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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee Remote Meeting

Date: Wednesday, 20th May, 2020
Time: 2.00 pm
Venue: Zoom - <https://zoom.us/>
Broadcast: <https://uttlesford.moderngov.co.uk/ieListDocuments.aspx?CId=138&MIId=5263>

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 Tayler 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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|----------|----------------------------------------------------------------------|---------|
| 2 | Minutes of the Previous Meeting | 4 - 8 |
| | To consider the minutes of the previous meeting held on 6 May 2020. | |
| 3 | UTT18/2508/OP - Land West of Bury Farm, Station Road, Felsted | 9 - 40 |
| | To consider application UTT18/2508/OP. | |
| 4 | UTT19/1219/FUL - Land East of Braintree Road, Great Dunmow | 41 - 70 |
| | To consider application UTT19/1219/FUL. | |
| 5 | UTT20/0707/HHF - 6 Farmadine, Saffron Walden | 71 - 75 |
| | To consider application UTT20/0707/HHF. | |
| 6 | UTT 20/0552/TPO - 6 Farmadine, Saffron Walden | 76 - 80 |
| | To consider application UTT20/0552/TPO. | |

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Agenda Item 2

PLANNING COMMITTEE held at ZOOM on WEDNESDAY, 6 MAY 2020 at 2.00 pm

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

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development Manager), B Ferguson (Democratic Services Manager),
C Gibson (Democratic Services Officer), E Smith (Solicitor),
C Theobald (Senior Planning Officer) and C Tyler (Senior Planning Officer)

Public Speakers: S Bampton, Councillor N Gregory, H Heliar, Councillor P Lees,
V Ranger and J Snares.

PC116 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Councillor Fairhurst declared a non-pecuniary interest as a member of Saffron Walden Town Council.

Councillor Freeman declared a non-pecuniary interest as a member of Saffron Walden Town Council.

Councillor Caton declared a non-pecuniary interest as his wife was the Chair of the Parish Council in relation to item number 6.

PC117 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were agreed and signed as an accurate record subject to a request for an amendment from Councillor Fairhurst in respect of PC107 that he had expressed concern about Green Belt encroachment and had objected to the resolution. This was agreed.

PC118 **UTT/19/1508/FUL - LAND EAST OF ST. EDMUNDS LANE, GREAT DUNMOW**

The Senior Planning Officer presented a proposal for the erection of 22 custom/self-build dwellings with associated parking provision, new service roads to include new access formed off St Edmunds Lane, and associated drainage works. This represented a revised design scheme to the extant 22 self-build dwelling scheme previously approved by the Council on 11 May 2018. The Planning Officer explained that there would be a choice of three types of self-build for each plot.

The application was recommended for approval with conditions with S106.

Members discussed whether the S106 Agreement could be brought back to the Committee, protection of the surrounding hedge, access arrangements, the possibility of a hammerhead at the end of the service road and supervisory arrangements.

Officers confirmed that a trilateral S106 Agreement (including UDC & ECC) would be negotiated. The Development Manager stated that the proposed S106 Agreement could be brought back to the Committee and that further conditions could be added.

Councillor Fairhurst proposed the motion to approve in principle the application, with additional changes to the conditions and subject to the S106 Agreement being brought back to the Committee.

Councillor Freeman seconded the motion.

RESOLVED to approve the application, subject to a S106 agreement being entered into between the Council and the applicant relating to commuted sum payments, supervision of the delivery, the protection of the hedge and the negotiated terms of any agreed draft S106 being reported back to Members for their further consideration. It should also be subject to a revised drawing being submitted to, and approved by the LPA, showing the formation of a hammerhead at the end of the proposed service road whereby this additional site requirement is to be conditioned as an additional condition on any planning permission granted.

S Bampton spoke on the application.

The Committee adjourned at 15.22 and reconvened at 15.30.

PC119 **UTT/19/2288/FUL - LAND NORTH OF BARTHOLOMEW CLOSE, GREAT CHESTERFORD**

The Senior Planning Officer presented a proposal for planning permission for the erection of 13 dwellings, including access, parking and associated works. He stated that, if the application was approved, Condition 3 would not be required.

The application was recommended for approval with conditions.

The members noted that planning permission had already been granted. They discussed access arrangements, construction traffic, national space standards, parking provision and ecology conditions.

Councillor Fairhurst highlighted safety concerns and access arrangements and proposed refusal of the application but there was no seconder for the motion.

Councillor LeCount proposed the motion to approve the application, with the omission of Condition 3, the boosting of Conditions 19 and 20 and a new Condition 21 in respect of compliance with Technical Housing Standards.

Councillor Caton seconded the motion.

RESOLVED to approve the application, with the omission of Condition 3 and subject to the following revisions.

Condition 19 to read:

Prior to the commencement of the development hereby approved (including ground clearance; any matters pursuant to any condition contained in this permission and the provision of site compound) a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority and shall be adhered to throughout the construction period. The Statement shall provide:

- (a) details confirming pre-development initiation meeting on site between the developer, the Local Planning Authority and the local community (including parish council and neighbours)
- (b) the parking of vehicles of site operatives and visitors
- (c) loading and unloading of plant and materials
- (d) storage of plant and materials used in constructing the development
- (e) the control of noise from construction including the hours of working
- (f) wheel washing facilities
- (g) measures to control the emission of dust and dirt during construction
- (h) Construction/ delivery times

Condition 20 to read:

Prior to the commencement of the development (including ground clearance; any matters pursuant to any condition contained in this permission and the provision of site compound) details of the trees and hedgerow to remain and tree protection measures shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved protection measures, subsequently; the approved measures shall not be changed without the prior written consent of the local planning authority.

A new Condition 21:

Notwithstanding the submitted plans, all dwellings shall be in strict accordance with the Technical Housing Standards- Nationally Described Space Standards (2015)

Cllr N Gregory, Cllr P Lees, H Heliar and J Snares spoke on the application. An officer read out the submission made by A Leclerq.

The Committee adjourned at 16.29 and reconvened at 16.35.

The Senior Planning Officer presented a proposal for the demolition of the smaller building and erection of an extension to the existing building providing two floors with accommodation and basement.

The application was recommended for approval with conditions.

Councillor Fairhurst supported the application and proposed the motion for approval.

Councillor Freeman seconded the proposal.

RESOLVED to approve the application with conditions.

PC121 **UTT/19/2777/FUL - THE STABLES, MAY WALK, ELSENHAM ROAD, STANSTED**

The Senior Planning Officer presented a proposal for the change of use and conversion of the redundant animal shelter into a residential dwelling. The proposed dwelling would include one bedroom single storey and would include the introduction of a pitched tiled roof and cladded walls.

The application was recommended for approval subject to conditions.

Councillor Storah presented comprehensive objections to the development and was supported by many other members.

Councillor Storah proposed refusal on the grounds of ULP Policy H6, ULP Policy GEN2 and the National Planning Policy Framework.

Councillor Fairhurst seconded the proposal.

RESOLVED to refuse the application for the following reasons:

1. The conversion will require substantial building reconstruction and will be tantamount to a rebuild and not a conversion of the existing building. The conversion works will not respect and conserve the characteristics of the building as it will require the replacing of most of the existing built form. The proposed development is not in accordance with ULP Policy H6 and the NPPF.
2. Insufficient information has been provided to ensure the development accords with the Technical Housing Standards - nationally described space standards (2015) due to the conflicting details included in the submitted structural report and the proposed plans. As such it the proposal would be in conflict with ULP Policy GEN2 and would not provide an environment which would meet the reasonable needs of potential users.

V Ranger spoke on the application and an officer read out the submission made by Stansted Parish Council.

Meeting Closed 5:30pm

UTT/18/2508/OP

(MAJOR)

PROPOSAL: Outline application with all matters reserved, with the exception of access, for a mixed use development comprising a Doctors Surgery and a residential development of 38 new dwellings, new accesses, parking provision, landscaping and associated development.

LOCATION: Land West of Bury Farm, Station Road, Felsted.

APPLICANT: Young Family Trust.

AGENT: Mr Trevor Dodkins.

EXPIRY DATE: 20.12.2018 (extension of time agreed to 1 June 2020).

CASE OFFICER: Clive Theobald

1. NOTATION

- 1.1 Uttlesford Local Plan (ULP) - Outside Development Limits.
Felsted Neighbourhood Plan (FNP) - Outside Felsted NP Area / FEL/HN3 – Land at Station Road (Bury Farm).

2. DESCRIPTION OF SITE

- 2.1 The site comprises a large parcel of gently sloping agricultural land consisting of 4.2 ha. (stated) and currently set to grass which lies on the north and east sides of Station Road on the inside of a gradual bend between the end of Felsted village and Flitch Green. Further agricultural land lies to the immediate north of the site, whilst a continuous ribbon of dwellings line Station Road opposite the site extending down and round towards the Felsted treatment works. A continuous native hedgerow runs parallel with the site frontage for its entire length along Station Road. A public footpath (PROW No.15) runs along the northern boundary of the site at an angle from Station Road across to Bury Farm to the east and beyond.

3. PROPOSAL

- 3.1 This outline proposal with all matters reserved, with the exception of access, relates to a mixed use development comprising a new “smart hub” doctors surgery to serve Felsted village and Flitch Green as a local infrastructure delivery project and enabling market housing comprising 38 new market dwellings with the provision of two new vehicular accesses from Station Road.
- 3.2 An indicative site layout plan has been submitted showing the approximate preferred siting of the proposed doctor’s surgery in the south-east corner of the site and also how the enabling housing could be laid out comprising a mix of dwellings. An attenuation basin is shown for the western lowest side of the site, whilst a landscape buffer with pedestrian link to “Felsted Fen” is shown on land to the north of the proposed housing area.

