UTT/19/1802/OP - LAND OFF BROADWAY, GREAT DUNMOW**

The Development Management Team Leader gave a summary of the report, which recommended refusal of outline planning permission for up to 115 dwellings with all

matters reserved except for access.

Councillor Fairhurst proposed refusal of the application.

Councillor LeCount seconded this motion.

RESOLVED to refuse the application for the following reasons:

- 1) The proposal would result in the introduction of new built form at a rural fringe location situated outside the defined development limits. It would represent a separate physical area of considerable urban development within the countryside. The proposal would represent a form of development that does not need to take place and is not appropriate to this particular rural area. Furthermore, the proposal would fail to protect or enhance the character of the countryside within which it is set and no special reasons have been put forward as to why the development in the form proposed needs to take place there. The proposal is therefore contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), and Policies DS1 and LSC1 of the Great Dunmow Neighbourhood Plan. In view of this, the proposal would fail to amount to a presumption in favour of sustainable development as the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal, including the supply of new housing in the tilted planning balance under paragraph 11 of the National Planning Policy Framework.
- 2) The proposal would result in the urbanisation of the rural area which makes a significant contribution to the setting of the Church End (Great Dunmow) Conservation Area, and the site provides a setting to and views of the Grade I listed Parish Church of St Mary the Virgin, and the grade II listed Crouches Farmhouse. The proposals would consequently result in adverse harm to heritage assets whereby the public benefits of the proposal would not outweigh the harm. The proposal would therefore be contrary to paragraph 196 of the National Planning Policy Framework and ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).
- 3) The proposal does not provide any mechanism to secure the infrastructure requirements arising from the development, including the need for financial contributions towards additional healthcare facilities, early years and childcare, and primary education requirements, the delivery of 40% affordable housing, the provision of open space and the subsequent maintenance of these areas, or improvements to sustainable transport options. The proposal is therefore contrary to the National Planning Policy Framework and ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

## **FELSTED**

The Planning Officer gave a summary of the report, which recommended approval of outline permission with all matters reserved, except for access, for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.

Councillor Freeman proposed approval of the application.

Councillor Lemon seconded this motion.

RESOLVED to approve the application subject to the conditions in the report and a section 106 agreement being put in place.

*R Freeman (Felsted Parish Council) and C Loon spoke on this item.*

## **PC110 UTT/19/2993/OP - OLD MEAD ROAD, HENHAM**

*Councillors Fairhurst, Freeman, LeCount and Storah left the room for the consideration of this item.*

The Development Management Team Leader gave a summary of the report which recommended approval of outline permission for the demolition of existing dwelling and outbuildings and erection of 4 no. new dwellings with all matters reserved except access.

*Councillor Pavitt proposed approval of the application.*

*Councillor Lemon seconded this motion.*

RESOLVED to approve the application subject to the conditions in the report.

*Councillors Fairhurst, Freeman, LeCount and Storah returned to the room.*

*The Committee adjourned at 12.50.*

## **PC111 UTT/19/0573/OP - LAND TO THE SOUTH WEST OF LONDON ROAD, LITTLE CHESTERFORD**

*The Committee reconvened at 14.00.*

The Development Management Team Leader gave a summary of the report, which recommended approval of the outline planning application with all matters reserved except access for residential development on 3.2ha of land to the south west of London Road, Great Chesterford. The proposed development was for up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping.

Councillor Caton proposed approval of the application.

Councillor Lemon seconded this motion.

RESOLVED to approve the application subject to the conditions in the report and a section 106 agreement being put in place.

*A Harrison, J Harrison, F Wilkinson and J Knight spoke on this item.*

PC112 **UTT/19/2355/DFO - LAND EAST OF THAXTED ROAD, SAFFRON WALDEN**

*Councillor Storah left the room for consideration of this item.*

The Development Management Team Leader gave a summary of the report which recommended approval of reserved matters following the granting of outline planning permission for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access (UTT/18/0824/OP).

Members expressed concern about the design of the development with regard to its provision of green space for amenity use.

Councillor Fairhurst proposed refusal of the application.

Councillor Pavitt seconded this motion.

RESOLVED to refuse the application for the following reason:

The details of the proposed development fails to provide sufficient or adequate greenspace and amenity space, with a play area which is poorly located resulting in an unacceptably designed scheme, contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

*Councillor Storah returned to the room.*

*P Gadd and C Willams spoke on this application.*

PC113 **UTT/19/2809/FUL - MONK STREET, THAXTED**

The Development Manager gave a summary of the report which recommended approval of planning permission for the proposed change of use of redundant rural buildings into holiday lets.

Councillor Fairhurst recommended approval of the application.

Councillor Loughlin seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

*V Ranger spoke on this item.*

PC114 **UTT/19/2793/LB - CHURCH STREET, SAFFRON WALDEN**

*Councillor Caton left the room for consideration of this item.*

The Development Management Team Leader gave a summary of the report which recommended approval of retrospective consent for the retention of 2 no. non-illuminated signs to the external façade of the building, window displays in the form of branded roller blinds fitted internally to the windows and internal signage comprising graphics on the rear wall and a glazed panel.

Councillor Loughlin proposed to approve the application.

Councillor Sutton seconded this motion.

RESOLVED to approve the application subject to the following additional condition:

Within 3 months from the date of this decision information must be submitted to and approved in writing by the local planning authority to demonstrate that the internal signage is reversible and would have no adverse impact to the historic fabric of the building.

REASON: In the interests of protecting the historical significance of the Listed Building, in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (NPPF).

*Councillor Caton returned to the room.*

PC115 **UTT/20/0136/NMA - CHESTERFORD PARK, LITTLE CHESTERFORD**

The Development Management Team Leader gave a summary of the report which recommended approval of a non-material amendment to a planning permission for the remodeling of the existing building including various extensions and alterations. The approved development also includes a reconfiguration of the car park, the erection of bin stores and re-grading works between the main building and the adjacent pond.

Councillor Fairhurst proposed to approve the application. Councillor Lemon seconded this motion.

RESOLVED to approve the application.

The meeting closed at 16.15.

# Agenda Item 3

## UTT/19/1508/FUL – GREAT DUNMOW

(MAJOR)

**PROPOSAL:** Construction of 22 no. custom / self-build dwellings (revised scheme to UTT/17/3623/DFO)

**LOCATION:** Land East of St Edmunds Lane, Great Dunmow

**APPLICANT:** Mr R Kirby

**AGENT:** Mr S Bampton

**EXPIRY DATE:** 23 September 2019 (Extension of time agreed to 22 April 2020)

**CASE OFFICER:** Clive Theobald

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### 1. NOTATION

1.1 Outside Development Limits (ULP) / Outside Town Development Area (GDNP).

### 2. DESCRIPTION OF SITE

2.1 The application site is located on the east side of St Edmunds Lane and comprises an irregular shaped sloping area of undeveloped land (agriculture) currently set to long grass consisting of 1.8 ha (stated) which lies to the south of a small gated courtyard residential development known as Tower View and the residential property known as Hill View. A water course partly forms the eastern boundary of the site beyond which lies rising arable land extending across to Braintree Road. A row of residential properties fronts onto St Edmunds Lane opposite the site on its west side with further housing lying behind this row (Windmill Close) and further to the south on this side also (Riverside). Great Dunmow Bowls Club stands at lower ground to the immediate south of the site, whilst a short row of residential properties lie to the south of the bowls club extending down to the junction with Braintree Road.

### 3. PROPOSAL

3.1 This full application proposal relates to the erection of 22 no. custom / self-build dwellings with associated parking provision, new service roads to include new access formed off St Edmunds Lane, and associated drainage works. The proposal as submitted represents a revised design scheme to the extant 22 no. self-build dwelling scheme previously approved by the Council on 11 May 2018 under reserved matters application ref; UTT/17/3623/DFO pursuant to the grant of outline planning permission with all matters reserved allowed at appeal on 15 May 2015 for the development of land at St Edmunds Lane for self-build housing for the same quantum of dwellings (different applicant).

3.2 The detailed scheme as submitted has been laid out to contain what is described as four main “character areas” (Areas 1, 2, 3 and 4) with more affordable “cottage style” dwellings shown for Area 1 to the front of the site nearest to St Edmunds Lane and larger dwellings within larger ground plots shown within the centre and the east side of the site (Areas 2, 3 and 4). Area 2 is described as a “traditional village street scene”, whilst Area 3 is described as a spur road which could provide more modern

dwellings subject to purchaser demand with the intention that this area would provide more flexibility of house design, whilst Area 4 has been designed in the form of a “historic farmstead with farm building style properties proposed around a principal farmhouse”.

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

- 4.1 The proposal amounts to “Schedule 2” development (*10. Infrastructure Projects - (b) Urban development projects...*) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development. This position was confirmed by the Secretary of State in its letter of notification for the 2014 outline dwelling application for this site under UTT/14/0472/OP.

#### **5. APPLICANT’S CASE**

- 5.1 The application is accompanied by a detailed Design and Access Statement (Pelham Structures Ltd) which sets out the legislative background relating to custom and self-build housing and goes on to describe the proposed housing scheme the subject of the current application. The statement makes reference to the planning history of the site and how design principles have informed the current revised scheme in terms of revised layout, scale, palette of materials and the various optional house types which have been selected for the site scheme.
- 5.2 To inform Members both of the nature of custom / self-build housing generally and more specifically as to how this building concept relates to the current revised application proposal, the following section of the statement is extracted:

*“The planning application defines the plots and where feasible a choice of house types is provided. These interchangeable house types allow choice for purchasers of self-build plots. This application sets out detailed houses types for each plot, a material schedule and a design code. Self-builders will then be able to choose which approved house type they wish to build with a further choice of materials from the material schedule.*

*A fully bespoke design option will also be offered in line with the design code submitted with this document. This sets out the parameters within which self-builders will be permitted to vary the design. This is to ensure a high quality of design throughout the development, it sets out the maximum footprint, ridge and eaves heights that will be allowed on each plot.*

*As envisaged with UTT/17/3623/DFO, a condition discharge will need to be submitted prior to construction of each plot confirming the house type to be constructed and what materials will be used. Pelham Structures Ltd (PSL) will be responsible for all communal works and will provide tailored packages of support to plot purchasers dependent on their requirements and preferences.*

*The range of support provided in each case has been tailored to the needs of the client and has ranged from supply of a timber frame kit to complete build; including on occasion more specialist elements, such as basement swimming pools and internal lifts.*

*Subject to the approval of this application it is the intention that PSL will construct all the infrastructure and roads required to service the individual plots, as well as constructing the foundations to oversite / 'Golden Brick', with the intention that plots will be sold at this point to self-builders.*

*Once sold purchasers will be able to undertake their own build. However, PSL appreciate that self-builders may need a degree of support to enable them to complete the build and will also be offering purchasers the following options:*

- Timber Frame Kit: PSL will supply and erect the timber frame.*
- Watertight Shell: PSL will build the body of the structure and the purchaser will then complete the internal fit out themselves.*
- Complete Build: PSL will build the property completely to the design requirements of the purchaser.*

*With each option, PSL's in-house architects will work with the purchasers to ensure that the design of their home suits their individual need. It is therefore expected as plots are sold that further amendments may be submitted to cater for the specific requirements of individual self-builders".*

5.3 The Design and Access Statement concludes as follows:

*"The application proposes amendments to the approved reserved matters application in order to allow the delivery of bespoke self-build properties. The approval decision acknowledges the need for custom build housing. Although, this process, as a method of procurement, is relatively new as a planning policy, PSL have since their inception been delivering bespoke design and building services to individuals looking to build their own home and are therefore well placed to deliver a development of this kind.*

*The proposed delivery strategy will enable individuals to build/customise as much or as little of the house that they want and will provide homes to meet their specific requirements. It is envisaged that purchasers will want varying levels of involvement, with a number likely to choose to build one of the house types from these applications and others wishing to influence the design to a point that requires a subsequent planning application.*

*Furthermore, the proposal will result in a high-quality development that will assimilate well into the landscape, with the properties designed to be attractive and of varied appearance with a scale, massing and materials but in keeping with the local vernacular.*

*Delivering homes this way, is an exciting and innovative solution to delivering the homes people need and it is considered that it could be a model for delivery going forward. It is therefore supported by policy at all levels".*

## **6. RELEVANT SITE HISTORY**

6.1 In May 2014, outline planning permission was refused by the Council for the erection of 22 no. custom / self-build dwellings with associated access, parking provision and amenity space at St Edmunds Lane, Great Dunmow under ref; UTT/14/0472/OP. The indicative "Masterplan site layout for that proposal showed a courtyard style housing development positioned around a communal green incorporating informal play / open space areas with vehicular access off St

Edmunds Lane between Windmill Close and Riverside. The application was refused for the following reasons:

- 1 The NPPF sets out that sustainable development has three dimensions comprising economic, social and environmental roles. The application site forms an important gap between the low-key dwellings to the north west and the Bowls Club to the south east and is highly visible from St Edmunds Lane and the local public rights of way network.

The proposal would result in the urbanisation of this gap which would have a detrimental impact on the open and rural character of the surrounding countryside and the openness of the river valley. This harm to the natural environment is contrary to Policies S7 and ENV3 of the Uttlesford Local Plan (adopted 2005) and the NPPF. The benefits of the development including its contribution to the housing supply and the provision of affordable housing would not outweigh the harm caused.

- 2 There are insufficient primary and secondary school places in Great Dunmow to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance).
- 3 The development would generate the need for the provision of 40% affordable housing. The application provides no mechanism for addressing the need for affordable housing provision. It therefore fails to comply with Policy H10 and with the adopted Developer Contributions Guidance Document adopted March 2014 (update from June 2013 and February 2014).

6.2 A subsequent appeal made against the Council's decision to refuse permission for the proposed development was allowed by the Secretary of State on 15 May 2015 following a public inquiry when the Inspector noted in her decision letter that the main issues for the appeal were a) whether or not a 5 year supply of deliverable housing land could be demonstrated; b) the effect of the proposed development on the character and appearance of the local area; c) whether or not the proposed development would represent a sustainable form of development; and d) the effect of the proposed development on community infrastructure, including schools and affordable housing.