- 3.3 No detailed drawings have been presented for the surgery given the outline nature of the application and as the final build specification would be shown at reserved matters stage, although an approximate footprint of the building has been indicated on proposed block plan 4973 03 B. Similarly, the precise siting area of the surgery within the site and proposed surgery parking arrangements are also indicatively shown as this could also subsequently change for any future reserved matters application. It is proposed for two vehicular accesses to serve the proposed development, one at the south-east end of the site and one at the western end of the site as shown.
- 3.4 Hard and soft landscaping measures are indicatively shown on drawings OS 1505-17.3 Rev. A and OS 1505-17.5 Rev A, including landscaping measures for the proposed attenuation basin and also a “green” buffer zone to the north of the development site. For both elements of the proposed scheme, details of Layout, Scale, Appearance and Landscaping are reserved for subsequent detailed consideration and do not therefore fall within the scope of the current outline application.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal amounts to Schedule 2 development (Class 10. Infrastructure Projects – (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. Under this class, the development by reason of its nature, size and 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 (4.2 ha), whilst additionally the site does not lie within a “sensitive area” for the purpose of EIA definition. As such, the proposal is not EIA development.

5. APPLICANT’S CASE

- 5.1 The application is accompanied by the following core reports to inform the submitted proposal:
- Planning, Design and Access Statement
 - Flood Risk Assessment
 - Transport Statement
 - Arboricultural Impact Assessment
 - Ecology Impact Assessment
- 5.2 The submitted planning statement (Phase 2 Planning) sets out the planning justification case for this local infrastructure delivery project with enabling housing with reference to an identified local community need and the Felsted Neighbourhood Plan and concludes as follows:
- The Application site lies outside the village boundary of Felsted as defined by the Local Plan and is therefore within the countryside in policy terms. The starting point in this application is that the proposal is subject to Local Plan policy S7 The Countryside which seeks to impose a general restriction on development, including housing, outside the defined limits.
 - However, the district does not have a five-year housing land supply, meaning that, for the purposes of paragraph 11 of the NPPF, policies relating to housing supply are considered out-of-date. As a consequence,

the second part of paragraph 11 of the NPPF is engaged, establishing a tilted balance in favour of development. Accordingly, permission should be granted unless the adverse impacts of development would significantly and demonstrably outweigh the benefits.

- The benefits of the scheme are set out as follows:
 - i. The scheme is well-designed and would result in a high-quality development providing a good standard of amenity for its occupiers and no unacceptable impact on the amenity of existing residential occupiers.
 - ii. The land is currently unused close to the settlement limits of Felsted and is not read as part of the open countryside. To develop the land would therefore make more efficient use of it which is encouraged by the NPPF.
 - iii. The site is in close proximity to the edge of the village; the development would appear as a simple extension of the linear development in this part of Felsted. There would be no adverse impact or harm to the character or appearance of the village.
 - iv. The development would make a modest contribution to meeting the Council's housing needs, but more particularly it would help to provide choice and competition within the housing market area.
 - v. In overall terms, the development is sustainable given the existing services within Felsted, the employment benefits in a rural area and the provision of a community facilities available in the immediate locality.
- There are no adverse impacts of allowing this development when considered against the policies of the development framework as a whole, but importantly the scheme would provide Felsted with an improved location for the Doctors Surgery and enable the continued viability of this essential rural service thereby providing a number of benefits for the local community, which can be summarised as follows:
 - A modern purpose-built Doctors Surgery that will be able to cater for the needs of the local community and continue to provide an essential rural service;
 - Dedicated parking provision for the surgery and general village needs;
 - Reduction in parking congestion in the centre of the village; and
 - The securing of vital rural services and associated jobs.
- For the reasons set out above, a grant of planning permission would not establish a precedent due to the unique and particular circumstances highlighted above, and the significant benefits that would result to local community and provision of an important rural services and facilities within the District.
- In addition, the application proposals do not conflict with the statutory development plan, and where they do, the proposals are acceptable taking into account all other material considerations. As the tilted balance should be applied, and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, the Council is respectfully requested to approve this application for the development proposed and grant planning permission.

6. RELEVANT SITE HISTORY

- 6.1 There is no relevant site history in relation to submitted planning applications, although a preliminary enquiry was submitted to the Council in 2016 which precedes the current application for a mixed use development on the site comprising up to 15 houses with a “village amenity” such as a new doctors surgery. A spatial zoning plan was submitted for that enquiry for illustrative purposes showing the housing zone and the village amenity zone.
- 6.2 A detailed LPA response setting out the Council’s informal views of the submitted scheme concluded as follows:
“In light of the above, the principle of the proposed development appears to be unacceptable on grounds of its unacceptable encroachment of built form within the immediate area which would thereby cause harm to the beauty and intrinsic value of the countryside. It is therefore unlikely that the proposal would be supported by officers unless very special reasons are demonstrated regarding the need for it to be development such as providing and securing village amenities that the Parish Council may think to be reasonable”.
- 6.3 Whilst remarking on the visual amenity harm that officers considered would result through the proposal, the letter did make reference to any potential special reasons as to why the development may need to take place at the site with reference to a possible village doctors surgery when the letter advised that;
“Within our meeting we discussed some potential special reasons that may be critical to demonstrate why the development may need to take there. It was highly suggested to undertake discussions with the Felsted Neighbourhood Steering Group who is responsible for the implementation of the Neighbourhood Local Plan and the Parish Council. From previous discussion with both, it appears that there could be a need to relocate some of the village amenities, such as the doctors surgery, post office and local shop to a new area to reduce traffic congestion in an around the town centre and to save the viability of these services. If part of the proposal includes providing and securing the relocation of some of the amenities, this may be looked upon favourably as a special reason in why the development needs to be there subject to other material factors”.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
 ULP Policy E4 – Farm diversification: alternative use of farmland
 ULP Policy ENV3 – Open spaces and trees
 ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
 ULP Policy ENV5 – Protection of agricultural land
 ULP Policy H1 – Housing development
 ULP Policy H9 – Affordable housing
 ULP Policy H10 – Housing Mix
 ULP Policy LC3 – Community Facilities
 ULP Policy GEN1 – Access
 ULP Policy GEN2 – Design
 ULP Policy GEN3 – Flood Protection
 ULP Policy GEN4 – Good Neighbourliness
 ULP Policy GEN6 – Infrastructure Provision to Support Development
 ULP Policy GEN7 – Nature Conservation
 ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD "Accessible Homes and Playspace"

National Policies

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Other Material Considerations

Felsted Conservation Area Character Appraisal
Essex Design Guide
ECC Parking Standards - "Design and Good Practice" (September 2009)

Felsted Neighbourhood Plan (FNP) – formerly made on 25th February 2020.

FEL/HN1 – Meeting Housing Needs
FEL/HN3 – Land At Station Road (Bury Farm)
FEL/HN7 – Housing Mix
FEL/ICH1 – High Quality Design
FEL/ICH4 – Avoiding Coalescence
FEL/CW1 – Landscape and Countryside Character
FEL/CW2 – Nature Area, including Felsted Fen
FEL/CW3 – Footpaths, Bridleways and Cycleways
FEL/CW4 – Green Infrastructure

8. PARISH COUNCIL COMMENTS

- 8.1 The PC objects to the current proposal as it does not align with the emerging Neighbourhood Plan. Consultation during the development of the NP has indicated firm local support for commuting a requirement for affordable housing in any commercial development on this site, instead seeking funding for the surgery's construction. The current proposal envisages 15 affordable houses in addition to 23 commercial dwellings, all in open countryside (contrary to LPA Policy S7, Draft Policy SP10 and advice in the NPPF).

The PC has no objection to the proposed location of the development and surgery, but has serious concerns about the proposed accesses to the site, which are adjacent to blind bends and bus stops in Station Road, which is currently a narrow, winding, unnumbered road.

9. CONSULTATIONS

NHS West Essex Clinical Commissioning Group

9.1 Introduction

Thank you for consulting West Essex CCG on the above planning application.

I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of West: Essex Clinical Commissioning Group (CCG), incorporating NHS England Midlands and East (East) (NHS England).

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development and cumulative development growth in the area.

The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

A Healthcare Impact Assessment has been prepared by West Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 95 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within a 2km radius (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m2) ²	Capacity ³	Spare Capacity (NIA m2) ⁴
John Tasker House Including Felsted Branch	14,756	710.22	10,357	-301.62
Total	14,756	710.22	10,357	-301.62

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula. this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice.
3. Based on 120m2 per single GP practice (with an optimal list size of 1750patients) incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
4. Based on existing weighted list size.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

Healthcare Needs Arising From the Proposed Development

The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: "The NHS Five Year Forward View".

The development would give rise to a need for improvements to capacity, in line with the emerging CCG estates strategy, by way of a potential relocation for the benefit of the patients at John Tasker House, Felsted Branch Surgery, to be met by the developer as set out in table 2. Alternatively, provision of a primary care medical centre provided by the developer would be considered.

Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

	Additional Population Growth (38 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floorspace (£) ⁸
John Tasker House including Felsted Branch	95	6.51	-301.62	£14,973
Total	95	6.51	-301.62	£14,973

Notes:

- 5 Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
- 6 Based on 120m² per single GP practice (with an optimal list size of 1750 patients) incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
7. Existing capacity within premises as shown in Table 1
8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost Index. adjusted for professional fees. fit out and contingencies budget (£2.300/m²). rounded to nearest £100.

A developer contribution will be required to mitigate the impact of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £14,973. Payment should be made before the development commences.

West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

NATS

- 9.2 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En-Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MAG Stansted Airport

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

Anglian Water

- 9.4 ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - 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 in 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.

ECC SuDS

- 9.5 As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of Outline planning permission subject to SuDS conditions.

ECC Highways

(Revised comments received 13/12/2019:

- 9.6 The Highway Authority has considered the above planning application and thoroughly assessed the submitted transport statement (TS) together with the relevant drawings. Site visits have been undertaken. The applicant has made alterations to the access arrangements and a Stage 1 safety audit has since been undertaken. Opportunities for sustainable transport and mitigation measures were explored and improvements in the form of bus stop infrastructure is required. The Highway Authority is satisfied that the proposed access conforms to current standards.

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

ECC Education

- 9.7 I have assessed the application on the basis of 38 houses. Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.42 Early Years and Childcare (EY&C) places; 11.40 primary school, and 7.60 secondary school places.

Early Years and Childcare:

The proposed development is located within the Felsted Ward. According to Essex County Council's childcare sufficiency data, published in 2018, there are zero unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet the demand from this proposal. An additional 3.42 places would be provided at an estimated total cost of £59,583.00 at April 2018 prices. Based on the demand generated by this proposal as set out above, a developer contribution, index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

Primary Education:

This development would sit within the priority admissions area of Felsted Primary School. The School has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 267 pupils on roll (May 2018). Having taken a couple of 'bulge' groups, the School now has a Planned Admission Number of 30 pupils per year. The School is, as in previous years, fully subscribed for this September's intake. Viability work is being commissioned to look at the School's permanent accommodation need. This development would add to that need and, thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £174,203.00, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution would thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any section 106 agreement in favour of primary school places is, therefore, also regulation 123 compliant.

Secondary Education:

The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare and primary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

ECC Place Services

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

Summary

I have reviewed the Preliminary Ecological Appraisal Report (Cedar Land Management, April 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly nesting birds and identification of proportionate mitigation.

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

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

The development could be improved to deliver enhancements for wildlife, with more native planting. The landscape plan shows Cotoneaster and Himalayan Cotoneaster, these plants are now on Schedule 9 of the Wildlife and Countryside Act 1981 and should not be planted.

The NPPF states that development should deliver biodiversity net gain, so I am asking that a Biodiversity Enhancement Strategy be put in place to improve this scheme for wildlife. Submission for approval and implementation of details should be a condition of any planning consent:

ECC Archaeology

- 9.9 The Historic Environment Advisor of Essex County Council has identified the above application from the weekly list as having archaeological implications.

The following recommendations are in line with the new National Planning Policy Framework.

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

Essex Police

- 9.10 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

10. REPRESENTATIONS

- 10.1 41 representations received. Neighbour notification period expires 18/10/2018. Advertisement expires 18 October 2018. Site notice expires 01/1/2018.

- 10.2 Summary of representations received as follows:

Support:

- Support this application as it is proposed by the neighbourhood plan which was developed in consultation with Felsted residents. It will remove traffic from the village centre and provide off road parking for the surgery. The planned new housing will fulfil the requirement for new housing in the village in accordance with national guidelines.
- The development is a carefully planned solution to the preservation of the village centre and the enhanced surgery will cater for the needs of the expanding number of residents.
- Transferring some provision from Dunmow to Felsted will release capacity in Dunmow to cope with shortfall and new developments there.

Object:

- The current site of the doctors surgery in Felsted (John Tasker House) is currently fit for purpose with the surgery currently operating in a part time capacity, with often only one GP on duty, despite having two consultation rooms for GP's to use. The first logical step within the current surgery would be for GP's to be on duty full time, which would provide an increase of 50% capacity, therefore eliminating the need for a new GP surgery.
- Felsted Surgery is currently ideally located in the centre of the village, providing easy access for the whole community, and running at well below its potential capacity. It could be argued that the proposed development of a new doctor's surgery is being driven by financial gain, and that this has had a significant and biased influence on this development, rather than taking into account the benefits to the community.
- A medical facility of this size should be located in or near a major centre of population.
- If the present surgery had two doctors full time there is no need for a new surgery, especially the size on the plan with all that parking. I rarely find the present surgery to be very busy. It has two consulting rooms, a nurses room, a pharmacy, a nice waiting area etc. and seems perfectly adequate to me and to others.
- The NHS document submitted on this planning application notes that present surgery requirements for the John Tasker Practice including Dunmow and Felsted are 1011 sq.m., including a 301 sq.m shortfall on existing provision. The new build will add a 6.5 sq.m. requirement.

- Lower cost and lower impact amendments to the area around the existing surgery should be explored. Proposed new development appears predominantly to be being pushed by GP's and landowners for their own financial benefit rather than the community they serve.
- A full report supporting the need for a new surgery site should be published by the GP surgery with supporting data on current usage levels, projected needs and their supporting projected business plan.
- Locating a new surgery away from the village centre (either Fritch Green or Felsted) means it will be ineffective at promoting a vibrant village centre in either location (it will feel remote for all users except a very small number of residents on Station Road).
- Proposal would lead to increased traffic movements along this section of Station Road which has sharp double bends, poor visibility, narrow pavements and which narrows in width towards the top bend with oncoming traffic coming round the bend often being close to or straying over the median line with buses often being in close conflict with cars and pedestrians at the bend.
- The footpath is inadequate. How will the elderly and infirm be able to cross Station Road to get to the new surgery? Traffic calming measures need to be put in place as part of the proposal.
- Station Road is a very busy through route from Felsted to the B1256, particularly during the school run. Traffic often queues at peak times (i.e. Felsted prep school drop off) along Station Road and through the village. This would only be impacted by additional residents and surgery traffic, causing further gridlock to the already struggling village roads.
- The development would cause a huge increase in traffic for both residents of the proposed estate along with the traffic increase generally to visit the new doctors surgery and will undoubtedly cause many patients that currently walk to the existing surgery to have to use their car with the proposed surgery being located on the edge of Felsted.
- The application states that between 42 and 46 cars on average will be added to the main highway as a result of both the housing and the doctor's surgery at peak hours. This is based on approx. 40 houses and, as the plan states an 8 doctor surgery. These numbers are totally unrealistic. If indeed an 8 doctor surgery is required, then with 10 minute appointments this will lead to up to 48 extra cars an hour coming and going during surgery hours alone irrespective of the private journeys.
- The indicated visibility splays calculated by the transport assessment are flawed and do not follow the recommended guidelines.
- The required visibility splays would require removal of a lot of the frontage hedgerow along Station Road.
- It is not clear where the repositioned village bus stop would be located, but if to be near the surgery it would be between 2 blind bends which is dangerous for motor and pedestrian traffic which seems unfeasible.
- Water pressure at this end of the village is often fluctuant and the 2012 fire in the village demonstrated the inadequacy of current supply.
- Existing sewer capacity problem.
- Felsted village lacks the infrastructure to support this development.
- Proposal will have huge impact in terms of new housing on an already overcrowded village and overcrowded local schools.
- The school facilities in Felsted are at bursting point, with no spare spaces free and local parents often dreading the time they are having to apply for spaces for their children.

- There is no local employment requirement for these houses; therefore the occupants will need to commute to work. The village has poor public transport links; therefore the occupants will have to rely on their own cars to travel to and from work.
- Proposal would lead to a disproportional loss of versatile agricultural land.
- No Landscape Visual Impact Assessment has been submitted with the application.
- The development introduces coalescence with Flich Green with increased built form within what is an aesthetically important approach to Felsted Village.
- The site is located on a hill leading to the village and the development will obstruct aesthetically significant views of the Church and Historic Village Centre from the Little Dunmow direction.
- Field opposite is on higher ground so light pollution would be a problem.
- Residents are being offered a sliver of green space recently branded as "Felsted Fen" in return for the concreting over of yet another greenfield site.
- Two other applications for developments around Watch House Green were declined as they did not meet key criteria detailed within the Uttlesford local plan. This plan is no different and should be declined too.
- The development does not include a mechanism to secure suitable affordable house provision (should be 40%). This is in conflict with Policy H9 of the Uttlesford Local Plan.
- With the current plan, the car park associated with the surgery will have to be used by other dwellings with no parking facilities. It will therefore be not exclusive to the surgery, nor secure and can be used by anyone out of hours. This raises security and lighting issues.
- Those that live opposite or surrounding the proposed development will clearly therefore have their Human Rights impacts should such a development be approved.
- The villagers of Felsted have been hoodwinked into believing that this new surgery would come at no cost to the parish council or to the environment. We now understand that the landowner is demanding the building of houses for the gifting of the land, a poor deal.

11. APPRAISAL

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

- A Principle of development having regard to demonstration of need for a new doctors surgery, sustainability, loss / re-use of agricultural land, countryside protection, heritage protection, flood risk, infrastructure provision (NPPF, ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3, GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4).
 - B Whether proposed access arrangements would be acceptable (ULP Policy GEN1).
 - C Housing Mix / Affordable housing requirements (ULP Policies H9 and H10 and FNP Policy FEL/HN7).
 - D Design (ULP Policies GEN2, GEN4 and GEN8 and FNP FEL/ICH1).
 - E Impact on nature conservation (ULP Policy GEN7).
- A Principle of development having regard to demonstration of need for a new doctors surgery, sustainability considerations, loss / re-use of agricultural land, countryside protection, heritage protection, flood risk, infrastructure provision (NPPF, ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3,**

GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4).