6.3 The Inspector concluded in respect of issue a) that the Council could not demonstrate a 5 year supply of deliverable housing land and, as such, having regard to relevant NPPF guidance, the Council's relevant policies relating to the supply of housing should not be considered up to date and afforded substantial weight in this matter relating to the appeal. The Inspector concluded in respect of issue b) that the proposed development would cause some harm to the character and appearance of the area in terms of localised impacts, in particular in views from the public footpath network, St Edmunds Lane and neighbouring residential properties, having regard to the applicant's submitted Landscape Visual Appraisal and the Great Dunmow Town Design Statement, but, given the nature of these impacts, that only some weight should be afforded to the landscape changes that would result from the proposed development. The Inspector concluded in respect of issue c) that the proposal would represent a sustainable form of development having regard to local and national policy, taking into account the stated significant demand for custom and self-build dwellings within the district which "*would go some*

*way towards meeting the needs for such housing in this area and would widen the choice of high quality homes in the district”* whereby the scheme as submitted would deliver 40% of the plots as affordable custom / self-build dwellings, and also in view of the site’s close proximity to the town centre, local services and availability of public transport, notwithstanding that the proposal would involve the loss of an area of open countryside. The Inspector concluded in respect of issue d), that the proposed development would not harm community infrastructure, including school places and affordable housing.

- 6.4 Under “*Other Matters*” in her appeal decision letter, the Inspector considered the general theme of custom / self-build housing and particularly the attempts by the Council to promote this sector of housing through the keeping of its custom / self-build housing register and the stated rate of build-out since 2012. The Inspector remarked that it was evident that there had been little opportunity for self-builders in recent years to build in Uttlesford District and that whilst some windfall sites may come forward within the next five years that such provision alone would be sufficient to satisfy identified latent demand given the current local policy vacuum in the Council’s adopted local plan (2005) relating to this form of housing which is silent on this issue, contrary to NPPF guidance. The Inspector added that the 22 no. custom / self-build dwellings proposed for St Edmunds Lane would go some way towards meeting the needs of this sector within the local area and therefore afforded the provision of this type of housing significant weight. The Inspector further added that the obligations included within the applicant’s submitted unilateral undertaking which set out the commitment to such developments would pass the statutory tests.
- 6.5 In summing up, the Inspector remarked with regard to the planning balance and overall conclusions that “*Given that the proposal would represent a sustainable form of development, along with the need to boost significantly the supply of housing in Uttlesford and the provision of custom / self-build housing in particular, I do not consider that the loss of this open countryside and the limited harm identified to the character and appearance of the area and the other matters raised would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*”.
- 6.6 Details of access, scale, layout, appearance and landscaping (reserved matters) were subsequently approved by the Council on 11 May 2018 (UTT/17/3623/DFO refers).

## **7. POLICIES**

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

ULP Policy S7 – The Countryside  
ULP Policy H1 – Housing Development  
ULP Policy H9 – Affordable Housing  
ULP Policy H10 – Housing Mix  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Protection  
ULP Policy GEN6 – Infrastructure provision to Support Development  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards  
ULP Policy ENV5 – Protection of agricultural land

## **Great Dunmow Neighbourhood Plan**

Policy DS1: TDA: Town development Limits  
Policy DS8: Building for Life  
Policy DS9: Hedgerows  
Policy DS10: Eaves Height  
Policy DS11: Rendering, Pargeting and Roofing  
Policy DS12: Integration of Affordable Housing  
Policy DS13: Local Housing Needs  
Policy LSC1: Landscape, Setting and Character  
Policy LSC3: The Chelmer Valley  
Policy GA-A: Public Transport  
Policy GA3: Public Transport  
Position: HEI-A: Infrastructure Delivery  
Policy NE4: Screening

## **National Policies**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

## **Supplementary Planning Documents/Guidance**

SPD – “Accessible Homes and Playspace” (adopted November 2005)

## **Other Material Considerations**

Self-Build and Custom Housebuilding Act 2016 (as amended by the Housing and Planning Act 2016).

Essex Design Guide  
ECC Parking Standards – Design and Good Practice (September 2009)  
Uttlesford Parking Standards (February 2013)

## **8. TOWN COUNCIL COMMENTS**

8.1 The Town Council supports this application.

*Additional comments received 1 November 2019 as follows:*

- Sustainability in terms of transport is assisted by proximity to the 313 bus service. However, this service is under threat of withdrawal.
- Should the Planning Authority be minded to approve this housing development, Gt Dunmow Town Council requests a financial contribution towards the local bus service, in accordance with the town’s Neighbourhood Plan (GDNP) objective:

‘Great Dunmow will be serviced by a comprehensive and usable public transport network, with routes operating regularly and frequently to a wide range of valued destinations.’

- The GDNP Position GA-A states: ‘Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow.’.

- Please refer to Essex Highways to ensure that an appropriate financial contribution is established, so that the housing development complies with GDNP Policy GA3: Public Transport – ‘New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this’.

## 9. CONSULTATIONS

### ECC Highways

- 9.1 The Highway Authority has developed an outline public transport strategy for Great Dunmow and therefore it is recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site / along St Edmunds Lane, which currently only benefits from infrequent off-peak services, and provide support for the service for 5 years.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

### ECC SUDS (*Revised comments received 27 November 2019*)

- 9.2 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.

### Anglian Water

- 9.3 ASSETS  
Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence”.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

### **Affinity Water**

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

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

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

### **MAG London Stansted Airport**

- 9.5 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Due to the bird-strike risk presented by the water bodies, we request the following condition:

- All water attenuation or swale features included in the design that hold water on a permanent or semi-permanent basis, should be planted with reed-bed, consisting primarily of Common Reed, *Phragmites australis*.

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

### **Essex Police**

- 9.6 We would welcome the opportunity to consult on this development, Secured by Design produce a guide for "Self-Builds" and we would encourage the developers to seek to obtain a Secured by Design award. Achieving such an award will give occupiers the confidence that the design has taken into consideration the use of tried and tested security design and products.

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

### **UDC Landscaping Officer**

- 9.7 I have studied the Landscape Strategy and landscaping drawing 0055 submitted for this proposed housing development and consider that the landscaping measures specified, including selection of plant species shown for boundary treatments, including external boundaries, and hard landscaping features specified, including surface treatments, are acceptable for this location. I therefore have no objections to the landscaping scheme as submitted.

### **UDC Affordable Housing Officer**

- 9.8 The unilateral undertaking for this custom / self-build development has been negotiated between the Housing Strategy Team and the developer (Pelham Structures) to ensure that the 30% discount which is eligible for such housing schemes is not abused or lost. Several clauses within it have been agreed. The "Custom Build Model" adopted by the applicant sets a precedent and therefore needs to be thought through carefully to ensure future schemes benefit the Council and prospective eligible buyers.
- 9.9 Pelham Structures model.
- The model is still one of discounted low-cost home ownership. Purchaser 1, who meets the eligibility criteria and local connection is allowed to purchase a custom build plot from the developer at 30% less the full open market value. When the property is built out and transferred to the applicant, they are expected to live in the home as their main residence. At a time in the future when they wish to sell, they will give the Council a sum of monies to the value of 30% of the full open market value. This is a method of sharing the discount with the Council to help build future affordable homes.
- 9.10 The protections in place that have been negotiated and agreed with Pelham

Structures includes:

- (a) Eligibility criteria of income (no more than joint income of £80,000). This is in line with current government policy for affordable home ownership products.
- (b) Local connection to Uttlesford.
- (c) Will not use the custom build property to generate a quick profit by selling the home immediately after it is completed and ready for occupation (unless extenuating circumstances exist).

The 30% discount given to the eligible person is shared with the Council when the property is sold on the open market.

Given the nature of the application, and the additional financial contributions which fall liable, it is considered that the best way of securing protections and the contributions would be via a S106 agreement, notwithstanding that a unilateral undertaking was agreed on appeal for the outline application.

## **10. REPRESENTATIONS**

10.1 8 representations received. Neighbour notification period expires 26 July 2019, Advertisement expires 1 August 2019, Site notice expires 5 August 2019.

10.2 Summary of representations received as follows:

### Support:

- Support the principle of self-build development at this location which should be encouraged by the Council.
- The proposal would have high quality-built homes which would be contrast with many major developer housing schemes.
- Good density of dwellings across the presented scheme.
- The building heights shown for the dwellings would be at a lower level than the three storey dwellings which line St Edmunds Lane further up which are a blot on the landscape.
- Unlike the existing housing with multiple access drives onto St Edmunds Lane, the parking at the rear of the new homes facing St Edmunds Lane would discourage any additional parking on St Edmunds Lane and would eliminate any additional access drives or the need to reverse from driveways onto St Edmunds Lane.

### Object:

- The front part of the site ("Area 1") is on the edge of the town centre where such tight-knit development would be out of keeping with its surroundings compared to the rest of the development ("Areas 2, 3 and 4").
- The revised housing layout now proposed shows that the dwellings for Plots 1-4 and the side elevation for Plot 5 would be hard up against the back of the footpath in St Edmunds Lane with little space for planting.
- No justifiable reasons have been put forward by the applicant to justify the fundamental change from the layout approved for this site under UTT/17/3623/DFO.
- The five dwellings on Plots 1-5 would present the appearance of being terraced as the gaps between them would be so small as to not be readily visible.
- It appears that more attention has been paid by the applicant to the layout of

the northern part of the site alongside Tower View Drive at the expense of the public realm when viewed from St Edmunds Lane.

- The existing row of trees along this side of St Edmunds Lane create a most attractive screen to the site. It is now proposed to remove them all so that the five dwellings for Plots 1-5 can be located close to the highway. The need for a footpath in front of these dwellings would only restrict the space for planting even further. If, however, revisions were made to the dwelling positioning for Plots 1-5 then this would help to maintain the present characteristics of properties on this side of the lane.
- Potential for on-street parking.

## 11. APPRAISAL

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

- A Principle of development – provision of custom / self-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision (NPPF, ULP Policies S7, H1, GEN3 and GEN6, GDNP Policies DS1: TDA, LSC1, LSC3, GA-A, HEI-A).
- B Whether means of access would be satisfactory / sustainable transport measures (ULP Policy GEN1, GDNP Policy GA3).
- C Layout and Scale (ULP Policies GEN2, GEN8, GDNP Policies DS8, DS10, DS12).
- D Appearance) (ULP Policy GEN2, GDNP Policies DS10, DS11).
- E Landscaping (ULP Policy GEN2, GDNP Policies DS9, NE4).
- F Other matters

### **A Principle of development – provision of custom / self-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision (NPPF, ULP Policies S7, H1, GEN3 and GEN6, GDNP Policies DS1: TDA, LSC1, LSC3, GA-A, HEI-A).**

11.1 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.

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.

11.2 The National Planning Policy Framework is a material consideration and paragraph 11 sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or 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:

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; 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.

It is therefore necessary to establish if the 'tilted balance' is engaged in the decision making in this instance.

- 11.3 As mentioned previously in this report, the principle of custom / self-build housing at this edge of town location lying outside development limits and outside the GDNP Town Development Area has already been established by reason of the granting of outline planning permission on appeal under ref; UTT/14/0472/OP for 22 no. custom / self-build dwellings at St Edmunds Lane, whereupon a DFO application has been subsequently granted pursuant to this approval in principle for the same quantum of dwellings under UTT/17/3623/DFO.
- 11.4 This situation remains the case for the current revised application for an alternative custom / self-build housing scheme for 22 no. dwellings at the site where paragraphs 61 and 64 of the NPPF places an obligation on LPA's to keep a register of interest and to provide opportunities for such housing and where the applicant has stated to the Council for the current application that a continuing local demand exists for custom and self-builders where expressions of interest have already been placed for site plots. Furthermore, since the 2015 appeal decision, the Council's general housing supply figure has dropped to 2.68 years, whilst the Council's adopted local plan is silent in terms of policies relating to this specific housing sector need. This carries substantial weight.
- 11.5 The site is not currently in agricultural production and the impacts upon countryside character for the current revised application would be essentially the same as that for approved reserved matters application UTT/17/3623/DFO where this harm has moderate weight, As identified by the Inspector for the 2015 appeal decision, the site lies within a sustainable location relative to the town centre whereby new housing has been recently built within its vicinity as evidenced by Tower Drive and the construction of a nearby larger housing development along St Edmunds Lane. The site is currently served by a local bus service which runs along St Edmunds Lane (service 313), although the Council understands that this route is likely to be axed in favour of an enhanced radial bus service or similar for the town (see discussion on Access below).
- 11.6 ECC SUDS team have reviewed the submitted Flood Risk Assessment and the associated documents which accompany the current application and have now removed their original holding objection to this revised scheme made due to a lack of drainage information submitted on various issues, including discharge rates/drain times, modelling of pipework and SUDS maintenance plan queries where this information has now been supplied and is considered satisfactory. No objections are therefore raised under ULP Policies GEN2 and GEN3.
- 11.7 The principle of residential development in the form of custom / self-build housing at this site therefore remains acceptable in principle, whilst a sustainable drainage scheme submitted by the applicant for this proposal incorporating a swale and a reed bed has been agreed by the ECC Development and Flood Risk team where the agreed scheme would be subject to a s106 SuDS maintenance agreement

should planning permission be granted. As such, the proposal as submitted would comply in principle with the NPPF, ULP Policies S7, H1, GEN3 and GEN6 and GDNP Policies DS1: TDA, LSC1, LSC3, GA-A and HEI-A.