- 11.1 Section 38(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 then the determination must be made in accordance with the plan, unless material considerations indicate otherwise, such as government policy or emerging local policy. The statutory development plan for this area comprises the Uttlesford Local Plan (adopted 2005). The Council's emerging Local Plan carries little weight at this time given that the Secretary of State has recently found areas of the plan to be unsound, particularly in the way in which the Council's three new garden communities would be delivered.
- 11.2 The Felsted Neighbourhood Plan (FNP) was formerly "made" on 25 February 2020 following a detailed consultation process and a favourable referendum into the NP held at the end of January 2020 and therefore now forms part of the development plan for the district. As a "made" neighbourhood plan, the FNP carries significant weight against the provisions of the NPPF in local decision taking. The FNP identifies how local infrastructure projects, housing proposals and other land use schemes for the parish are intended to be delivered up to 2033 (the NP plan period) by offering policies which take a positive approach to sustainable development, but which also ensure maximum community benefits. As such, this made document is a "material consideration" for the purposes of determination of planning applications for Felsted Parish, including consideration of local infrastructure projects for allocated sites within the plan.
- 11.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. Since the adoption of the 2005 Local Plan, the National Planning Policy Framework (NPPF) has set out new guidelines for local planning policy whereby some of the policies in the 2005 Adopted Local Plan, including its policies on housing (i.e. ULP Policy H1), are considered "out of date" as they do not accord with the provisions of the NPPF. The NPPF has a presumption in favour of sustainable development and states at paragraph 11 c) that for decision taking 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 planning permission unless:
- i. The application of policies in the 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 on the framework taken as a whole.

Loss / re-use of agricultural land, countryside protection, heritage protection and flood risk.

- 11.4 ULP Policy S7 is a restrictive local plan policy which seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict control on new building. The policy adds that "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". ULP Policy S7 as a countryside constraint policy has been found to be partially consistent with the provisions of the NPPF which takes a more proactive stance towards building in the countryside where a presumption in favour of sustainable development can be demonstrated.

- 11.5 ULP Policy E4 permits alternative uses of farmland, whilst ULP Policy ENV5 conversely seeks to protect agricultural land from new development. ULP Policy ENV1 relates to the design of development within conservation areas, although the application site does not fall within Felsted conservation area, lying as it does to the west, whilst ULP ENV3 seeks the protection of open spaces and trees. ULP Policy LC3 states that community facilities will be permitted on a site outside settlements subject to certain qualifying criteria, including demonstration of need. ULP Policy GEN3 seeks to direct development away from areas which are vulnerable to flooding, whilst ULP Policy GEN6 states that development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. The relevant Felsted NP policies which correspond to these adopted local plan policies are FNP Policies HN1, FEL/HN3, FEL/ICH1, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3 and FEL/CW4.
- 11.6 The site, which slopes, is shown as being at a low risk of flooding (Flood Zone 1) on the government's flood risk map. Stebbing Brook (Main River), which is known to be prone to flooding, runs some 150m through the valley to the north of the site. Therefore, the site would not be subject to fluvial (river based) or coastal flooding for a 1 in 1000 year or more frequent storm event on this basis. The technical guidance to NPPF, Flood Risk Section, classifies residential property as 'More Vulnerable' in terms of Flood Risk Vulnerability Classification. The NPPF also defines that developments classified as 'More Vulnerable' are appropriate in Flood Zone 1. The flood risk assessment for planning applications guidance section of the Gov.uk website advises that developments in excess of one hectare require a site-specific Flood Risk Assessment (FRA). As the total site area is approximately 4.2 hectares, an FRA is required.
- 11.7 The submitted FRA and integral drainage strategy report seeks to address the surface water and foul drainage management arising from the proposed development of this greenfield site and identifies that a sustainable drainage system (SuDS) would be the preferred drainage system method to minimise surface water run-off to existing public sewers or watercourses from the proposed development. The Environment Agency (EA) has not been approached given that the site is within a low flood risk area. The run-off from the existing greenfield under the area of the impermeable part of the proposed development (1.6ha) has been calculated using Micro Drainage computer modelling. The highest point of the site is close to the middle of the eastern boundary at 62.63m AOD, whilst the lowest point of the site is in the site's western corner at approximately 54.00m AOD (Above Ordinance Datum). The site has a typical gradient of between about 1 in 27 to 1 in 33 from east to west.
- 11.8 The submitted FRA considers that this SuDS strategy would provide betterment over the existing situation for all storms between a 1 in 1 year and 1 in 100 year + 40% climate change events. Surface water would be stored in an attenuation basin, which would be reasonably shallow with side slopes of a 1 in 4 gradient in keeping with Essex SuDS Design Guidance as opposed to discharging directly into the ditch. The FRA concludes by demonstrating that the site is suitable for

residential development in drainage terms, even under extreme conditions, based upon reasonable assumptions whereby it would be expected that further detailed modelling work would be required at the post-planning permission stage. ECC SuDS team have examined the submitted FRA with accompanying technical documents and have stated they are satisfied that the proposed scheme is acceptable in SuDS drainage terms and have not objected to the scheme subject to SuDS drainage conditions. No objections are therefore raised under ULP Policies GEN2 and GEN3.

- 11.9 The site is currently out of arable agricultural use and appears to have existed in this way for a considerable number of years. To this end, the applicant has stated that the land is now physically separated from any wider agricultural holding to the immediate north remaining as grassland. It is evident from officer site visits that the proposed mixed use scheme submitted for consideration would not have any impact on food production or national food security and no objections are therefore raised under ULP Policy ENV5 on this basis where its re-use for an alternative purpose through farm diversification such as with the scheme as currently presented can be argued to make more efficient use of the land under ULP Policy E4, although this alternative use must be weighed against the adverse effects which have been identified below for this scheme.
- 11.10 The site lies immediately outside the development limits for Felsted for the adopted Local Plan and also immediately outside the defined village development limits as shown for the Felsted NP. However, the site is an allocated site for “approximately 39 units and for the development of a doctors surgery” as shown in the Felsted NP (Felsted NP allocation site FEL/HN3 – Land at Station Road (Bury Farm)). The land slopes gently from the eastern boundary of the site down to the western road boundary and has a strong hedgerow along the site’s continuous frontage with Station Road. Glimpses of the site can be had along Station Road, whilst the site can be more readily appreciated as rising ground from the Flich Way which runs to the north of the site.
- 11.11 The proposal shows that the majority of the application site would be taken up by built form either in the form of the doctors’ surgery, the associated car park, roads, dwellings and associated gardens. However, the indicated scheme proposes an extensive triangular buffer landscape strip as shown hatched in green on drawing OS 1505-17.3 to the north of the development area which would form part of “Felsted Fen” as proposed in the Felsted NP and which would help mitigate against the visual impact of the proposed scheme in the local landscape. Details of how the landscaping would be created would be subject to a detailed landscaping scheme to be submitted at reserved matters stage.
- 11.12 The proposal would, however, result in a significant change in the local landscape whereby the site represents a “gateway” to the western approach to Felsted village from Flich Green situated further to the north-west along Station Road and would also have the effect of promoting coalescence between Felsted village and Flich Green. As such, it is considered that the proposal would lead to significant and demonstrable rural amenity harm to this edge of village location which would be contrary to ULP Policy S7 as it would fail to protect or enhance the particular character of the part of the countryside within which it would be set and would also be contrary to corresponding made Felsted NP Policy FEL/CW1 which states that; *“To be supported, development proposals must protect and enhance the landscape of the character area in which they are situated and must not significantly harm the important long distance, short range and glimpsed views*

identified in the Felsted Heritage and Character Assessment Report 2017” and also Felsted NP Policy FEL/ICH4 which seeks to avoid coalescence.

- 11.13 Consideration must also be given to Felsted NP Policy FEL/CW3 which states that any new development on or adjacent to an existing Public Right of Way or which is clearly visible from a Public Right of Way must consider the appearance of the proposal from the right of way and incorporate green landscaping to reduce any visual impacts. It is difficult to say at this stage without further consideration of landscaping mitigation measures to be formally submitted at reserved matters stage as to how the development would impact on public footpath PROW 15_55 which runs along the northern side of the proposed green buffer area or on the wider public footpath network to the north, to include the Fritch Way, although the introduction of such landscaping mitigation measures would help to reduce any impacts of public appreciation of these footpaths by walkers etc.
- 11.14 The site is not located within Felsted Conservation Area. However, medium distance views can be had from Station Road of the outer fringe of the conservation area and of Felsted Parish Church and also the spire of the Felsted Schools church beyond in the long distance. In this respect, due regard has to be had in the balance to the Felsted Conservation Area Character Appraisal (FCA) produced by Uttlesford District Council which, amongst other requirements states that the general character and setting of Felsted shall be retained or enhanced.
- 11.15 The proposed development, and in particular the surgery and row of housing indicated along the eastern boundary of the site would have the effect of significantly obscuring this heritage setting to the extent that the public enjoyment of this setting at this edge of village vantage point would be diminished. As such, it is considered that the proposal would lead to less than substantial harm to the significance of this designated heritage asset in accordance with paragraph 196 of the NPPF and would be contrary to ULP Policy ENV2 of the adopted Local Plan and also FNP FEL/ICH 1 in terms of the level of heritage harm caused to the setting of the conservation area.
- 11.16 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use. This heritage harm identified is therefore required to be balanced against the public benefits of providing a doctors surgery at this NP allocated site where this balancing exercise is made at the end of this report.

Wider sustainability considerations of the proposal

- 11.17 Whilst the proposed replacement surgery site is located on the western edge of the Parish, the site is served by the same bus services as the current service provides for the existing surgery, namely the hourly 133 Stansted Airport to Colchester service, the 16 Finchingfield to Chelmsford service and also the 451 and 570 school bus services whereby a bus stop exists along Station Road at the western side of the site. Whilst it is acknowledged that there are patients who find it convenient to be able to walk to the existing surgery at John Tasker House - and the comments expressed in third party representation to the current application proposal are noted in this respect - it is also understood that there are many patients registered at the existing surgery who travel to it by car and it is proposed in view of this that the replacement surgery would have significant off-road patient parking. A footpath exists from the village centre to the site of the proposed

surgery at Bury Farm and beyond down the western side of the site. It is further acknowledged that some existing Felsted patients would find it a little more difficult to visit a new surgery at Bury Farm, including those residents who now reside at Watch House Green, for example in the new housing development at Clifford Smith Drive. Equally, others would find it easier, namely those residents at Flitch Green who visit the current surgery.

- 11.18 Given that any new surgery in Felsted is expected to serve a much larger patient population from the west, to include Flitch Green, it is considered that the proposed allocation site at Bury Farm would reduce the impact of existing traffic upon the village centre. As such, it is considered on balance that the proposed development can be said to meet the social dimension of the NPPF by being situated in a sustainable location and meeting the expressed needs of the community in Felsted. In this regard, the siting of the proposed surgery outside development limits for the purposes of the adopted Local Plan complies with ULP Policy LC3 whereby (a) the need for the medical facility has been demonstrated, (b) the need has been shown not to be able to be met on a site within development limit boundaries and (c) the site is well related to a settlement.
- 11.19 In terms of consideration of the economic dimension of the NPPF, benefits would arise in the short term from the construction of the development, whilst future occupiers of the enabling housing would it is expected support the local rural economy, more particularly for example the village stores and post office in Braintree Road.
- 11.20 In terms of the visual amenity impacts in consideration of the environmental dimension of the NPPF, the wider visual harms arising from this proposal have been demonstrated in this report above. To help mitigate against any such harms and to minimise the risk of coalescence with Flitch Green, the applicant proposes to give over the north-western triangular segment of the site which extends from the northern boundary of the proposed development area as a 'buffer' preventing further development. This 'buffer' amenity land would be transferred directly (as opposed to the Felsted Community Trust) to the Parish whereby this land would be essential in ensuring a clear break and which would also offer an area of open space directly opposite the recently designated Nature Area adjacent to Felsted Fen and also to enhance the enjoyment of the adjacent footpaths which could also be subject to ecology measures to provide net gain bio-diversity measures (FEL/CW2 – Nature Area, including Felsted Fen, FEL/CW3 – Footpaths, Bridleways and Cycle-ways and FEL/CW4 – Green Infrastructure).
- 11.21 Notwithstanding this, and given the above significant and demonstrable amenity harms which have been identified under ULP Policies S7 and ENV2 and Felsted NP Policies FEL/ICH/ 1, FEL/CW3 and FEL/ICH4, these adverse effects need to be considered in the tilted planning balance against the overall planning merits of the scheme in terms of the benefits of providing a doctors surgery on the site and whether the tilted balance is engaged in favour of the proposed development, which is assessed at the end of this report.

Proposed Infrastructure provision (new surgery), including enabling housing

- 11.22 As previously mentioned, the site is allocated in the now made Felsted Neighbourhood Plan (FNP) for a mixed use scheme involving "housing development of approximately 39 units and for the development of a doctor's surgery (FEL/HN3 – Land at Station Road (Bury Farm)). This allocation previously reflected the 2015 SHLAA Assessment undertaken by Uttlesford District Council

for its emerging Local Plan during its “Call for Sites” process which assessed that the site was suitable for residential development depending on how any brought forward scheme may be presented, although it should be noted that the Council assessment did also comment that any housing on the site would promote coalescence between Felsted village and Flitch Green as noted above. It should be noted that a housing needs survey (HNS) was conducted for Felsted in 2016 for the 3 year period through to 2019 to determine the affordable housing needs of the parish whereby this identified the need for 14 no. new affordable homes, which the FNP states had been met by 2018.

- 11.23 The Felsted NP explains in its pre-amble text for this proposed mixed use surgery/enabling housing allocation site that being on the extreme western edge of Felsted village that the NP Steering Group (SG) did not consider that the site could be recommended to the community as a ‘hub’ for all of the key village amenities. However, it is the case that no other suitable sites for a community hub have since been found following the eventual removal of consideration of the existing Memorial Hall site for this suggested use and the SG has subsequently worked with the landowner’s representative, the WECCG and the GPs to secure the provision of a purpose-built surgery at Bury Farm whereby the WECCG currently pays rent to the John Tasker House Practice for the Felsted surgery.
- 11.24 The preamble text continues to explain that the existing Felsted surgery is in need of replacement and that the WECCG does not currently have the capital funds for a new surgery, nor does it consider the provision of healthcare on a “parish” basis. As such, the WECCG has stated that it could not guarantee that a new surgery, however funded, to serve Felsted would be within Felsted parish. As such, an alternative arrangement has been agreed between the relevant stakeholders whereby a new surgery building to be provided within Felsted would be leased by the WECCG who would fund the provision of healthcare services within the parish. This has resulted in the current outline application coming forward by the Young Family Trust whereby it is proposed to gift by way of donation the surgery to the Felsted Community Trust (FCT) which would remain an asset of the Trust for the benefit of the community. It would be the case that over the Felsted NP plan period that the surgery would generate a return of rent from the doctors practice that in turn would be available to the FCT trustees to distribute to community projects, including funding for the village hall and the proposed Sunnybrook Farm car park site adjacent to Felsted Primary School in Braintree Road to alleviate current traffic congestion around the school.
- 11.25 The preamble goes on to say that in terms of justification for the replacement surgery at Bury Farm that the WECCG has told the Felsted Steering Group that a new surgery is required that will initially meet the needs of circa 4500 people, about 70% of whom would come from Felsted Parish, and with potential for growth and that over the Plan period that an increasing number of patients would come from outside the Parish to the west. It advises that consequently, unless a new surgery could be funded within Felsted when the existing surgery closes that it is overwhelmingly likely that the increasingly aging population of Felsted would have to travel outside the Parish to see a doctor. It should be noted in this regard that the WECCG for the current application have very recently informed officers of the District Council that the position has now reached a critical stage whereas unless planning permission is granted for the proposed surgery scheme at Bury Farm that the scheme would have to be shelved altogether with the possible consequence of patients in the future having to travel outside of the parish to see a GP.

- 11.26 In terms of siting preference, Felsted GP's have made it very clear that a new doctors surgery in the centre of the village would be unacceptable and that a replacement surgery site to the west of the village centre, namely at Bury Farm would be their preferred location. In this respect, the doctors have cited delays caused by school traffic and congestion at the junction of Chelmsford Road and Braintree Road and also with Station Road and excessive journey times to the surgery in the centre of the parish as being unacceptable. Furthermore, modern "smart" surgeries are now required to cater for today's healthcare needs and are much more costly than existing premises and require more capital funding than the existing John Tasker House practice currently provides and more than individual GPs could consider for the premises in the future.
- 11.27 The FNP states that proposed housing site allocations for the parish have been considered and objectively assessed for their suitability, deliverability, achievability and availability and also their contribution to the community. In this respect, Bury Farm as one such identified housing allocation site has been considered both an appropriate and sustainable site for new housing development in Felsted where the combined delivery of the proposed surgery on this site offers very significant community benefits.
- 11.28 The 38 new market dwellings proposed as enabling housing development for the proposed surgery at Bury Farm is within the quantum of dwellings assessed as being acceptable in the Council's "Call for Sites" process for the 2015 SHLAA and also within the Felsted NP's quantum of dwellings of approximately 39 units for Policy FEL/HN3. The inclusion of enabling housing for the application is predicated on the basis of being able to fund the surgery to make the infrastructure scheme financially viable where it is considered that a normal application for housing without any infrastructure provision would not be acceptable for this greenfield site. That said, the Council does not have a five year housing land supply where the current housing deficit against the five year statutory target is 2.68 years based upon the latest UDC housing trajectory as of April 2019. This is therefore also seen as a material planning consideration, although as previously said, the proposed housing has been included solely on the basis of delivering the proposed replacement surgery project.
- 11.29 In light of the above, it is considered that the community benefits, strategic or otherwise, arising from this proposal as a local community infrastructure project to provide a new "smart" doctors surgery for Felsted with enabling market housing in accordance with made Felsted NP Policy FEL/HN3 – Land at Station Road (Bury Farm) should be viewed favourably for this submitted proposal where it should be noted that Policy S7 includes within its policy text "*where there are special reasons why the development in the form proposed needs to be there*" and as landscaping mitigation measures have been put forward to show how the environmental impacts of the scheme could be lessened through a reserved matters scheme.

B Whether proposed access arrangements would be acceptable (ULP Policy GEN1).

- 11.30 The indicative proposed site plan shows that the mixed use development would be served by two new vehicular access points, namely one at the south-eastern end of the site from Station Road which would serve both the surgery and one section of the proposed housing "zone" and one at the western side of the site from Station Road which would serve the remainder of the housing zone. A transport statement (TS) has been submitted with the application to demonstrate how the two proposed access points would meet highway safety standards following speed surveys and

the since subsequent carrying out of a Stage 1 safety audit. The proposal would also require the removal of some of the existing frontage hedgerow along Station Road and also the relocation of the existing eastbound flagged bus stop on Station Road at the western end of the site.