**B Whether means of access would be satisfactory / sustainable transport measures (ULP Policy GEN1, GDNP Position GA-A: Public Transport, Policy GA3: Public Transport.**

- 11.8 The approved custom / self-build scheme for approved DFO application UTT/17/3623/DFO showed a new vehicular access leading off St Edmunds Lane between Windmill Close and Riverside with 2m wide footpaths to either side of the carriageway. The revised application as submitted proposes a new vehicular access in the same position as approved with no change with 2m wide footpaths to either side of the main carriageway
- 11.9 An issue has arisen with the current application in that the visibility splays indicated on the originally submitted proposed site plan were shown cutting through part of a line of trees which have been planted in recent years along the east side of St Edmunds Lane for the length of the site. Officers considered that this tree line forms a valued contribution to the existing street scene whereby their removal would have been regrettable. A revised site layout drawing has subsequently been submitted (drawing number 0053B) which now shows that the majority of the hedge would be retained and cut back to 600mm within the line of visibility by moving the row of frontage dwellings for Area 1 further into the site. This revision has been seen by ECC Highways who have agreed to the change from a visibility perspective and no technical objections are raised under ULP Policy GEN1 in this respect.
- 11.10 The applicant has agreed to make a commuted sum of £81,000 (index linked) prior to first occupation of the development to be paid to the local planning authority to contribute to a bus strategy for Great Dunmow whereby this sum has been requested by ECC Highways in their consultation response of 6 September 2019 which would provide a regular service to the proposed development / along St. Edmunds Lane in the interests of reducing the need to travel by car and promoting sustainable development and transport. This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that "Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow", whilst Policy: GA3: Public Transport states that "New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this". Great Dunmow Town Council in their additional consultation response to the current application have requested that this commuted sum be made in line with their own made plan policies.
- 11.11 This financial commitment by the applicant is welcomed, particularly in view of the current uncertainty surrounding the continuation of the 313/313A bus service which currently runs down St Edmunds Lane from Tesco and Saffron Walden where bus stops currently exist within the immediate vicinity of the proposal site and where the Council understands that this potential axing of the service would be as part of this overall enhanced public transport strategy for the town. The agreed commuted sum would form part of a S106 agreement should planning permission be granted for the scheme together with the upgrade of existing bus stops in St Edmunds Lane. In the circumstances, the proposal would comply

with ULP Policy GEN1 and GDNP Position (Statement) GA-A: Public Transport and Policy GA3: Public Transport.

**C Layout and Scale (ULP Policies GEN2, GEN8, GDNP Policies DS8, DS10, DS12).**

- 11.12 Unlike a conventional detailed application, the finalised layout and scale of the proposed development cannot be considered at this stage. This is due to the various extension and garage options that are available for the proposed plots. These will be determined by the purchaser and, like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of work on each plot.
- 11.13 In terms of design selection for the house types, the submitted Design Code and Plot Parameter Plan set the maximum dwelling width, depth, eaves height and ridge height as well as the materials pallet. This is intended to allow flexibility for the self-builder whilst providing the Council with certainty of what would be delivered. The Design Code sets out, for example, the line of house frontages, depth of build zone, plot co-ordinates and maximum ridge and eaves heights. In terms of construction, the developer would promote the “Golden Brick” principle where the plot buyer would have the option of self-building the dwelling from slab level upwards or request that the dwelling is variously constructed to roof level or the third option being a “Turn-key” dwelling where the buyer simply chooses internal layout etc. The scheme adopts a modular approach to the various house types.
- 11.14 The applicant is proposing a range of different house types for each plot, which are categorised as Schemes A, B and C across the site, although certain size parameters for the different house types are fixed for each plot and therefore establish the basic layout of the development as shown on the Proposed Site Plan. The variants come with the “bolt on” packages of extensions and/or garages.

Area 1: The dwellings for Area 1, to include the discounted market properties (Plots 1-7 and Plots 21/22, would front onto St Edmunds Lane which would have a cottage feel and would have hardstanding parking provided behind the plots to ensure that the parking of cars does not detract from the street scene. For this area, the Design Code would state that the footprint of Plots 1-7 would be restricted to that shown on the site plan with the exception of those additions that would otherwise be allowed by permitted development rights. It is stated that the discounted market properties would be designed to be in keeping with the rest of the market value properties. It should be emphasised that the moving back of the dwellings for the frontage plots as requested by officers so as to preserve the frontage hedgerow and to reduce the intensity of this frontage part of the development along this section of St Edmunds Lane has resulted in a better relationship with those properties situated opposite in terms of its visual impact on the street scene whereby this set-back is considered acceptable.

Area 2: The dwellings for Area 2 would face onto the main thoroughfare through the development and would have a traditional style (“village street scene”) and would have garages.

Area 3: The dwellings for Area 3 would lead off a spur road and have more of a modern vernacular style subject to purchaser demand whereby the Design Code would allow more flexibility of design in this area and would not seek to limit the style of design beyond materials, scale and footprint. The dwellings would have garages.

**Area 4:** The dwellings for Area 4 would be designed as an historic farmstead whereby the Design Code would stipulate that a farm building style would need to be maintained for Plots 14 and 15 (i.e. granary and barn style dwellings) and that the boundary treatment for Plot 14 should respect the main road. Garages would be provided.

- 11.15 The scale of the house types, however, would be fixed by various building parameters from the Design Code (note: the bedroom specifications would vary from 2/3 bedroom units for Area 1 up to 4/5/6 bedroom units for Areas 2, 3 and 4 depending on purchaser requirements. In terms of housing mix, it is stated that more 4 bedroomed dwellings are proposed for the revised scheme and that the number of 3 and 5+ dwellings have subsequently reduced compared with the previously approved scheme for this site to cater for updated market demand where it is further stated that the UDC self-build register indicates that the majority of people who have registered interest are looking for a 4 bedroomed property.

Plot no.	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)
Plot 1	4.6	7.1	9.9	6
Plot 2	4.1	6.7	9.9	6
Plot 3	4.9	7.9	9.9	6
Plot 4	4.9	7.9	9.9	6
Plot 5	4.6	9.0	9.9	6
Plot 6	4.6	9.0	9.9	6
Plot 7	4.3	8.6	9.9	6
Plot 8	5.7	9.6	13	9
Plot 9	4.9	9.2	9.4	13.2
Plot 10	4.9	9.2	9.4	13.2
Plot 11	4.4	7.2	14.3	11.7
Plot 12	5.2	7.9	11.4	15.5
Plot 13	4.1	7.3	22.5	14.5
Plot 14	5.4	8.4	17.7	11.9
Plot 15	4.5	7.9	14.1	9.1
Plot 16	5.2	7.9	11.5	15.6
Plot 17	5.2	7.9	15.5	11.4
Plot 18	5.1	8.1	8.9	14.3
Plot 19	5.6	9.0	9.8	14.4
Plot 20	4.4	7.2	11.7	11.9
Plot 21	4.9	8.9	14.3	6.4
Plot 22	4.9	8.9	14.3	6.4

- 11.16 The dwellings would comprise generally a mix of 1½ and 2 storey dwellings across the development, although there would be a few 2½ storey dwellings within the variable house types within the centre of the site. Cross section drawings have been submitted which show that the visual impact of the development would not be significantly greater at the site than the previously approved scheme for this site under UTT/17/3623/DFO, particularly taking into account the slope in the site.
- 11.17 Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development

which would warrant refusal of the application

- 11.18 Each plot would have sufficient parking provision for the maximum sized property which could be constructed for each plot. Some third party concerns have been raised regarding the possibility of on-street parking. However, the on-plot provision parking provided for several plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling involved meaning that sufficient visitor parking would be provided across the development.

**D Appearance (ULP Policy GEN2, GDNP Policies DS10, DS11).**

- 11.19 The application relates to a custom / self-build housing scheme which by its very nature as emphasised by the applicant in the submitted supporting statement requires a degree of flexibility in design approach. Therefore, the issue of appearance, like layout, scale and landscaping can only be assessed in terms of their broad approach. If these are considered to be acceptable then the parameters would be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.

- 11.20 In terms of appearance, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate whereby this would provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.

- 11.21 The range of materials presented is considered to be acceptable and would be in accordance with ULP Policy GEN2 of the Uttlesford Local Plan and Policy DS11 of the Great Dunmow Neighbourhood Plan.

**E Landscaping (ULP Policy GEN2, GDNP Policies DS9, NE4).**

- 11.22 A landscaping scheme and strategy have been submitted with the application. These indicate that both the internal road and external boundaries of the site would have new native hedge and tree planting and that the any gaps which presently exist to the northern boundary with Tower Drive would be infilled with native planting also to provide a firm natural barrier on this boundary. It is stated that the SUDS swale proposed for the middle of the site would be planted and maintained as naturalistic grassland meadow with water tolerant species (subject to the MAG requirement for reduced berry species in the interest of aircraft safety), whilst the southern edge SUDS basin at the lowest end of the site would comprise a wetland area with appropriate species. The proposed mix of planting is considered by the Council's Landscape officer to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policy GEN2 and GDNP Policies DS9 and NE4.

**F Other matters**

- 11.23 On 10 January 2020 the Inspectors issued their findings on the Stage 1 examinations of the emerging Local Plan. This has raised significant concerns with regard to the proposed plan. In Paragraph 114, the Inspectors state that they consider that the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply until the Garden Communities begin to deliver housing. At the time of preparing this report the Council is considering its options with regard

to the emerging Local Plan. In any event, the Inspector's letter relates to 'plan making' and not to the fact that all emerging small and medium sized sites should be granted planning permission. Decisions still need to be made on the planning balance.

- 11.24 The outline planning permission granted on appeal for application ref; UTT/14/0472/OP included an "affordable housing" option secured by way of a unilateral undertaking given that nine of the plots were subject to a "discounted value" of 30% of market value to represent the affordable housing element for that development. The current application represents a revised design and layout scheme to the subsequently approved reserved matters application UTT/17/3623/DFO for that outline approval and, as such, the applicant is required to submit a new legal obligation to cover those matters relating to financial contributions, SuDS maintenance and the discount market self-build plots arising from this revised scheme.
- 11.25 Issues have arisen during the life of this application on the definition of "eligible persons" for this revised scheme and as to how the Council would be able to have control on the resale of those "affordable" discounted plots on the site once built and first occupied so that a proportionate amount of the monies from any profits generated can be recouped by the Council so that the discount applicable to these affordable plots is returned to the Council for general affordable housing monies within the district depending on how long the discounted plots would take to sell from the date of any grant of planning permission. This requirement was originally intended by the applicant to be covered by an updated unilateral undertaking "carried across" from approved outline application UTT/14/0472/OP for the original self-build scheme. However, the applicant has since agreed that this requirement, together with any commuted sums that separately fall due relating to other identified matters for the current application should now form the basis of a s106 agreement after the Council has recently requested this so that a bi-partite situation exists for any obligation.
- 11.26 The S106 agreement which would accompany any planning permission granted would cover heads of terms for the occupancy and restrictions on re-sale for the discounted market custom / self-build plots ("affordable" housing units), early years, primary and secondary school financial contributions, sustainable transport contributions, a SUDS maintenance agreement and the upgrade of the existing bus stops along this section of St Edmunds Lane.

## 12. PLANNING BALANCE

- 12.1 The planning merits of the submitted proposal are to be considered in the context of the extent of compliance of relevant adopted/made plan policies with the National Planning Policy Framework and the weight to be applied to each policy as set out in the table below:

Policy	Proposal in accordance with policy?	Policy compliant with the NPPF	Weight
S7	Proposal fails to comply with Policy S7, but previous housing scheme allowed at appeal for this	Partially compliant	Moderate

	site		
H1	Policy H1 is one of a suite of housing policies that establishes the spatial strategy for the district	Non-compliant	No weight
GEN1	Proposal would comply with Policy GEN1	Generally consistent	Moderate
GEN2	Proposal complies with Policy GEN2	Generally consistent	Moderate
GEN3	Proposal complies with GEN3 with appropriate mitigation subject to completion of a S106 Agreement	Partly consistent	Limited
GEN6	Proposal complies with Policy GEN6 with appropriate mitigation subject to completion of a satisfactory S106 Agreement	Generally consistent	Full
GEN8	Proposal complies with Policy GEN2	Generally consistent	Moderate

### Great Dunmow Neighbourhood Plan

DS1:TDA	Proposal fails to comply with DS1:TDA, but previous housing scheme allowed at appeal for this site	Consistent	Significant
LSC1	Proposal fails to comply with LSC1, but previous housing scheme allowed at appeal for this site	Consistent	Significant
LSC3	Proposal fails to comply with LSC3, but previous housing scheme allowed at appeal for this site	Consistent	Significant
DS8	Proposal complies with DS8	Consistent	Significant
DS9	Proposal complies with DS9	Consistent	Significant
DS10	Proposal complies with DS10	Consistent	Significant
DS11	Proposal complies with DS11	Consistent	Significant
DS12	Proposal complies with DS12 subject to completion of a satisfactory S106 Agreement	Consistent	Significant
NE4	Proposal complies with NE4		
GA-A	Proposal complies with GA-A subject to completion of a satisfactory S106 Agreement	Consistent	Significant
GA3	Proposal complies with GA3 subject to completion of a satisfactory S106 Agreement	Consistent	Significant
HE1-A	Proposal complies with HE1-A subject to completion of a satisfactory S106 Agreement	Consistent	Significant

11.23 From the above, it is considered when taking the Framework as a whole that the benefits of the proposal, where mitigation has been offered in order to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area where the principle of self-build has already

been agreed for this site under a previous scheme. The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

### 13. **CONCLUSION**

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

- A** The principle of custom / self-build housing development at this greenfield site has already been established at appeal under ref; UTT/14/0472/OP and remains acceptable for the current detailed application for a revised scheme.
- B** Vehicular access arrangements are considered acceptable. The applicant has agreed to make a commuted sum of £81,000 (index linked) prior to first occupation of the development to be paid to the local planning authority to contribute to a proposed bus strategy for Great Dunmow in the interests of promoting sustainable development and transport and also to provide upgraded bus stops along St Edmunds Lane.
- C** The plans indicate the maximum scale and layout of the proposed development. The final layout and scale of the dwellings will need to be secured by way of condition.
- D** The proposed palette of materials and appearance of the proposed development are considered to be appropriate. The final selection of materials for each plot will need to be secured by condition.
- E** The submitted landscape details for this proposal are considered to be acceptable.
- F** Affordable housing provision is made for the site through discounted market plots for the development which will be subject to a S106 agreement to define and require specific obligations.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS WITH s106**

- (1) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 18 April 2020 the freehold owner enters into a binding agreement 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 an agreement to secure the following:**
  - (i) (a) affordable custom / self-build dwellings to be sold at 30% discount re-sale value, (b) if plots sold within 3 years then the discounted rate plus indexation to be paid to Uttlesford District Council, (c) if plots are not sold within 12 months of dwelling completion, a commuted sum equivalent to the value of the discounted value of affordable housing plots to be paid to Uttlesford District Council**
  - (ii) Payment of early years, primary and secondary education contributions**
  - (iii) Payment of sustainable transport commuted sum contribution towards a public transport strategy for Great Dunmow**
  - (iv) Existing bus stop upgrade in St Edmunds Lane**
  - (v) SUDS Maintenance scheme**
  - (vi) Pay the Council's reasonable legal costs**
  - (vii) Pay the monitoring fee**
- (2) In the event of such an agreement being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out**

below.