- 11.31 Station Road is a “secondary distributor” classified road which carries a considerable amount of both local commuter traffic and school run traffic between Flitch Green and Felsted Primary School and Felsted Schools .The proposal has been the subject of extensive highways examination by ECC Highways which has involved negotiations with the applicant’s transport consultants regarding the submission of revised highway drawings following the findings of the safety audit which has shown that the visibility splays for the indicated western vehicular entrance point would need to be revised given the gradual curvature in the road to the immediate north of the site. It should be noted that all of the site lies within the restricted 30mph speed zone on the western approach to the village and the safety audit has reflected this existing situation.
- 11.32 ECC Highways in their formal highway consultation response following the safety audit process have confirmed that they are satisfied that the proposed access arrangements for the proposal conform to current highway standards as shown on revised drawings IT1839/TA/02 (REV B) and IT1839/TA/03 (REV A) and that they have no highway objections to the proposal subject to highway mitigation measures being put in place to make the scheme otherwise acceptable, these being passenger transport infrastructure improvements to relocate the existing bus stops and associated works at the western end of the site and also the provision of a pedestrian link between the proposed development site and footpath no. 55 (Felsted) to improve pedestrian connectivity between the site and Station Road.
- 11.33 It is therefore considered that the proposal conforms with ULP Policy GEN1 in terms of providing safe access to the development subject to the highway mitigation measures recommended. Consideration has been given by officers as to whether a pedestrian crossing should be provided at the south-eastern access point near to the sharp top bend in Station Road to provide improved access to the surgery by pedestrians using the existing pavement along Station Road, although this has not resulted in any such requirement from ECC Highways in the final highway assessment.

C Housing Mix / Affordable housing requirements (ULP Policies H9 and H10 and FNP Policy FEL/HN7).

- 11.34 Policy FEL/HN3 – Land at Station Road (Bury Farm) states that any housing enabling scheme to facilitate delivery of the surgery shall incorporate a mix of housing to meet the latest assessment of local housing need for the parish *“including a significant proportion of two or three bedroom accommodation suitable for young families and older people, having regard to the supply of such units at the time of application”*. The latest local housing needs survey for Felsted was conducted in 2016 and another housing needs survey is therefore now due given that the previous survey was valid for three years. This findings of the 2016 survey are reflected in in the preamble to FNP Policy FEL/HN7.
- 11.35 The proposed housing mix for the housing element of this proposal would be more specifically defined and addressed at reserved matters stage. However, it is stated in the application submission that any subsequent DFO submission would seek to be in accordance with the findings of the latest SHMMA, which has found that market housing is generally in need of dwellings with three or more bedrooms.

That said, the scheme shows 7 no. two bedroomed dwellings for the shown housing mix to provide lower entry market housing, although this number could also change. However, it should be emphasised that any housing mix proposed should reflect the more up to date housing needs of Felsted parish upon any submission of a subsequent DFO submission where such a housing needs assessment would be required to be submitted for this Major proposal under the requirements of FEL/HN7. On this basis, no policy objections can therefore be raised under ULP Policy H10 or FEL/HN7 at this outline stage which seeks the principle of development.

- 11.36 It is stated by the applicant that the proposed enabling housing for this mixed use scheme does not include any element of affordable housing as this has been met by recent housing developments now built elsewhere in Felsted village and that in any event the inclusion of affordable housing would be likely to take out the financial viability for the doctors surgery and that the proposed scheme should not therefore be subject to the normal policy requirement of 40% affordable housing provision as required under ULP Policy H9 of the adopted Local Plan. To support this contention, the applicant has submitted a financial viability assessment which has since been rigorously tested by the Council's external financial viability consultant (Kift Consulting).
- 11.37 A lengthy process has subsequently followed between the Council and the applicant's agent as to whether the doctors surgery as delivered would result in any residual sums of money being identified once the procurement and build costs for the surgery were taken out of the equation which could be made available for affordable housing at the site where this process has involved interpretations of methodology for calculating open market values, build costs and benchmark land values to take into account the estimated uplift in the value of the site through betterment as a result of market housing also being provided.
- 11.38 Following very recently agreed clarification between the Council, the applicant and the WECCG as to how the surgery would be delivered, namely through the gifting of the land and build by the applicant with no rental considerations into the scheme, the Council's financial viability consultant has assessed that residual monies would arise through the scheme, which would be the equivalent to an off-site commuted affordable housing sum of £461,126 or by way of conversion the equivalent to 5 no. on-plot affordable units, which represents a reduced affordable housing provision of 13%. The applicant's agent has confirmed that they do not contest this calculated figure and, as such, the Council considers this issue to be finally resolved.
- 11.39 Consideration therefore has to be had as to whether this calculated level of on-plot affordable housing provision would be desirable in all of the circumstances rather than the Council requesting a commuted sum in the alternative. As previously identified in this report, the site can be described as being within a sustainable location lying on a regular bus route whereby the occupiers of any on-site affordable housing would be able to use public transport to access local services at Flitch Green or Felsted village centre or be able to walk into the village to access the same and would also be able to conveniently access the proposed new doctors surgery at the Bury Farm site itself. For this reason, it is considered by your officers that planning justification exists for 5 no. affordable housing units to be provided at the site and that this should be provided by way of inclusion for any agreed Heads of Terms for any legal obligation entered into for this development proposal.

D Design (ULP Policies GEN2, GEN4 and GEN8 and FNP FEL/ICH1).

- 11.40 Layout, Scale, Appearance and Landscaping are all reserved matters which do not fall for consideration under the scope of the current outline application seeking permission in principle. That said, FEL/ICH 1 states that for development proposals to be supported that they must respect the character and heritage of the Neighbourhood Plan area and bring about enhancements to that character, including reference to the Felsted Heritage and Character Assessment, adding for countryside locations that this must show *“Sensitive treatment of the rural edge, particularly around Felsted village, with regard to impact on heritage assets and their setting, including the surrounding landscape”* and that *“All new build proposals outside the development limits must not harm their landscape setting”*.
- 11.41 The proposed indicative site layout drawing submitted shows a fixed number of 38 dwellings (as opposed to “up to”) which can be interpreted as being laid out within two distinctive housing areas with a more Arcadian feel of housing with an absence of a street frontage along Station Road shown for the front (southern) end of the site and a higher density type of housing shown for the rear (northern) end of the site. It is stated that this number of housing units can be successfully accommodated on the site taking into account the need to observe the site density, rear garden amenity standards and car parking requirements and that the dwellings would be of traditional design using traditional materials.
- 11.42 It is evident from the submitted indicative site layout that the overall density would be acceptable for this edge of village location whereby all of the dwelling plots as shown would conform to Essex Design Guide minimum rear garden standards. The actual size of the proposed surgery cannot be properly determined at this outline stage as this will be dependent upon final specification requirements confirmed for any subsequent DFO application. However, any parking provision shown for the surgery would have to comply with ECC parking standards for a D1 use (Medical Centre) with cycling provision and this could subsequently alter the layout for the housing area.
- 11.43 It is considered that the housing layout as shown does not represent an acceptable layout for this prominent edge of village location whereby the difference in the indicated housing mix between the front and rear sections of the site is stark, noticeable and profound with a much higher density of dwellings shown for the rear of the site with potential implications for social integration within the site as a whole, implications for pedestrian connectivity to the surgery for those using public transport and potential impacts on long views into the site from the north. As such and as indicated, it is considered that the proposal by reason of its layout would not meet the aims and objectives ULP Policy GEN2 and FNP Policy FEL/ICH 1.
- 11.44 However, it must be emphasised that the layout is shown strictly for indicative purposes only and that negotiations would need to be carried out between your officers and the applicant’s agents at a future stage prior to any subsequent reserved matters submission to agree on an acceptable site layout to conform with the aforementioned policies and also the specific design and layout requirements as set out in Felsted NP Policy FEL/HN3 for Bury Farm itself which state, amongst other requirements that any development shall *“Not extend beyond the end of the built form on the southern side of Station Road and providing landscaping and screening to the edge of the built-up area of the development to avoid coalescence with Flitch Green and to provide a positive visual transition into the village”* and *“Address the elevated topography of the site and the effect of the development on the landscape and views that contribute to the character of Felsted”*.

E Impact on nature conservation (ULP Policy GEN7)

- 11.45 The interior of the site comprises improved grassland which contains little by way of favourable natural habitats for nature conservation, protected or priority species which has been borne out by the submitted ecology report, although the perimeter of the site contains a continuous established native hedge along Station Road which provides a suitable habitat for nesting birds.
- 11.46 The removal of sections of the perimeter native hedgerow would be necessary to facilitate the proposed two vehicular access points into the site from Station Road, which would be regrettable. However, the proposal would provide the opportunity within the indicated green triangular POS buffer on the northern edge of the site to provide net gains for bio-diversity through the introduction of additional native planting attractive to birds and other species whereby a planting schedule has been produced with the application. ECC Place Services have not raised any ecology objections to the proposal on the basis of such bio-diversity measures being introduced through a bio-diversity enhancement strategy which would need to be conditioned. No objections are raised under ULP Policy GEN7 on this basis.

12. OVERALL BALANCE & CONCLUSION

- 12.1 The benefits of providing a new doctor's surgery for the residents of Felsted as a local infrastructure scheme with enabling housing to facilitate the development at this greenfield location on the western edge of this sustainable settlement where the medical need has been set out clearly in the made Felsted NP must be weighed against any adverse effects which may arise from the proposal.
- 12.2 The Felsted NP which is a material planning consideration and which carries significant weight in decision-making, supports the principle of a surgery with enabling housing at this mixed use allocation site and the proposal therefore represents a significant community benefit in favour of the grant of planning permission whereby the application has been submitted on this basis and where the applicant has agreed to the provision of affordable housing following a financial viability appraisal. Weighed against these benefits are the environmental harms which would arise from the proposal as identified in this report, namely the visual impacts of the development on the local landscape and coalescence creep with Flitch Green whereby these harms are considered to be of significance. Added to these harms is the less than substantial harm which would be caused to the significance of the setting of the adjacent Felsted Conservation Area.
- 12.3 It is considered after applying the relevant weight to the benefits of this proposal against the adverse effects that the tilted planning balance is engaged in favour of the development in accordance with the provisions of the NPPF taken as a whole and when considered against the relevant policies of the adopted Local Plan and the made Felsted Neighbourhood Plan. As such, the principle of a new surgery with enabling housing at this site is considered acceptable in principle subject to the applicant entering into a Section 106 agreement, whilst the proposed vehicular access arrangements are also considered acceptable.