- (3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:**
- (i) Failure for legal mechanism to exist for a) affordable custom / self-build dwellings to be sold at 30% discount resale value, (b) if plots sold within 3 years then the discounted rate plus indexation to be paid to Uttlesford District Council, (c) if plots are not sold within 12 months of dwelling completion, a commuted sum equivalent to the value of the discounted value of affordable housing plots to be paid to Uttlesford District Council**
  - (ii) Non-payment of early years, primary and secondary education contributions**
  - (iii) Non-payment of sustainable transport commuted sum contribution towards a public transport strategy for Great Dunmow**
  - (iv) Non-delivery of the existing bus stop upgrade in St Edmunds Lane**
  - (v) Non-agreement of SUDS Maintenance scheme**
  - (vi) Non-payment of the Council's reasonable legal costs**
  - (vii) Non-payment of the monitoring fee**

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on landscape drawing 0055 and the Landscape Strategy prepared by Pelham Structures. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).  
REASON: In the interests of the appearance of the site and the area in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
3. Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.  
REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
4. Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (minimum of 6 metres), two 2 metre wide footways and clear to ground visibility splays with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to first occupation of any dwelling of the development, a 2 metre footway extending from the proposed site access to the development along St Edmunds Lane to the south to approximately the southern boundary of Theobalds House, to include two pedestrian dropped kerb crossing points across St Edmunds Lane (with appropriate tactile paving if necessary) shall be provided.

REASON: In the interest of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- If infiltration is to be found unviable then discharge rates should be limited to 4.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: 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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Note: 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.

9. 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: Paragraphs 163 and paragraph 170 of the National Planning Policy Framework state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Note: 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.

10. Prior to occupation a maintenance plan detailing 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 the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

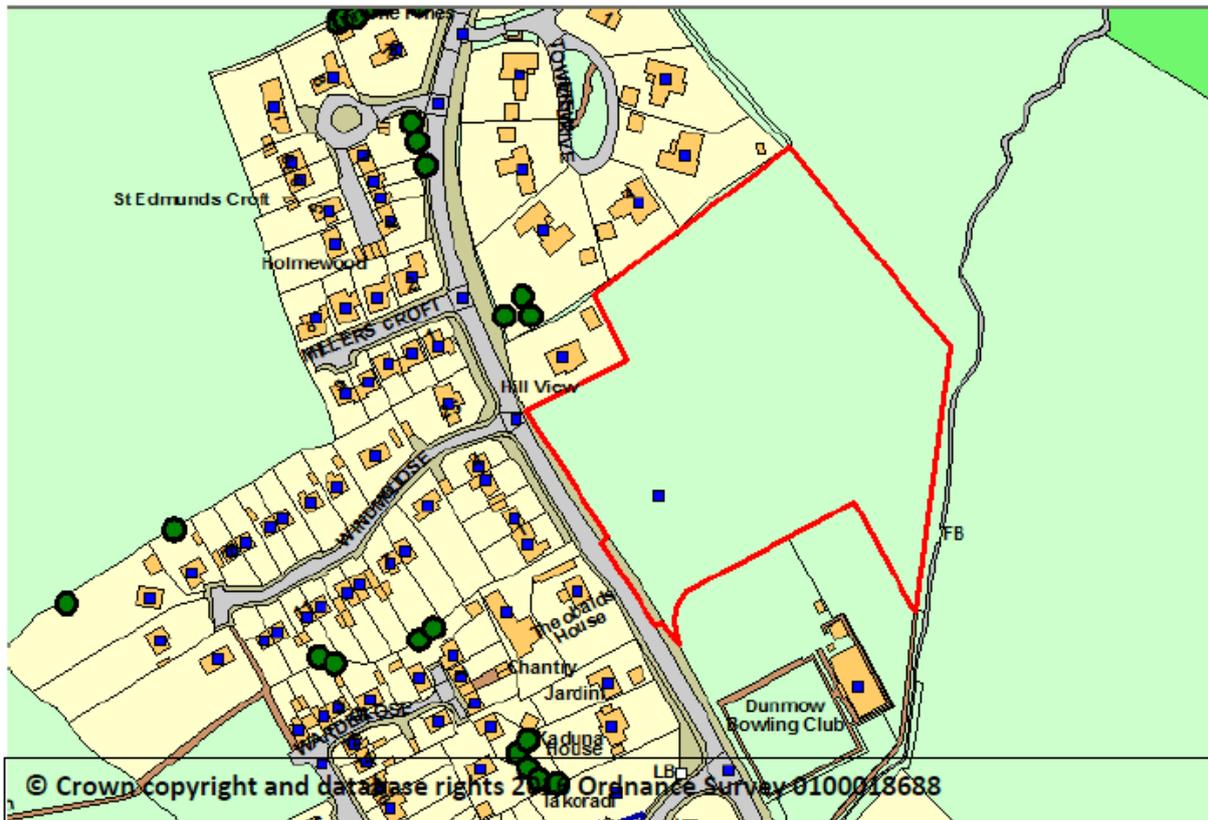
Note; Failure to provide the above required information may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

11. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

12. All water attenuation or swale features included in the design that hold water on a permanent or semi-permanent basis, should be planted with reed-bed consisting primarily of Common Reed, *Phragmites australis*. REASON: Due to the possibility of bird-strike risk to aircraft presented by water

bodies in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. All of 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 subsequent SPD on Accessible Homes and Playspace.



Organisation: Uttlesford District Council

Department: Planning

Date: 03 MARCH 2020

## UTT/19/2288/FUL (Great Chesterford)

### (UDC Application)

**PROPOSAL:** Proposed residential development for 13 affordable dwellings including associated external works and parking.

**LOCATION:** Land North Of Bartholomew Close, Great Chesterford

**APPLICANT:** Uttlesford District Council

**AGENT:** The Design Partnership (Ely) Ltd

**EXPIRY DATE:** 20<sup>th</sup> March 2020

**CASE OFFICER:** Chris Tyler

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#### 1. NOTATION

1.1 Outside Development Limits

#### 2. DESCRIPTION OF SITE

2.1 The site is located to the north Rookery Close, Great Chesterford. It comprises an undeveloped parcel of land, bordered by trees and hedgerows.

#### 3. PROPOSAL

3.1 This application seeks planning permission for the erection of 13 dwellings, including access, parking and associated works

3.2 The proposal will include the following housing details:

3.3

Plot	House Type	Bedrooms	Garden	Parking
1	Semi-detached, Two storey	2	50+sqm	2
2	Semi-detached, Two storey	2	50+sqm	2
3	Semi-detached, Two storey	2	50+sqm	2
4	Semi-detached, Two storey	2	50+sqm +	2
5	Semi-detached, Two storey	2	50+sqm	2
6	Semi-detached, Two storey	2	50+sqm	2
7	Detached Bungalow	2	50sqm+	2
8	Two storey detached	3	100sqm+	2
9	Two storey detached	3	100sqm+	2
10	Detached bungalow	2	50sqm+	2
11	Semi-detached, Two storey	2	50+sqm	2
12	Semi-detached, Two storey	2	50+sqm	2
13	Detached- two storey	4	100sqm+	2

#### 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 Planning 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.

5.2 Additional supporting documents include:

- Completed Biodiversity checklist
- Ecology Survey
- Ecology Design Strategy
- Ground Drainage report
- Design and Access Statement
- Foul sewage and utilities statement
- Public Consultation Statement
- Surface Water Strategy
- Transport Statement
- Tree Survey

## **6. RELEVANT SITE HISTORY**

6.1 UTT/14/0425/OP-Outline Planning with all matters reserved for residential development of up to 14 dwellings.  
Approved- 3/9/2014

UTT/17/1452/DFO- Details following outline application UTT/14/0425/OP for residential development of up to 14 dwellings - Details of access  
Approved - 31/8/2017

UTT/17/2745/DFO- The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP  
Approved- 21/12/2017

## **7. POLICIES**

### **7.1 National Policies**

National Planning Policy Framework (2019)

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

- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design

- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV1 – Design of Development within Conservation Areas
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient Monuments and Sites of Archaeological Importance
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

### 7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)  
 Essex County Council parking Standards (2006)  
 Supplementary Planning Document- Accessible homes and play space homes  
 Essex Design Guide

### 7.4 Emerging Plans

Uttlesford Emerging Local Plan  
 Great and Little Chesterford Neighbourhood Plan

## 8. PARISH COUNCIL COMMENTS

8.1 The following table outlines the Parish Councils comments and case officer comments.

<b>Parish Council Comments</b>	<b>Case Officer Comments</b>
Great Chesterford Parish Council objects to this application on the basis that their previous objections have not been overcome regarding traffic and access to the site.	Due consideration has been made to traffic and access, taking into consideration advice sought from the Highways Authority.
However, the Parish Council notes the improved mix, size, reduction in overlooking and compliance with parking standards, would support the application if vehicular access through Stanley Close can be delivered.	Agreed the layout and design of the scheme is a material improvement following previously approved schemes on this site.
It is strongly felt that now the site is within the ownership of the District Council, the District Council must use its CPO powers to compulsorily acquire the ransom strip to the north of the site which prevents access to the Stanley Close site to the north.	The planning application as submitted does not consider this matter.
This could and should be delivered to ensure both walk/cycle access but also vehicular access. It is noted the District Council's view is that the roads to the north are not constructed to a standard sufficient to carry vehicles but the Parish Council simply do not accept this. The Stanley Close development	A walk/ cycle way is proposed to link the site with the residential development to the north.  The evaluation of the highway within Stanley Close is not a part of the submitted application and therefore the case officer cannot offer any comments.

has been designed and implemented to create a safe mixed-zone for vehicles and pedestrians alike, and the exact same approach could and should be taken with this current Bartholomew Close proposal.	
Should permission be granted the Parish Council requests that not only the District Council uses its CPO powers as stated above, but that S106 should still be applied to the site	A S106 agreement is not required for this proposed development due to the scale of the development.
The outline application had a s106 agreement which was to ensure the delivery of affordable housing. We would want that reassurance with this site (in case it is sold for example) but also to ensure that the affordable rented properties remain as affordable rent in perpetuity and that there is a "local cascade" to ensure that a percentage of the properties are first offered to those in the parish and then surrounding villages with housing need. If no persons come forward than the District Council would then be able to offer those properties to the wider district.	<p>The application is for 100% affordable housing as stated in the description of the development. As the applicant is UDC a Section106 legal agreement is not required as it is the Council's Housing Department that would be delivering the scheme.</p> <p>If the site was to be sold of the development approved would still be for 100% affordable housing.</p> <p>The allocation of housing would be per UDC housing policies and is not a material consideration in this planning application.</p>
In addition, the pre-existing s106 agreement for the Outline Application had provisions to ensure a cycle connection to the site to the north. This would be expected as a minimum, even if CPO powers cannot be used to deliver a vehicular access (which we would dispute).	<p>It is noted that the S106 agreement attached to the outline planning permission included the construction of a walk/ cycle way to the neighbouring site.</p> <p>The provision of this is access does not require to be secure through a S106 Agreement</p>
A s106 should also be used to provide a contribution towards open space in the village. There is no open space on this site (and no room to provide any).	Due to the size of the development it would be considered disproportionate to request open space contributions.
The 13 families moving into the dwellings will still inevitably and quite rightly place additional burden on village facilities and the ownership of the site should not obviate the need to mitigate this.	Due to the scale of the proposed development it does not require the provision of health and education contributions.
Finally, we would insist that the conditions imposed on the outline permission are carefully transposed to this application in relation to the Construction Management Plan, parking and other mitigating measures. This is vital protection for those residents in the immediate vicinity of the site.	Agreed and should be secured by condition.

## 9.0 CONSULTATIONS

### UDC Housing Enabling Officer

9.1 The delivery of affordable housing is one of the Councils' corporate priorities. This

scheme is for 100% affordable housing that will be allocated to residents of Uttlesford based on their housing need. I confirm the scheme is compliant with the Council's policy.

### **The Highways Authority**

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

1. Prior to occupation of the development, the access arrangement, as shown in principle on DWG no. UDC-842-01, shall be fully implemented. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- 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 on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

3. The proposed development shall not be occupied until such time as the vehicle parking areas as indicated on DWG no. UDC-842-01 has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

4. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate bicycle parking is provided.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. No development shall take place until a comprehensive condition survey of the estate roads from Jackson's Lane to the application site has been completed. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period. Reason: In the interests of highway

safety.

8. Following completion of the construction of the dwellings, a further comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details approved in 7 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety.

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.

### **Anglian Water**

9.3 No comments/ objections

### **Ecology**

9.4 No objection subject to securing biodiversity mitigation and enhancement measures Summary as conditioned.

Recommended conditions:

#### **1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

#### **2. PRIOR TO SLAB LEVEL: A FINAL BIODIVERSITY ENHANCEMENT STRATEGY**

"A Final Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made in the Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) and the Ecological Design Strategy (Applied Ecology Ltd, January 2020).

The content of the final Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

### 3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

## SUDs

9.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object and have the following conditions:

### Condition 1

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

- Verification of the suitability of infiltration of surface water for the development.

This should be based on detailed, design specific infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. The tests should be undertaken in all locations that infiltration is to occur. This verification should also be based on detailed ground water monitoring testing to confirm the distance between the highest average water table and the base of all infiltration features.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- 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
- 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.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

**Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

**Essex County Council- Education**

9.6 As the development consists of less than 20 dwellings, an education contribution is not required

**10 REPRESENTATIONS**

10.1 11 letters of objection and further letters of comments has been received, all material planning merits will be considered in the following report, however the following table summarises these and includes comments from the case officer.

**Comments:**

The proposal includes an improved layout,  
The plans are unclear whether there will be an access between the application site and neighbouring site.

<b>10.2</b>	<b>Objections Received</b>	<b>Case Officers Comments</b>
	The parking is close to existing properties leading to a disturbance	The layout of the proposed parking is considered appropriate
	Insufficient parking	Sufficient parking has been provided in accordance with the UDC residential parking standards and Essex County Council standards. Plot 13 will require an additional parking space and an additional visitor space for the development will be required, this will be conditioned if

	approved.
Increase in traffic	The development will result in a material increase in traffic, however due consideration will be made in the following report.
Impact to highway safety	Due consideration will be made by the Highway Authority in regards to highway safety.
Increase in pedestrian movement from neighbouring sites.	The development will result in an increase in pedestrian movements, this will be considered in the following report.
The access is not appropriate	Access to the site will be from Rookery Close, this is as per the previously approved schemes on this site. The proposed access will be assessed by the Highways Authority.
The neighbouring residential development (Rookery Close) has a large number of car parked on the highway therefore the access to the site would be compromised.	As residential development the neighbouring site is likely to have a number of parked cars on the highway. This was considered in the previously approved schemes and due consideration will be made in regards to highway safety.
The access from Rookery Close is in a poor condition.	Access safety will be assessed by the Highways Authority. The existing access is maintained by Essex Highways.
The application does not include any new ecology report.	The ecology information submitted has been assessed by the ecology officer. Due consideration will be made in the following report.
The development will result in a loss of light to neighbouring properties	An assessment will be made using the plans submitted, this will be considered in the following report.
The development will result in a loss of trees.	A number of trees will be removed as stated in the submitted tree report. A landscaping condition should be included for the replacement of the trees and further landscaping enhancement.
The development has not changed following the previous refused planning applications.	This application is being considered a standalone applications, however the previously approved and extant planning permission for this site are material considerations.

11 The issues to be considered in the determination of this application are

- A The principle of the development of this site for residential (ULP Policy H1, S7, ENV3 NPPF, Uttlesford Emerging Local Plan, Emerging Great and Little Chesterford neighbourhood plan)**
- B Design and impact to amenity (Layout and Parking) (ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF).**
- C Access (ULP Policy GEN1)**
- D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9,**

- H10, GEN6)**
- E Protected species and biodiversity (ULP Policy GEN7 and ENV8)**
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)**
- G Planning Balance**
- H Any other material considerations**
- A The principle of the development of this site for residential (ULP Policy H1, S7, ENV3, NPPF, Uttlesford Emerging Local Plan, Emerging Great and Little Chesterford neighbourhood plan**
- 11.1 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As such the following are considered material considerations:
- The NPPF.  
The lack of a 5 year housing supply.
- 11.2 The approved planning permission for the development of this site are extant and therefore the building of 14 dwellings can be implemented, as such this a material consideration in the assessment of the current proposal.
- 11.3 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document (Oct 2019) demonstrate 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years. The Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and due weight must be given to the proposal. This means that due consideration and weight should be applied in regards to the positive role of sustainable development.
- 11.4 ULP Policy GEN2 requires development proposals, inter alia, to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. It also requires development to safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. Paragraph 127 of the NPPF states planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 11.5 The scheme will provide a 100% affordable home development, in policy terms the dwellings are outside of the development limits of Great Chesterford as defined by Uttlesford. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 11.6 The site is therefore subject to the provisions of Policy S7. ULP Policy S7 is a policy

of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there.

- 11.7 The application site forms part of the emerging UDC Local Plan- (Policy GtCHE 1) the site put forward is for residential development up to 11 dwellings and detailed proposals should that comply with other relevant policies and meet the following site specific development requirement will be permitted:
1. The development provides for a mixed and balanced community; and
  2. The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact. It is noted that although the development of this site is included in the emerging local plan this only hold some limited weight.
- 11.8 Due to paragraph 11 of the NPPF and the lack of housing supply this means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental and a balanced assessment should be made.
- 11.9 The site although outside of the development limits is tacked on to the settlement of Great Chesterford, the site although of an open appearance and character it is mainly surrounded by residential development. As such it is considered the development of the site for residential use will not encroach further out into the open countryside surrounding of the site and will not have a harmful or adverse impact to the character of the site.
- 11.10 The site plan submitted with the application demonstrates a layout which will be landscape led, however it is considered further landscaping mitigation will be required to create a significant enhancement to the immediate and surrounding area. In particular, the scheme proposes the enhancement of the existing landscape, however a condition should be included for the landscaping details to be agreed prior to the commencement of the development should planning permission be granted.
- 11.11 The Council's Landscape Officer has been consulted; although no objection has been received it is considered the development will result in some degree of visual intrusion. However, the site has been included in the emerging draft local plan for residential development, also the positioning of the development will be in close proximity to other residential developments to the north and south of the site. As such it is considered the proposed landscape and character of the site would be compatible with its surroundings, in accordance with ULP Policy ENV3.
- 11.12 The development will include a layout that will provide an appropriate siting of the dwellings, garages within the site. The layout of the development provides sufficient distance and space between the properties and ensure the site is not

overdeveloped or have a cramped appearance. The layout of the scheme ensures the properties will have sufficient private amenity space in accordance with the Essex Design Guide; this is contributed by the distance between properties and landscaping features.

- 11.13 In conclusion and with the imposition of conditions, it is considered that the residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on the landscape character or visual amenity.
- 11.14 This site very much nestles into the small settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. It is considered that proposed development would comply with the environmental objective of sustainable development.
- 11.15 The application includes a tree survey which the findings have been duly considered. The recommendation of conditions for the protection of the trees on the site during the construction of the development, an arboriculture method statement and tree protection plans should be submitted, the tree surgery should be completed as per the submitted details.
- 11.16 Three trees and some landscape features have been identified to be removed for the proposed development. The Council's Landscape Officer has assessed these and no objections have been made. That being said a landscape condition should be imposed to ensure the removal of trees are compensated in any future landscape scheme.
- 11.17 The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.18 The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 11.19 The proposal would provide significant housing benefits with 100% affordable homes. The application site is located close by to services and community facilities and such benefits would be consistent with the social dimension of sustainable development. The proposed development also provides a mix of type of dwellings that is in accordance with the recognised needs of the District. The properties proposed by the development would be attractive to first time buyers and young families, providing housing to support family connections and support a balanced community. It will also result in the delivery of high quality development and landscape preservation.
- 11.20 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable in terms of economic, social and environmental

features and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable and in accordance with policies.

**B Design and impact to amenity (Layout and Parking) (ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.**

- 11.21 All of the units would have private amenity spaces, the proposed dwelling include appropriate sized amenity space that are in accordance with the Essex Design Guide, that being:  
Two bedroom dwellings- 50sqm+  
Three/ Four bedroom dwellings- 100sqm+
- 11.22 In regards to the design and appearance of the development, the dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings.
- 11.23 In terms of layout and number of the parking spaces, the adopted Uttlesford Local Residential Parking Standards require two or three bedroom dwellings should include two off street parking spaces and four bedrooms and above should include three off street parking spaces.
- 11.24 It is considered sufficient parking spaces have been proposed and in accordance with these adopted standards. Plot 13 will require an additional parking space and an additional visitor space for the development will be required, this will be conditioned if approved. Taking into consideration the details set out on the submitted plan and use of conditions it is the development will include sufficient off street parking provisions.
- 11.24 Policy TA2 of the emerging Uttlesford Local Plan considers the requirement of electric charging points. It is stated within this policy that houses require one charging point per house with a drive or garage, this will help mitigate the impact of increasing car fumes and pollution. As such the provision of the one charging point per dwelling is not unreasonable and therefore a condition for this provision should be imposed. This is also compliant with the aims of ULP Policy ENV13 and paragraph 105 (e) of the NPPF.
- 11.25 The proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations 2010. Approved Document M, Volume 1 2015 edition and 2016 amendments. Also, in respect to Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, as such this should be conditioned if approved.
- 11.26 Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.

- 11.27 The separation distances between the proposed dwellings and the existing neighbouring dwellings ensure the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers.
- 11.28 ULP Policy GEN2 also considers the impact to neighbouring properties in regards to loss of light, over shadowing, overlooking and loss of privacy. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings. Sufficient distance between the dwellings and the existing dwelling outside the application site to not result in any harmful impact to neighbours private amenity.
- 11.29 The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other nearby residential developments. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.
- 11.30 The comments submitted in regards to construction noise and disturbance is noted. The use of a planning conditions in regards to a construction management scheme should be imposed should planning permission be granted. Any noise from construction will not result in permanent issue and will be resolve on completion of the development. As such the proposal is in accordance with ULP Policy GEN4.
- 11.31 Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies GEN2, GEN4, GEN8, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.

#### **C Access (ULP Policy GEN1)**

- 11.32 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The proposal includes access arrangements into the site from the development to the south of the site at Rookery Close and Bartholomew Close. An additional pedestrian access is proposed to the north of the site leading to Stanley Road.
- 11.33 A number of objections have been received by local residents in regards to highway safety and the intensification of the site. The Highways Authority have been consulted and have made no objections subject to the imposition of conditions to mitigate the development. There will be a minimal change in traffic flows on the local highway network in the peak hours as a result of the proposed development, with up to 3 two-way movements during the AM and PM peak periods, therefore, the development would not result in any material highway or safety implications.
- 11.34 The Highways Authority have carefully considered the information received from the applicant and are satisfied that the existing access arrangement is suitable for the proposed development without causing a highway danger, as such the proposal is considered acceptable under ULP Policy GEN1.

#### **D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6)**

- 11.35 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. However this

application is for 100% affordable homes and make a positive contribution to housing. The housing will consist of 100% affordable rent.

- 11.36 The proposal includes a mix of smaller properties, no objections have been made by the Council's Housing Officer and as such it is considered the proposal accords with ULP Policy H10.
- 11.37 No requests have been made from the Essex County Council's Infrastructure Planning Officer in regards to the requirement of infrastructure contributions and therefore complies with ULP Policy GEN6.

#### **E Protected species and biodiversity (ULP Policy GEN7 and ENV8)**

- 11.38 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 11.39 A preliminary ecology survey has been submitted with the application (Applied Ecology Ltd 2020). The results of ecology surveys have been used to guide the layout to ensure minimal impact on ecological receptors. To adhere to planning policy and relevant wildlife legislation further works have been recommended, these include:
- Biodiversity enhancement strategy,  
The use of wildlife sensitive lighting,
- The development shall be in accordance with the recommendation set out in the ecological appraisal.
- 11.40 It is predicted that any potential adverse impacts from the proposed development upon specific protected species/habitats can be mitigated in line with relevant wildlife legislation and planning policy.
- 11.41 Essex County Council Ecologists have been consulted and have no objection subject to a conditions regarding ecological measures. As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

#### **F Flood Risk and drainage (ULP Policy GEN3; NPPF)**

- 11.42 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.
- 11.43 The main residential development is located in Flood Zone 1 where development is considered appropriate. The application is supported by the submission of a ground investigation report in regards to infiltration and drainage. Taking into consideration the details submitted with the application and comments received from the Lead Local Flood Authority it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk.

## **G Planning Balance**

- 11.44 In regards to the assessment of this application, the NPPF is a materials planning consideration, paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document (Oct 2019) demonstrates 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years. The Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and therefore a tilted balance approach should be applied in the assessment of the application and whether the positives outcomes of the development will outweigh the harms
- 11.45 The development will contribute to a small amount economic benefits, this includes:
- The creation of a small amount of employment during the construction phase,
  - Contributions to Council tax
  - New home bonus
- These economic benefits are provide some limited weight.
- 11.46 The development will contribute to a small level of support towards health, social and cultural wellbeing. The application site is tacked on to the settlement of Great Chesterford and therefore has access to its local provisions.
- 11.47 The development will include 100% affordable homes, this will positively contribute to the vitality of the rural village. This will actively contribute to the social role of sustainable development as set out in the NPPF, this is considered to provide significant weight when making a balance assessment in this application.
- 11.48 Although the proposal will result in the loss of this open plot of land it is not considered this will have a harmful impact to the character of the site and it surroundings (as assessed in the above paragraphs). Also the 13 dwellings will also have positive contribution to housing supply of which the Council cannot demonstrate a 5 year housing supply. Overall it is considered the benefits of the scheme outweigh the any limit harm that may occur from the scheme.

## **H Any other material considerations**

- 11.49 The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of countryside  
D1- High quality design  
EN8- Protecting the natural environment  
EN17- Air Quality  
EN19- Noise sensitive development  
H2- Housing Mix  
EN10- Open spaces  
TA1- Accessible development  
TA2- Sustainable  
INF1 -Infrastructure Delivery Transport

- 11.50 The extant planning permissions for the development of this site are a material

consideration and such due consideration should be made to this.

## **12 CONCLUSION**

- A It is considered the positives outcomes of the development significantly outweigh the limited harm of the proposed scheme and therefore the principle of the development is considered appropriate.
- B It is considered the location, layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate. Further landscaping and parking details will be required and has been conditioned. The development accords with Policies S7, ENV3, GEN2 GEN8 and the NPPF.
- C The access is considered appropriate, no objections have been made by the Highways Authority.
- D The housing mix for the development is considered acceptable as assessed by the Councils Housing Enabling Officer and therefore in accordance with ULP Policy H10.
- F The development will include 100% affordable housing in accordance with ULP Policy H9.
- G The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- H Taking a balanced approach to the development it is considered that the limited harm caused by the development will be outweighed by its positive contributions to sustainable development (NPPF).

## **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 occupation of the development, the access arrangement, as shown in principle on DWG no. UDC-842-01, shall be fully implemented.  
  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1.
- 3 Prior to the development above slab level a proposed parking plan shall be submitted to and approved in writing by the Local Planning Authority. The parking plans shall include an additional parking space for plot 13 and an additional visitor space. Thereafter the development shall be implemented in accordance with the approved details and shall be retained in this form at all times.  
  
REASON: To ensure that on street parking of vehicles in the adjoining streets does

not occur in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

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

REASON: To ensure appropriate bicycle parking is provided and in accordance with ULP Policy GEN1.

- 5 No development shall take place until a comprehensive condition survey of the estate roads from Jackson's Lane to the application site has been completed. Details of such survey having first been submitted to and approved in writing by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority with any repair work being carried out prior to the construction period.

REASON: In the interests of highway safety and in accordance with ULP Policy GEN1.