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

- A The identified need for a new doctors surgery with enabling housing at this Felsted NP mixed use allocation site has been demonstrated whereby the significant healthcare and community benefits which would accrue would outweigh in this instance the significant adverse effects arising.

B The proposed access arrangements are considered acceptable subject to bus infrastructure improvements works being carried out along Station Road and the provision of a pedestrian link from the site to footpath no. 55 (Felsted) by way of highway mitigation.

C The housing mix for the enabling housing cannot be properly considered at this outline stage, although the applicant has stated that the mix would meet local housing requirements for any subsequent reserved matters application.

The submitted market housing scheme has been found through a financial viability assessment appraisal to give rise to an affordable housing element equivalent to 5 no. on-plot affordable units or equivalent commuted affordable housing sum of £461,126, which the applicant has agreed to meet for the proposal.

D Layout, Scale, Appearance and Landscaping are reserved matters which do not fall to be considered for this outline application, although design revisions would need to be made to the indicated housing layout at reserved matters stage to make the design and layout of this mixed use scheme acceptable.

E The proposal would not have any harmful effects on protected or priority species, whilst an opportunity would exist for bio-diversity measures to be introduced into the scheme to provide ecology net gains on a proposed green buffer POS area.

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 May 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) Delivery of the doctor's surgery whereby the surgery shall be constructed and available for occupation or an amount equal to the proposed construction costs of the surgery as agreed with the UDC/WECCG/Felsted Parish Council/Felsted Community Trust with all monies being used to meet the costs of construction of the surgery within 2 years of the monies being so conveyed over.
- (ii) Provision of on-site affordable housing equivalent to 5 no. on-plot affordable units or equivalent commuted sum towards affordable housing for the district.
- (iii) A requirement that prior to the first occupation of any open market dwelling on the land, the land edged in blue to be used as a green buffer zone / POS shall be transferred to Felsted Parish Council / Felsted Community Trust (where this may be required to be tied to a second tier stage of development (or whatever may be considered to be appropriate).
- (iv) Developer financial contribution towards NHS healthcare provision.
- (v) Developer financial contributions towards local Early Years and Childcare provision and local primary school provision (but not secondary education).
- (vi) Provision of a SuDS maintenance agreement.

- (vii) Bus stop infrastructure improvement works and provision of connecting footpath from the site to footpath no. 55 (Felsted).
- (viii) Pay the Council's reasonable legal costs.
- (ix) 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 secure delivery of the doctors surgery.
- (ii) Failure for legal mechanism to secure on-site affordable housing equivalent to 5 no. on-plot affordable units or equivalent commuted sum towards affordable housing for the district.
- (iii) Failure to secure legal mechanism for transfer of green buffer zone/ POS.
- (iv) Failure to secure legal mechanism to secure developer financial contribution towards NHS healthcare provision.
- (v) Failure to secure legal mechanism to secure developer financial contributions towards local Early Years and Childcare provision and local primary school provision.
- (vi) Failure to secure legal mechanism for provision of a SuDS maintenance agreement.
- (vii) Failure to secure legal mechanism for provision of bus stop infrastructure improvement works and provision of connecting footpath from the site to footpath no. 55 (Felsted)
- (viii) Failure to pay the Council's reasonable legal costs.
- (ix) Failure to pay the monitoring fee.

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to occupation of any dwelling, the northern access shall be formed at right angles to Station Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (minimum of 6 metres), two 2 metre wide footways, pedestrian crossing points and clear to ground visibility splays as shown on DWG no. IT1839/TA/02 (REV. B). 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 in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of any dwelling, the southern access shall be formed at right angles to Station Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (minimum of 6 metres), 2 metre wide footway, pedestrian crossing point and clear to ground visibility splays as shown on DWG no. IT1839/TA/03 (Rev. A). 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).

6. Prior to occupation of the development, a pedestrian link between the proposed development site and footpath no. 55 (Felsted) shall be provided.

REASON: In the interests of accessibility and sustainability in accordance with ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the development, improvements to passenger transport infrastructure at the bus stops located adjacent to the proposal site on both sides of Station Road shall be provided, to include where appropriate but not limited to, relocation of the bus stops to a suitable location in the vicinity, raised kerbs, hardstanding, flags, pedestrian crossing points, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and to ensure vehicles using the proposal site access can enter and leave to highway in a control manner in the interests of

highway safety in accordance with ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

8. No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme should demonstrate compliance with the NTS and ECC's Sustainable Drainage Systems design Guide, and 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. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
 - Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
 - Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post-100 year, 6 hour runoff volume.
 - Provision of suitable 'urban creep' allowance
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: 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 ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). 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.

Pre-commencement condition justification: To ensure that the resulting development does not prejudice neighbouring land and property through flooding.

9. No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any

part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). 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.

Pre-commencement condition justification. Agreement of an acceptable SuDS maintenance scheme is integral to the future drainage management of the approved development scheme and to ensure that the resulting development does not prejudice neighbouring land and property through flooding.

10. 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 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 unacceptable levels of water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Construction may lead to excess water being discharged from the site. If de-watering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil 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.

Pre-commencement condition justification. Agreement of an acceptable scheme to minimise flooding and pollution during construction works is essential in the interests of highway safety and the protection of the environment, nature conservation and neighbouring land and residential properties.

11. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority to accompany any subsequent reserved matters application. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Proposed enhancement measures;
- b) Locations of proposed enhancement measures by appropriate maps and plans;
- c) Timetable for implementation demonstrating that works are aligned with the Proposed phasing of development;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To conserve and 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) in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

12. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority prior to a reserved matters application being submitted. A mitigation strategy detailing the excavation/ preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. The site is in close proximity to the western side of Felsted Conservation Area and lies immediately adjacent a spread of aerial photographic cropmarks which shows a sequence of enclosures and linear features, indicative of a multi-period extensively farmed landscape (EHER14087). This is likely to extend into the development area. The required trial trenching and open area excavation is therefore required to be carried out in the interests of archaeological investigation and recording in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement justification: In order not to prejudice the ability for archaeological investigation to be carried out and the findings known prior to the approved development commencing.

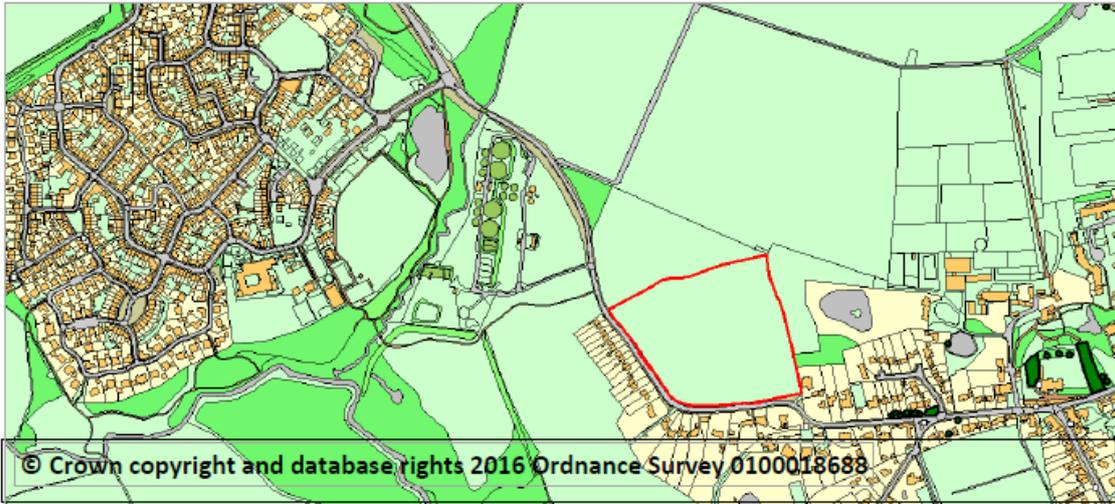
13. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork has been carried out as detailed in the mitigation strategy and which has been signed off by the local planning authority through its historic environment advisors. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. The site is in close proximity to the western side of Felsted Conservation Area and lies immediately adjacent a spread of aerial photographic cropmarks which shows a sequence of enclosures and linear features, indicative of a multi-period extensively farmed landscape (EHER14087). This is likely to extend into the development area. The required trial trenching and open area excavation is therefore required to be carried out in the interests of archaeological investigation and recording in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement justification: In order not to prejudice the ability for archaeological investigation to be carried out and the findings known prior to the approved development commencing.

14. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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



Organisation:	Uttlesford District Council
Department:	Planning
Date:	09 APRIL 2020

UTT/19/1219/FUL – GREAT DUNMOW

MAJOR

PROPOSAL: A full application for refuse lorry depot, classic car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development

LOCATION: Land east of Braintree Road (B1256), Great Dunmow

APPLICANT: Mr David Wolfe

AGENT: Miss Philippa Robinson

EXPIRY DATE: 29 August 2019 – EOT 1 June 2020

CASE OFFICER: Mrs K Denmark

1. NOTATION

- 1.1 Outside Development Limit
Tree Preservation Order
Flood Zone 1, 2 and 3

2. DESCRIPTION OF SITE

- 2.1 The application site is located on the eastern side of Great Dunmow, to the east of the B1256 (Braintree Road). The site is currently in agricultural use and lies to the east of the River Chelmer that runs along the eastern and northern boundaries of the site. To the south lies a waste treatment plant. The B1256 forms the western boundary of the site.
- 2.2 Footpath 55 runs along the northern side of the River Chelmer and now forms part of a long distance footpath known as the Saffron Trail. Footpath 56 runs along the eastern side of the River Chelmer and provides access to recreational land owned by Great Dunmow Town Council.
- 2.3 The site slopes gradually west to east towards the river. A large proportion of the site, in particular the eastern and northern sections lie within the Flood Zone. There is landscaping along the boundary of the river and the B1256. There is a woodland between the site and the adjacent sewage works.