- 6 Following completion of the construction of the dwellings, a further comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details approved in condition 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with ULP Policy GEN1.

- 7 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting."

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

- 8 Prior to slab level of the development hereby approved a final Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made in the Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) and the Ecological Design Strategy (Applied Ecology Ltd, January 2020).

The content of the final Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;

- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

Thereafter the works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 9 Prior to the occupation of the development hereby approved a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 10 No works except demolition shall takes 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed, design specific infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. The tests should be undertaken in all locations that infiltration is to occur. This verification should also be based on detailed ground water monitoring testing to confirm the distance between the highest average water table and the base of all infiltration features.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

- 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
- 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.

The above reasons are in accordance with ULP Policy GEN3 and the NPPF.

- 11 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:

To ensure the development is in accordance with ULP Policy GEN3 and the NPPF regarding flooding.

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

- 12 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site

The above reasoning for the condition is in accordance with ULP Policy GEN3 and the NPPF.

- 13 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON:

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk and in accordance with ULP Policy GEN3 and the NPPF.

- 14 A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13, TA2 of the emerging local plan and the NPPF

- 15 The dwellings hereby approved 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

- 16 The development hereby approved shall be constructed in accordance with the materials schedule as submitted with the application

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details

- 17 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.

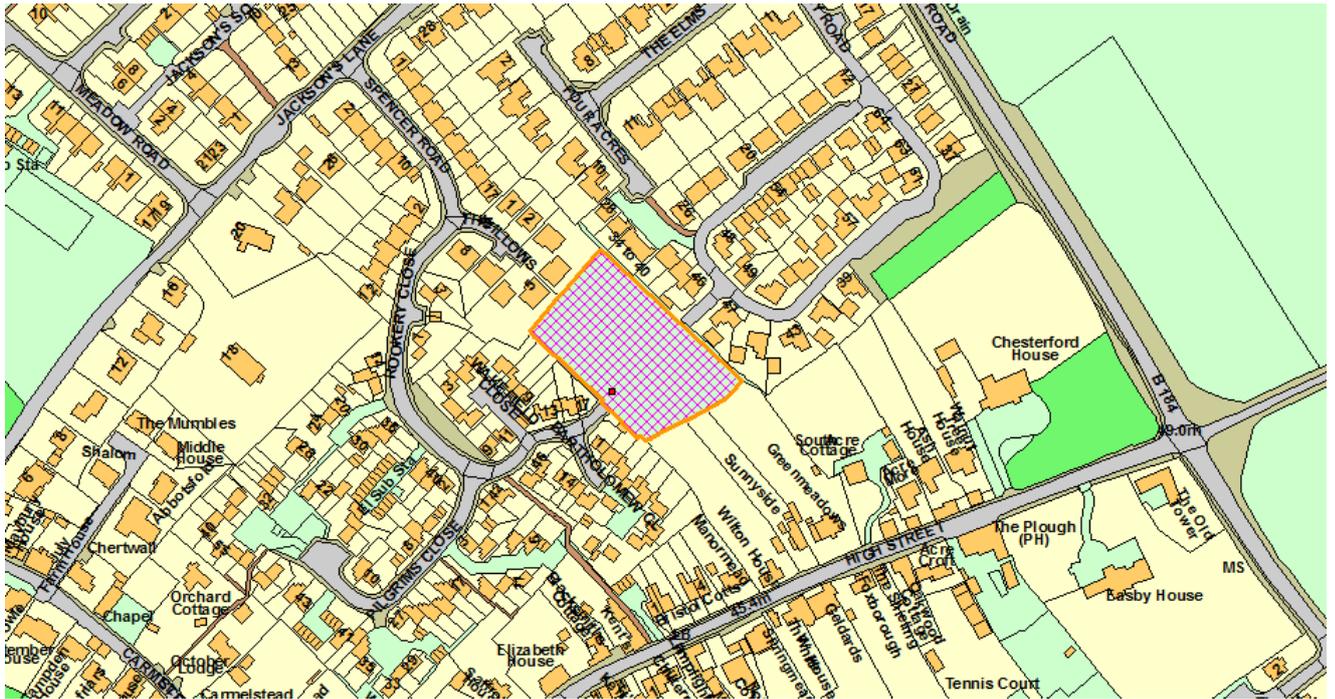
REASON: The use of this pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

- 18 Within 6 months of the commencement of the development hereby approved details of the walk/cycle way connecting the application site with Stanley Close shall be submitted and approved in writing by the Local Planning Authority. The walk way will be constructed in accordance with the approved details and will not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure the foot way is constructed and completed in appropriate time scale and standard. In the interest of appropriate access to the site in accordance with ULP Policy GEN1.

- 19 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) the parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) the control of noise from construction including the hours of working
  - (e) wheel washing facilities
  - (f) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).



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0100018688

Organisation: Uttlesford District Council

Department: Planning

Date: 5<sup>th</sup> March 2020

**UTT/19/2875/FUL  
(Saffron Walden)**

**(Major Development)**

**PROPOSAL:** Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier planning approval under reference UTT/18/3518/FUL)

**LOCATION:** Holroyd Components Ltd, Shire Hill Industrial Estate, Shire Hill, Saffron Walden

**APPLICANT:** Holroyd Components Ltd

**AGENT:** Andrew Stevenson Associates

**EXPIRY DATE:** 20<sup>th</sup> March 2020

**CASE OFFICER:** Chris Tyler

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## **1. NOTATION**

1.1 Development Limits

## **2. DESCRIPTION OF SITE**

2.1 The site is located on the Shire Hill Industrial Estate, Saffron Walden. The majority is occupied by a Holroyd Components industrial building, while a smaller building that previously accommodated a factory and offices for a separate components business is located in the eastern corner of the site.

## **3. PROPOSAL**

3.1 Proposed demolition of the smaller building and erected an extension to the existing building providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier planning approval under reference UTT/18/3518/FUL)

3.2

- The revision to the scheme includes:  
The introduction of additional windows to the front side and rear elevations,
- Moving the fire escape secondary means of escape staircase to the external rear elevation of the building,
- Minor changes to door and window positions to cater for factory and production layout,
- Substituting the lean to rear roof section to an enclosed flat 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 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, and a Surface Water Strategy report

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/18/3518/FUL (Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works).  
Approved- 7/6/2019

- 6.2 Other planning history includes:  
SWB/0040/68 Extension to existing factory (Approved: 1968)

SWB/0110/69 Extension to factory (Approved: 1970)

SWB/0014/70 Two storey extension to factory (Approved: 1970)

SWB/0044/70 Erection of Factory Offices (Approved: 1970)

SWB/0113/70 Erection of an addition to factory (Approved: 1971)

SWB/0008/71 Erection of entrance area staircase and lift shaft (Approved: 1971)

SWB/0095/71 Proposed two storey addition to a factory including car parking and turning area (Approved: 1971)

SWB/0182/72 Extension to factory at Plot 12 (Refused: 1973)

SWB/0183/73 Housing for generator coolers chillers etc (Approved: 1974)

UTT/0946/76 Proposed erection of a warehouse adjoining an existing factory (Approved: 1976)

UTT/0792/77 Proposed addition to an existing factory and warehouse complex. The addition to be used either as a canteen or tool room ancillary to the factory use (Approved: 1977)

UTT/0389/82 Change of use from warehouse to factory (Approved: 1982)

UTT/0520/82 Small building to house compressor machinery ancillary to the adj. factory use (Approved: 1982)

UTT/0719/84 Proposed small addition to existing factory (Refused: 1984)

UTT/1439/95/FUL Erection of 3 extraction flues, 2 water tanks, reconstruction of store, canopy over entrance to (Approved: 1996)

UTT/0839/03/FUL Insertion of windows and extension for generator store (Approved: 2003)

UTT/0898/08/FUL Erection of two storey front extension (Approved: 2008)

## **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 S1 – Development Limits for the Main Urban Areas
- GEN1 – Access
  - GEN2 – Design
  - GEN4 – Good Neighbourliness
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - E2 – Safeguarding Employment Land
  - E3 – Access to Workplaces
  - ENV11 – Noise Generators
  - ENV13 – Exposure to Poor Air Quality
  - ENV14 – Contaminated Land
  - SW6 – Safeguarding of Existing Employment Areas

### **National Policies**

- 7.5 National Planning Policy Framework (2019)

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

- 7.6 Essex Parking Standards: Design and Good Practice (2009)

## **8. TOWN COUNCIL COMMENTS**

8.1 No Objections

## 9.0 CONSULTATIONS

### The Highways Authority

9.1 The Highway Authority has assessed the proposal and has no additional comments to make to those submitted under UTT/18/3518/FUL dated 29th January 2019 and 5th April 2019.

### Environmental Health

9.2 There are no further comments from Environmental Health on the revisions to the scheme approved under UTT/18/3518/FUL. It is requested that the following conditions applied to UTT/18/3518/FUL are replicated on any approval of the current scheme, to address contamination, health and safety and air quality:

Condition 4 Construction Environmental Management Plan

Condition 5 Unexpected contamination

Condition 6 Extract equipment

Condition 7 Low emission transport

### Lead Local Flood Authority

9.3 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 based on the following:

#### Condition 1

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Half drain times- Storage devices should half empty within 24 wherever possible following a 1 in 30 year event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### REASON

- 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
- 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.

#### Condition 2

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.

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.

#### Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

We have not considered the following issues as part of this planning Summary of Flood Risk Responsibilities for your Council application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

Sustainability of the development.

## **Anglian Water**

9.4 No objections subject to the imposition of conditions.

## **10 REPRESENTATIONS**

10.1 No comments or objections received from neighbouring properties

## **11 APPRAISAL**

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

- A Character and appearance (S1, GEN2, 127-131 & PPG)
- B Transport (GEN1, GEN8 & 102-111)
- C Accessibility (GEN2, E3 & 127)
- D Amenity (GEN2, GEN4, ENV11, 127 & 180)
- E Infrastructure (GEN6 & PPG)
- F Biodiversity (GEN7, 175 & PPG)
- G Employment safeguarding (E2 & SW6)
- H Air quality (ENV13, 181 & PPG)
- I Contamination (ENV14, 178-179 & PPG)
- J Economic growth (80)
- K Sustainable drainage (165 & PPG)
- L Any other material considerations

### **A Character and appearance (S1, GEN2, NPPF paragraph 127-131 & PPG)**

11.1 The proposed extension would follow the established design principles on the site, combining a functional industrial form with external finishes of metal cladding and render. It is therefore considered that the development would be compatible with the existing building and its industrial estate setting, in accordance with the above policies.

### **B Transport (GEN1, GEN8 & NPPF paragraph 102-111)**

11.2 Taking into account the comments of the Highway Authority, it is considered that the proposal would not have an adverse effect on highway safety or efficiency. In particular, the level of parking provision has been assessed and found to be sufficient, in combination with relatively good sustainable transport options, to prevent unacceptable impacts on highway safety from on-street parking. It is therefore concluded that the proposal accords with the above transport policies.

### **C Accessibility (GEN2, E3 & NPPF paragraph 127)**

11.3 Policies GEN2 and E3 seek to ensure a high level of accessibility. However, the Council has not adopted any technical standards against which the proposal can be assessed. It is therefore considered that compliance with the most up-to-date standards in the Building Regulations would ensure an appropriate level of accessibility.

### **D Amenity (GEN2, GEN4, ENV11, NPPF paragraph 127 & 180)**

11.4 Taking into account the comments of the Environmental Health Officer and the location of the site within an existing industrial estate, it is considered that there

would be no significant impacts on the amenity of neighbouring residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

**E Infrastructure (GEN6 & PPG)**

- 11.5 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 Local Plan Policy GEN6.

**F Biodiversity (GEN7, NPPF paragraph 175 & PPG)**

- 11.6 Taking into account the submitted Biodiversity Validation Checklist and observations made during the officer's site visits, 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.

**G Employment safeguarding (E2 & SW6)**

- 11.7 The site is identified in the Local Plan as a key employment area, which is safeguarded by Local Plan Policies E2 and SW6. As the proposal involves only an extension and no change of use, it is concluded that there is no conflict with these policies.

**H Air quality (ENV13, NPPF paragraph 181 & PPG)**

- 11.8 Taking into account the comments of the Environmental Health Officer, it is considered that there would be no significant reduction in air quality around the site or in the nearby Air Quality Management Area (AQMA) provided that appropriate conditions be imposed should planning permission be granted. Therefore, subject to conditions to secure details of extraction equipment and measures to encourage low emission transport, it is concluded that the proposal accords with the above policies.

**I Contamination (ENV14, NPPF paragraph 178-179 & PPG)**

- 11.9 Taking into account the comments of the Environmental Health Officer, it is considered that the submitted contamination reports demonstrate that the development could proceed without adverse effects with respect to contaminated land. Therefore, subject to the use of appropriate conditions, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

**J Economic growth (NPPF paragraph 80)**

- 11.10 In accordance with paragraph 80 of the NPPF, significant weight is given to the positive effect of the proposed extension on the expansion of an existing business and the promotion of economic growth.

**K Sustainable drainage (NPPF paragraph 165 & PPG)**

- 11.11 As the proposal is a 'major development', paragraph 165 of the NPPF requires the use of a sustainable drainage system (SuDS) to handle surface water. Taking into account the comments of the Lead Local Flood Authority, it is considered that the submitted Surface Water Strategy Report demonstrates that a suitable SuDS could be installed. Therefore, subject to the use of conditions to

secure full details, it is concluded that the proposal accords with the above policy.

## **L Any other material considerations**

11.12 The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP 1 The Presumption in Favour of Sustainable Development

SP 2 The Spatial Strategy 2011-2033

SP 4 Provision of Jobs

SP 9 Development Within Development Limits

SP 12 Sustainable Development Principles

EMP 1 Employment Strategy

EMP 2 Existing and Proposed Employment Areas

TA 1 Accessible Development

TA 2 Sustainable Transport

TA 2 The Provision of Electric Charging Points

TA 3 Vehicle Parking Standards

TA 4 New Transport Infrastructure or Measures

INF 1 Infrastructure Delivery

D 1 High Quality Design

D 2 Car Parking Design

D 3 Small Scale Development / Householder Extensions

D 8 Sustainable Design and Construction

D 9 Minimising Carbon Dioxide Emissions

EN 7 Protecting and Enhancing the Natural Environment

EN 11 Surface Water Flooding

EN 15 Air Quality

EN 16 Contaminated Land

EN 17 Noise Sensitive Development

## **12 CONCLUSION**

A The proposal revised development accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

B The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

### **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 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. Thereafter the scheme

must be implemented in accordance with the approved details prior to occupation of the development, and should include but not be limited to:

1. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
2. Final modelling and calculations for all areas of the drainage system.
3. Half drain times- Storage devices should half empty within 24 wherever possible following a 1 in 30 year event.
4. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
5. Detailed engineering drawings of each component of the drainage scheme.
6. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
7. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent surface water flooding both on- and off-site, in accordance with Policy GEN3 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.

- 3 Prior to commencement of the development, a detailed Maintenance Plan for the surface water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must thereafter be maintained in accordance with the approved Plan.

REASON: To ensure the long-term effectiveness of the surface water drainage scheme, in accordance with Policy GEN3 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.

- 4 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policy GEN3 and the National Planning Policy Framework.

- 5 Prior to commencement of the development, a detailed Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved Plan, which must include:

- Health and safety measures, specific to the area of land containing asbestos fibres shown in Figure 4 of the submitted Geo-Environmental Phase I Desk Study and Phase II Site Investigation Report (Brown 2 Green Associates Ltd, Ref: 2199/Rpt 1v1, March 2019)

- Provision for the disposal of contaminated material

REASON: To minimise contamination risks, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 6 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 immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the Local Planning Authority.

If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the Local Planning Authority prior to re-commencement of the development.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development.

REASON: To minimise contamination risks, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 7 Prior to occupation of the development, full details of extraction equipment from the kiln ovens including nature of emissions, flue height, hours of operation and maintenance schedule must be submitted to and approved in writing by the local planning authority. The equipment must be installed in accordance with the approved details prior to occupation of the development.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 8 Prior to occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for motorised and non motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the measures must be installed operation in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9 Prior to occupation of the development, details of the following hard landscaping works must be submitted to and approved in writing by the Local Planning Authority:

- Hard surfaces
- Boundary treatment

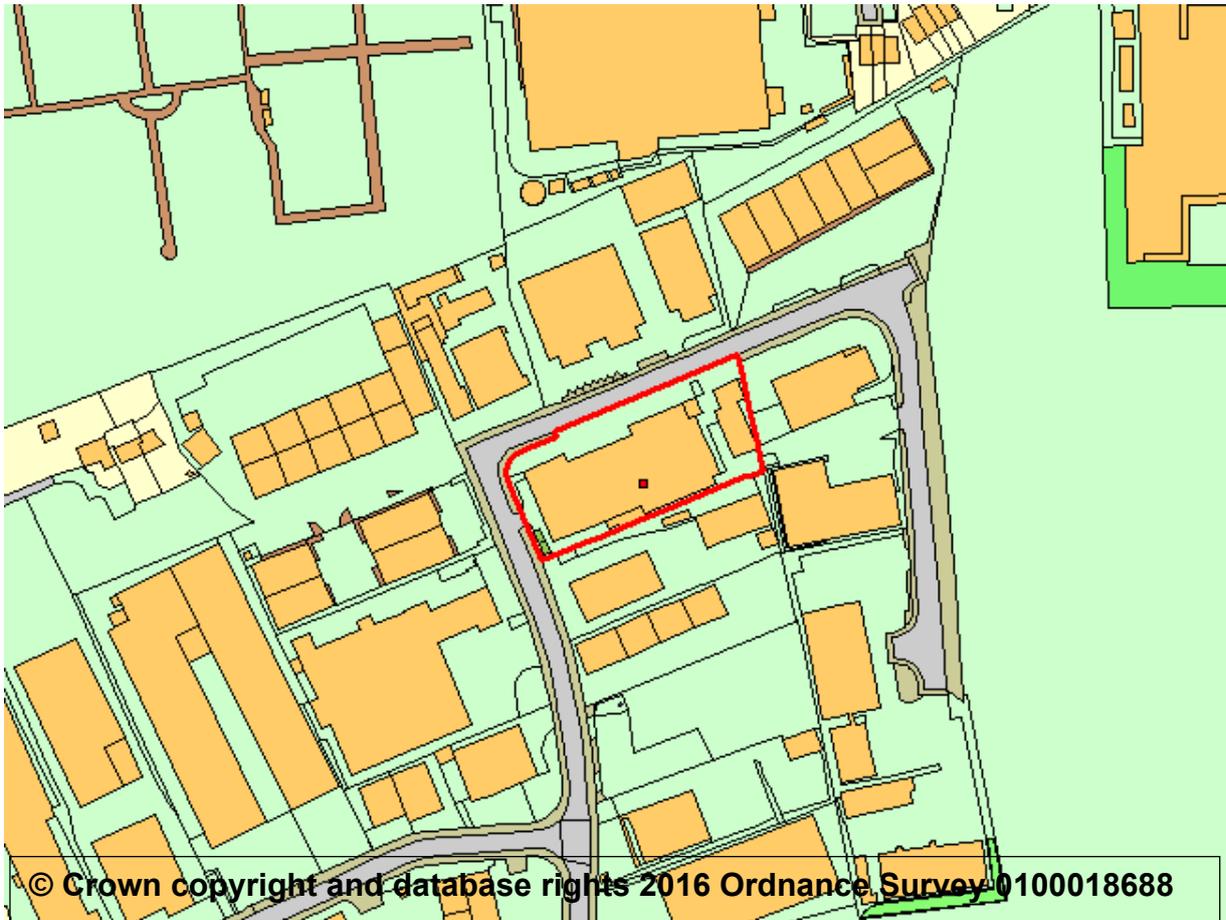
All hard landscape works must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the

National Planning Policy Framework.

- 10 The development must be carried out in accordance with the schedule of proposed materials on the submitted application form, unless otherwise approved in writing by the local planning authority prior to commencement of the development. The development must thereafter be carried out in accordance with the approved details.

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



Organisation: Uttlesford District Council

Department: Planning

Date: 25 February 2020

# Agenda Item 6

UTT/19/2777/FUL

(Planning Agent – Former UDC Councillor)

**PROPOSAL:** Change of use and conversion of redundant animal shelter into a residential dwelling

**LOCATION:** The Stables , May Walk , Elsenham Road, Stansted

**APPLICANT:** Mr S Richardson

**AGENT:** Mr Vic Ranger

**EXPIRY DATE:** 20<sup>th</sup> March 2020

**CASE OFFICER:** Chris Tyler

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## 1. NOTATION

1.1 Outside Development Limits,

## 2. DESCRIPTION OF SITE

2.1 The application site is a rectangular parcel of land which is located east of the bridleway May Walk. The site is located on the northern side of the B1051 which runs between Stansted Mountfitchet and Elsenham. The site is well screened by mature vegetation along both May Walk and the B1051.

2.2 The site is used for stabling and a menege and whilst part of the site has recently received permission to be used for domestic grazing. Within the site there are a number of outbuildings of which has permission for use of stables, menege, barns and field shelter for commercial livery purposes. The building to be assessed in this application relates to a detached field shelter located to the south of the existing buildings.

## 3. PROPOSAL

3.1 This application is for the change of use and conversion of the redundant animal shelter into a residential dwelling. The proposed dwelling will include one bedroom, single storey and will include the introduction of a pitched tiled roof and cladded walls.

## 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 planning 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 biodiversity checklist, structural survey and transport statement.

## **6. RELEVANT SITE HISTORY**

- 6.1 The application site includes an extensive planning history, however the most relevant applications relate to the change of use and conversion of a number of other buildings on this site.
- 6.2 UTT/19/1728/FUL- Section 73A Retrospective application for continued use of the building as a dwelling (approved 1/10/2019)
- UTT/19/1012/FUL- Change of use and conversion of existing barn into a single residential dwelling. Refused 25/6/2019- allowed at appeal.
- UTT/19/0312/FUL- Change of use and conversion of an existing redundant livery stable block, into 2 no. dwellings. (approved 29/3/2019)
- UTT/18/2351/OP- Outline application, with all matters reserved except for access, for residential development of 5 no. dwellings. (Refused 20/11/2018)
- UTT/18/0517/FUL -Change of use and conversion existing building into a dwelling (approved 8/5/2018)
- UTT/17/1544/PAP3Q- Prior Notification of change of use of agricultural building to 2 no. dwellings (refused)
- UTT/17/1644/FUL- Erection of garage/office building (refused)
- UTT/17/1645/FUL - Erection of machinery store (refused)
- UTT/17/2750/PAP3Q- Prior Notification of change of use of agricultural building to 1 no. dwelling (refused)
- UTT/17/1761/CLE- Use of a single building as an independent residential dwelling (refused- appeal dismissed)
- UTT/17/0634/CLE Certificate of Lawfulness for the existing use of a building as a dwelling (refused)
- UTT/16/1278/FUL- Retrospective application for the use of stables, menege, barns and field shelter for commercial livery purposes (Approved)
- UTT/1282/93/FUL- Erection of three agricultural buildings (for rabbit breeding) and construction of access to highway
- UTT/0524/91- Erection of stables, tack room and storage block
- UTT/1424/90 -Proposed erection of stable block

## **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.

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.

### **7.2 National Policies**

National Planning Policy Framework (NPPF)

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

Policy S7 -The Countryside  
Policy H6 –Conversion of Rural Buildings  
Policy GEN2 – Design  
Policy GEN1- Access  
Policy GEN7 - Nature Conservation  
Policy GEN8- Parking Standards  
Policy ENV13- Exposure to Poor Air Quality  
Policy – ENV14- Contaminated Land  
Policy- ENV10- Noise sensitive development

### **7.4 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 The Council objects on the following grounds:

1. Building needs to be demolished and rebuilt. The existing structure does not look like it could support the proposed conversion. It that is the case then technically this is a new build and not a change of use.
2. Residential permission on this site represents encroachment into the Countryside.
3. The General Permitted Development Order allows for the conversion of agricultural buildings in any location up to five dwellings and we believe this site already has 5 dwellings approved.

## **9.0 CONSULTATIONS**

## **The Highways Authority**

- 9.1 The applicant has submitted further information providing evidence of the existing/previous use of the site and associated vehicle movements. Having considered the submitted information, the highway authority is satisfied that the existing/previous use of the site compared to the proposed use (including the outbuildings with permission to convert into dwellings) would not result in a material increase in the number of vehicle movements from the site. Therefore, it is considered that the proposal would not intensify the use of the access onto the B1051 Stansted Road or the use of the public bridleway.

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 the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. Reason: To ensure that appropriate parking and turning is provided.

The above conditions are required to ensure that the development accords with the Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **ECC Ecology**

- 9.2 No objections or further recommendations made.

## **UDC Environmental Health**

- 9.3 Recommendation  
No objection to the application as proposed, but recommend the contaminated land condition below is attached to any consent granted.

Thank you for consulting Environmental Health on this full planning application, which seeks consent for the change of use of redundant animal shelter into a residential dwelling.

This is a greenfield site that contains a number of buildings associated with a former stables/livery yard. It is noted that the other buildings on the site have all secured separate planning consents (either directly or on appeal) for conversion to residential use. It is further noted that no specific conditions have been attached to any of these consents in respect of potential noise or land contamination impacts.

### **Noise**

The site is situated some 240m west of the M11 motorway, with raised earth bunds acting as a noise barrier at the edge of the motorway. Stansted Airport is some 2.8km to the south-east and the site falls outside the key daytime and night-time noise action contours. Noise from the M11 is likely to be audible at the site and the dominant ambient noise source in the area. However, in view of the distance to the M11, the existing earth bund and current construction requirements under the Building Regulations, no specific noise related conditions are considered necessary in respect of the application as proposed.

### **Land Contamination**

This is a greenfield site that has been used in connection with a former stables and livery yard, as an in-field animal shelter. It is noted that no contaminated land conditions have been attached to the extant consents granted for the conversion of the other buildings at the site. There is, however, always the potential for contamination to have arisen in connection with agricultural uses. As such, I would recommend that the following “watching brief” condition is attached to any consent granted:

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority.

Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

#### Air Quality

The site is situated beyond the 100m poor air quality zone identified in connection with the M11. As the application is for a single residential dwelling, no specific air quality related conditions are considered necessary in respect of the application as proposed.

#### Aerodrome Safeguarding

9.4 No Objections

### 10 REPRESENTATIONS

10.1 1 letter of support has been received  
3 letters of objections received

The following table reviews the comments received and case officer comments.

10.2	<b>Comment Received</b>	<b>Case Officer comments</b>
	The location of the site is outside the development limits	Although outside of the development limits it is considered the location of the site is in close proximity to the settlement of Elsenham.
	The development will impact the open character of the site and encroach to the surrounding countryside area.	The proposal includes the conversion of the existing building within the existing curtilage of then site.
	The development will increase road use and result in a highway safety impact	The Highways Authority has been consulted and due consideration will be made in the following report.
	The commercial potential has never been marketed.	There is no policy requirements for this for the development at this location.
	The applicant does not have a right of way to the bridleway	The submitted location plan and application form demonstrate the applicant has the right of way and

	owner ship of the site and access track.
The development is not a conversion but a new building.	Although the development will require a significant amount of building works the proposal is considered conversion and as such should be assessed under ULP Policy H6 (conversion of rural buildings)
5 new dwellings have already been refused on this site, however now the existing building are being converted. The site has an outstanding appeal decision for 5 dwellings	Planning application UTT/18/2351/OP refused 5 new dwellings on this site and is currently being appealed. I do not consider the conversion of this single dwelling will have any material change to the outcome of the appeal.
The speed limit along the highway is 60mph and therefore the visibility splay are not correct.	Due consideration has been made by the Highways Officer following the submission of a speed survey.

## 11 APPRAISAL

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

- A The principle of the development of this site (ULP Policy S7, H6, NPPF, SPD Accessible Homes and Playspace)
- B Design (ULP Policies GEN2, GEN4, ENV3, SPD Accessible Homes and Playspace and Essex Design Guide.
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);
- E Impact on Biodiversity (UDC Policies GEN7 and the NPPF)
- F Poor Air Quality, contaminated land and noise disturbance, ULP Policies ENV13, ENV14 and ENV10.
- G Planning Balance
- H Any other material considerations

### **A The principle of the development of this site (ULP Policy S7, H6, NPPF, SPD Accessible Homes and Playspace)**

- 11.1 The proposal is located outside of any development limits, within the countryside. As a result, Local Plan Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.2 That being said the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural area. Paragraph 170 of the NPPF, alongside recognising the intrinsic character and beauty of the countryside, supports thriving rural communities. Paragraph 77 of the NPPF sets out that '*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.*'
- 11.3 Notwithstanding the above, paragraph 78 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of '*isolated*', it is considered that the PPG supports the view that

housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits.

- 11.4 The site is within a small cluster of rural building to the north of Elsenham Road in the parish of Stansted Mountfitchet, due to the location and close proximity to the neighbouring settlement of Elsenham the site is not considered as an isolated location, this is consistent with the previously approved planning applications on this site and recent case law Braintree DC v SSCLG [2018] EWCA Civ
- 11.5 The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The site lies to the east of the settlement of Elsenham offering train services to Cambridge and London. As such it may be considered for these reasons that the site is not socially isolated. These transport methods demonstrate there is a sustainable transport links close to the site that the development would benefit from.
- 11.6 The landscape performs the function of clearly defining and containing the extent of built form. The site, although is within the rural countryside does include a number of existing outbuildings, as the proposal is to convert the existing rural building its considered that the development would not result in a detrimental impact to the intrinsically rural appearance. The overall built form and appearance of the dwelling will have a traditional appearance compatible with the surrounding area.
- 11.7 The application site includes a number detached buildings of which have already benefitted from being converted to residential properties, the proposal will not result in the introduction of any significant built form, and however the use residential use will incur permitted development rights for the erection of outbuildings and extensions, although this will be limited. As such no conflict is made in regards to the visual harm to the openness and appearance of the site and the countryside area.
- 11.8 A number of objections have been made in regards to the harm of the character of the rural countryside location. The single dwelling may result in an intensification of use of the site, however it is not considered of a significant level that will result in in a material change in character of the site or impact the countryside. Furthermore, due to the existing built form of the building the conversion to a dwelling is not diminishing the sense of place and local distinctiveness of the site and its surrounding area.
- 11.9 The development is considered not to significantly alter or harm the landscape character of the area or encroach into the openness of the countryside. For the detailed and specific reasons set out above, the development proposed is considered in the context of Framework to be considered sustainable, and is not an isolated site. The proposal accords with ULP Policy S7 and is appropriate to the rural area and the sustainable strands of development as set out in the NPPF.
- 11.10 ULP Policy H6 considers the conversion of rural building to residential use and advises that substantial building reconstructions or extension will not be permitted.

The following criteria apply:

- a)It can be demonstrated that there is not significant demand for business uses,

- small scale retail outlets, tourist accommodation or community uses
- b) They are in sound structural condition;
- c) Their historic, traditional or vernacular form enhances the character and appearance of the rural area;
- d) The conversion works respect and conserve the characteristics of the building;
- e) Private garden areas can be provided unobtrusively

- 11.11 ULP Policy H6 adds that substantial reconstructions or extensions will not be permitted, that conversions will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements and that conditions regulating land use or development rights associated with proposals may be necessary. In addition, the NPPF as overarching national planning guidance has a presumption in favour of sustainable development
- 11.12 In compliance with ULP Policy H6, I consider that although the site is not within development limits the location of the building and its proximity to Elsenham it is not isolated in regards to the social sustainability.
- 11.13 It is possible the building could be converted in to a holiday let or business use, i.e. B1 where the use of these will not necessarily impinge on the residential amenities of the neighbouring properties. However, I consider it unlikely that given the scale of the building and the location of the site this may not attract this type of user. Furthermore, this approach and assessment is not compliant with the aims of the NPPF.
- 11.14 It is noted the Parish Council has objected to the proposal, in regards to the structure of the building. It was evident from the case officer site visit and from the structural survey submitted with the application that the subject building is in a sound structural condition and capable of conversion.
- 11.15 The building although does not have any historic value or particular local vernacular style, using traditional external materials. There is sufficient area to form an appropriately sized amenity area.
- 11.16 Although the proposal meets the above criteria the conversion of the building will require an extension(s) to for further increase the footprint and introduce a pitched roof. I do not consider these additions to be substantial. Taking into consideration the above details the proposal is in accordance with ULP Policy H6.
- 11.17 Previously refused planning application UTT/19/1012/FUL (Change of use and conversion of existing barn into a single residential dwelling) was allowed at appeal. This considered the conversion of an existing feed building was appropriate although it required to be extended and was not worthy of retention. This allowed appeal provided some significant weight in the assessment of this current planning application.

**B Design (ULP Policies GEN2, GEN4, ENV3, SPD Accessible Homes and Playspace and Essex Design Guide)**

- 11.18 Policy GEN2 of the Local Plan states that new development should not have any materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. In view of the separation distances from neighbouring properties location, the proposal would not result in any material detrimental impact to neighbouring occupiers amenity.

- 11.19 Adequate amenity space has been demonstrated on the submitted plans and it is clear from the case officers site visit this requirement could be met. As such it is considered the proposal accords with the recommended amenity space within the Essex Design Guide.
- 11.20 The proposed dwelling will be of a traditional design and will include the use of external materials that will be compatible with the rural character of the site and neighbouring properties. This includes timber cladded walls under a pitched tiled roof.
- 11.21 As such it is considered the proposed development will not have a harmful impact on the neighbouring dwellings, character of the site or existing street scene and therefore accords with ULP Policy GEN2 and the NPPF.
- 11.22 The Council's Landscape Officer has been consulted in regards to the proposed development. Soft and hard landscaping detail have not been included with the application therefore to the imposition of a landscape condition to ensure the development is compatible with the surrounding rural character is considered appropriate, should planning permission be granted, as such it is considered the proposal accords with ULP Policy ENV3.
- 11.23 The proposed development will include the introduction of a further single dwelling, this will not have an intensification of use of the site that will result in any significant increase in noise or disturbance that will have a materially harmful impact to the amenity of neighbouring properties. As such I consider the proposed development will be in accordance with ULP Policy GEN4.

**C Access to the site (ULP Policy GEN1)**

- 11.24 The proposed dwelling would be served by the existing access along Mays Walk, there has been comments received in regards to the ownership and access of Mays Walk. The applicant has clearly demonstrated on the submitted plan (PL01) outlined in red the ownership of the site and access along Mays Walk to the main Highway, no further information has been submitted that contradicts this.
- 11.25 The Highways Officer has been consulted in regards to the proposal. Following the submission of further information and speed surveys during the application process no objections are made subject to the imposition of a condition, should planning permission be granted. Taking into regards these comments the application is considered to comply with the aims of ULP Policy GEN1.

**D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);**

- 11.26 In order to comply with locally adopted parking standards, for dwellings of 1 bedroom, one parking space should be provided per dwelling off-road. These need to accord with the size dimensions as outlined in adopted Vehicle Parking Standards (2009) of 5.5m in depth and 2.9m in width. The submitted block plan demonstrates the dwellings will have sufficient off street parking that could be extended; as such it is considered the proposed development complies with current adopted standards and ULP Policy GEN8.

**E Impact on Biodiversity (UDC Policies GEN7 and the NPPF)**

- 11.27 Policy GEN7 of the Local Plan states that development that would have a harmful

effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 11.28 The application includes the submission of a completed biodiversity check list, the case officer has checked these details and it does not trigger the requirement of further survey or information to be submitted, that being said Essex County Council Ecology has been consulted and no objections or comments have been made. It is therefore considered the development is unlikely to have harmful impact or adverse impact on protected species and therefore complies with Policy GEN7.

**F Poor Air Quality, contaminated land and noise disturbance, ULP Policies ENV13, ENV14 and ENV10.**

- 11.29 ULP Policy ENV13 considers whether the development would be exposed to poor air quality and specifically its location to the M11 Motorway. The site approximately 250m from the central reservation, a buffer zone of 100m has been identified as the area that should be considered under this policy, and as such due to distance outside this zone it is considered the proposal accords with ULP Policy ENV13.

- 11.30 ULP Policy ENV14 considers the proposal in regards to contaminated land, the neighbouring site to the east of the site has previously been subject to the dumping of waste, and however the site is not considered pollution or contaminated. The Council Environmental Health Officers have been consulted, of which no objections have been made subject to the imposition of conditions, it is considered the proposal accords with ULP Policy ENV14.

- 11.31 ULP Policy ENV10 takes into consideration the noise impact to the potential occupant of the development. UDC Environmental Health Officers raised no objections or further recommendations have been made. This is consistent with the previously approved development on this site, and as such it is considered the proposal accords with ULP Policy ENV10.

**G The Planning Balance**

- 11.32 For the reasons set out in the above assessment, planning 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.

- 11.33 I consider that the site would give rise to some economic benefits during the construction phase and I consider that there would be modest social benefits arising from the contribution to the Council's housing supply, given the contribution that small and medium sized sites can make. There would also be environmental benefits from the re-use of a redundant rural building and the character and appearance of the area would be enhanced for the reasons set out above. Consequently, I have not identified any significant adverse impacts associated with the development

**H Any Other Material Considerations**

- 11.34 The following policies are included in the emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

D1- High Quality Design  
SP10 Protection of the countryside  
TA1- Accessible Development  
TA4- Vehicle Parking Standards  
EN8- Protecting the natural environment  
C2- reuse of rural buildings  
EN17- Air quality  
EN18- Contaminated land  
EN19- Noise sensitive development

## **12. CONCLUSION**

- 12.1 The location of the development is considered appropriate and within close proximity to the settlement of Elsenham.
- 12.2 The conversion of the building to a single dwelling will include a tradition design and will not result in any harm to neighbouring properties.
- 12.3 The proposal will not have any adverse impacts upon Highway Safety or Ecology.
- 12.4 In conclusion the development will represent an acceptable form of sustainable development in terms of countryside impact, design, layout, and amenity, access, parking arrangements. The proposal would comply with national and relevant local plan policy and is therefore acceptable.

## **RECOMMENDATION – APPROVAL, SUBJECT TO 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. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.  
  
Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14.
  
3. Prior to commencement of 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

Thereafter, 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 Policies S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details.

4. 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. Thereafter, 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.

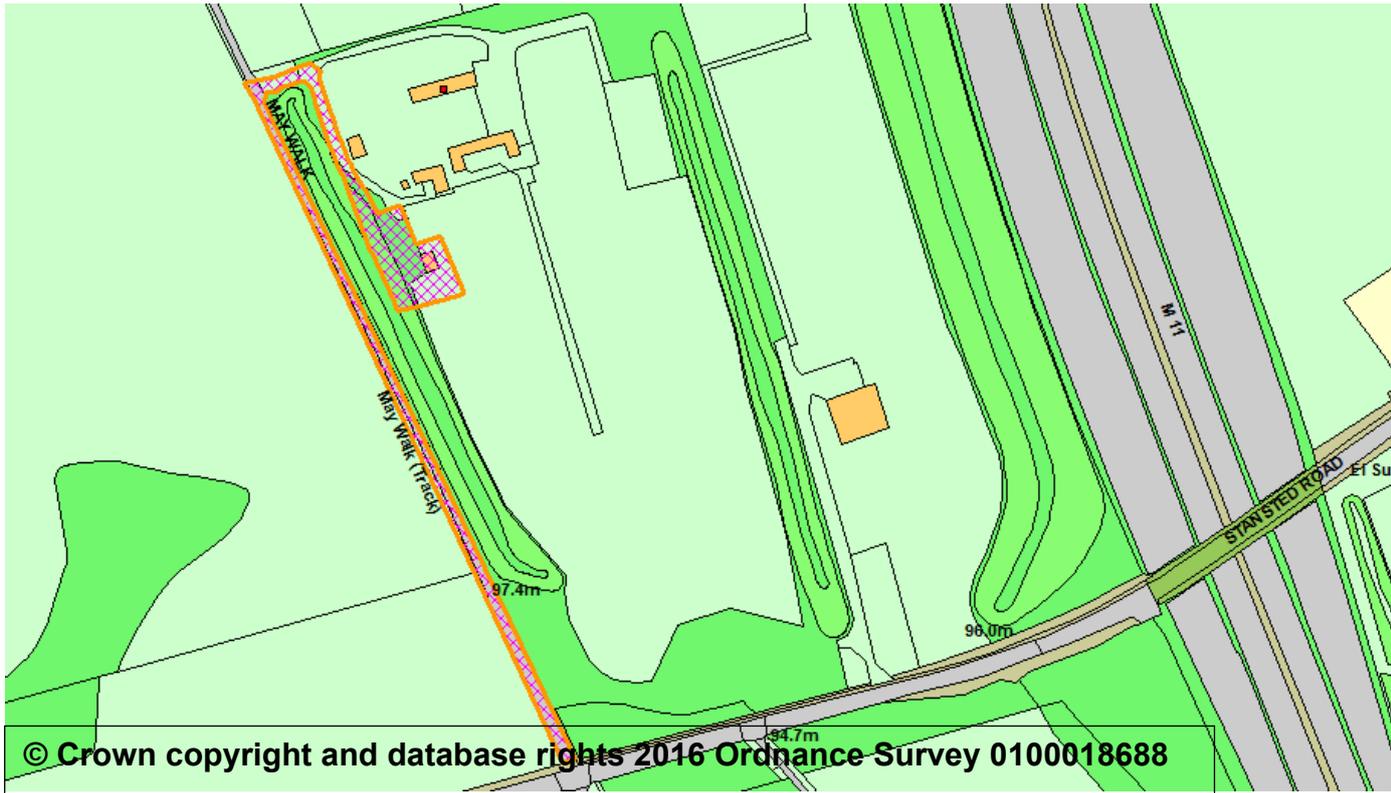
REASON: The use of this pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005)

5. A minimum of a single electric vehicle charging point shall be installed at the dwelling. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13, and the NPPF.

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

REASON: To ensure that appropriate parking and turning is provided in accordance with ULP GEN8 and the Uttlesford Residential Parking Standards (2013).



Organisation: Uttlesford District Council

Department: Planning

Date: 25 February 2020