3. PROPOSAL

- 3.1 The proposal relates to the erection of a refuse lorry depot, a building for classic car storage and restoration building, and flexible office space. The proposals also include a substantial area of open space, including a car park for public parking and a bridge over the River Chelmer to provide connectivity to the wider footpath network.
- 3.2 The refuse depot element of the scheme proposes two interlinked buildings. The scheme proposes a floor area of 550sqm for B1 offices and canteen building and 670sqm for B2 vehicle workshop building. The B1/canteen building is proposed to

- be 6.6m in height and would be linked to the proposed vehicle workshop building which is proposed to be 9.9m in height.
- 3.3 The proposed depot would provide offices, canteen, meeting rooms, changing rooms, store rooms and plant rooms. 4 bays are proposed within the workshop for maintaining and repairing vehicles. It is proposed that the hours of operation would be 6am to 7pm Monday to Friday. Access would only be gained on Saturdays and Sundays by staff to collect vehicles for garden waste collections from Parish Council venues, but neither the workshop nor the offices would be open during this time.
 - 3.4 The proposed depot would be served by 91 vehicle parking spaces, including 2 disabled spaces, plus 21 lorry parking spaces. Five powered two wheeler spaces are provided, as is an area of secure cycle parking.
 - 3.5 The proposed depot site would be gated providing a secure compound from the remainder of the proposed development. Access to the site would be via the main roundabout proposed to serve the whole development. Initially, a secondary emergency access was proposed but this has now been removed from the scheme due to objections from the Highway Authority.
 - 3.6 The central section of the site is proposed to be offices. This is proposed to be provided in the form of three double-span buildings. Building A (the central building) would have a maximum height of 6.5m and would appear as three interlinked buildings. The building would have a total span of approximately 45m. The depth of the building would be approximately 20.5m. Building B (the southern building) would have a ridge height of 6.5m, a span of approximately 18.5m and a depth of approximately 20.5m. Building C (the northern building) would have a ridge height of 6.3m, a span of approximately 19m and an overall length of approximately 31.2m.
 - 3.7 The buildings are proposed to be constructed in a mixed pallet of brick, timber cladding, black weatherboarding and would have rooflights and large scale glazing elements. The roofs are proposed to be clad with red clay tiles. The car parking area indicated 68 car parking spaces, including 3 disabled spaces.
 - 3.8 Overall, the proposed offices would provide 1770sqm of floorspace (860sqm, 350sqm and 560sqm). It is proposed that the floorspace would be a flexible space to enable adaptations for small to large businesses as well as the future needs of occupants. This element of the proposals is envisaged to provide 108 jobs. The operating hours are proposed to be 8am to 6pm Monday to Friday.
 - 3.9 The northern section of the site is proposed to be a classic car storage and restoration business with two buildings. The larger building would have a ridge height of 7.3m with a smaller workshop area to the front. The overall dimensions of the building would be 58.4m by 32.1m. The building would contain 3 workshops, 3 drop off pods and provide storage for 22 vehicles in a high density parking area, and 28 vehicles in the centre section (double height) and 32 in area 3 (double height).
 - 3.10 The second building is proposed to be a workshop building, measuring 17m by 23.3m with an additional section measuring approximately 6.5m by 13.5m providing offices, toilets and a breakout area. This building would have a ridge height of 5.8m, with the extra section having a ridge height of 4.8m.

- 3.11 The buildings are proposed to be constructed in red brickwork with a red clay tile roof, and black weatherboarding. It is proposed that this element of the site would be open 8.30am – 5.30pm Monday to Saturday. On Sundays the storage facility would be open between 10am to 4pm. It is envisaged that this element of the proposals would provide 7 jobs.
- 3.12 The proposed development would be served by way of a new roundabout junction. This would require the existing carriageway to be realigned. This access would serve all three elements of the proposals.
- 3.13 In addition to the built development it is proposed to plant new native woodlands and to provide a landscaped area of open space with a network of paths. As part of the proposals it is also proposed to provide a car parking area for 15 cars for members of the public to access the open space and the surrounding footpath network. A bridge is also proposed to provide access to Great Dunmow Town Council's land holdings on the opposite side of the River Chelmer.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal amounts to Schedule 2 development (Class 10. Infrastructure Projects – (a) Industrial Estate development projects) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. The proposals exceed 0.5ha, the site does not lie within or adjacent to a sensitive area. The application is accompanied by a range of reports that enable an assessment of the likely impacts of the proposal and they would not be significant for the purpose of the EIA definition. As such, the proposal is not EIA development.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by the following documents:

- Air Quality Assessment
- Archaeological Assessment
- Contamination Report
- Design and Access Statement
- Flood Risk Assessment
- Landscape Strategy
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Transport Statement
- Travel Plan Framework
- Planning Statement

- 5.2 Summary points from the Planning Statement:

- The proposed development has been developed undertaking a significant amount of pre-application discussions which the Council planning officers, senior finance officers, representatives from Kier and Essex County Highways and Minerals and Waste officers.
- Public consultation with support from Great Dunmow Town Council and Friends of Flitch Way
- Lies within the countryside and therefore Policy S7 applies. Considered that the development is appropriate in its edge of settlement context, given

its close proximity to the strategic road network, location adjacent to existing infrastructure, and proximity to other industrial areas. The Council's need to relocate Dunmow Refuse Lorry Depot outside of the town centre is of great priority.

- Proposal will contribute to a strong, responsive and competitive economy. Will create additional employment in the London-Stansted-Cambridge corridor. Will retain 98 jobs as part of the Council Depot element and create further jobs as part of the office and classic car restoration and storage business. Will provide 11% of the District's requirement for office space, equating to approximately 164 jobs in total.
- Will facilitate further sustainable growth. Site accessible by public transport and has good walking and cycling links to Great Dunmow and the surrounding areas.
- Proposal includes public parking and a new accessible path which will facilitate public access to green space owned and managed by Great Dunmow Town Council and the wider walking and cycling network.
- Design is modest in size and scale and has an agricultural appearance to complement the surrounding area.
- Developable area of the site is entirely situated within Flood Zone 1

6. RELEVANT SITE HISTORY

6.1 None

7. POLICIES

Uttlesford Local Plan (2005)

S7: The Countryside

GEN1: Access

GEN2: Design

GEN3: Flood Protection

GEN4: Good Neighbourliness

GEN5: Light Pollution

GEN7: Nature Conservation

GEN8: Vehicle Parking Standards

E3: Access to workplaces

ENV2: Development affecting Listed Buildings

ENV5: Protection of Agricultural Land

ENV7: The Protection of the Natural Environment

ENV8: Other Landscape Elements of Importance for Nature Conservation

ENV11: Noise Generators

Supplementary Planning Documents/Guidance

Essex County Council Parking Standards

National Policies

NPPF 2018

Planning Practice Guidance

Other Material Considerations

Great Dunmow Neighbourhood Plan

DS1: TDA: Town Development Area
LSC1: Landscape, Setting and Character
LSC3: The Chelmer Valley
NE2: Wildlife Corridors (Chelmer Valley Wildlife Corridor)
GA1: Core Footpath and Bridleway Network
GA2: Integrating Developments (Paths and Ways)
GA3: Public Transport

Waste Local Plan

Policy 2

8. GREAT DUNMOW TOWN COUNCIL COMMENTS

8.1 Great Dunmow Town Council supports this application. Land East of B1256 is outside the Town Development Area of the Gt Dunmow Neighbourhood Plan (GDNP) and in a wildlife corridor, however there are exceptional circumstances by way of benefits to the town that outweigh the conflict with GDNP policies and harm to the countryside.

1) There is an urgent need to relocate the UDC refuse depot which is currently situated in an inappropriate location in the town centre, in New Street. Moving from this location will benefit the amenity of neighbouring residents and reduce congestion in the town centre.

2) UDC has for many years been looking for a suitable site and wishes to consolidate with its other depots in Saffron Walden and Newport to one new location. This site is suitable, being close to industrial estates and adjacent to a water treatment plant. It is our opinion that, with sufficient screening, the proposal will not create additional harm to the countryside setting. The site provides good accessibility to the local and strategic road networks and causes no harm to listed buildings or their setting.

3) UDC has identified an alternative site in Little Canfield UTT/18/2607/OP which is unacceptable due to unnecessary harm to the countryside and the setting of heritage assets and would create coalescence with Gt Dunmow. The Town Council strongly objected to the Lt Canfield application previously, and UDC refused it unanimously at planning committee.

4) The Town Council has a large area of public open space and a newly created woodland plantation of 13,000 trees to the rear of Langleys, Chelmsford Road. There is a need to facilitate general public access, a parking area and a footbridge over the River Chelmer, to greatly improve access and therefore benefit the local and wider community. The open space also consists of river walks, open meadow, links to the Saffron Trail and the Flitch Way linear country park. With enhanced public access, the Town Council open space could provide an alternative leisure destination to help relieve pressure of public footfall at Hatfield Forest, which has been identified as a problem by the National Trust.

5) The application provides light industrial units close to the existing industrial estates and main road access. The Town's industrial growth area was intended to be at Smiths Farm, but the Smiths Farm site has since been given consent for a housing development therefore this site would be a suitable alternative.

It is important to note that the Town Council's support for the site is based on the potential community benefits outweighing the harm to the countryside therefore the following should be secured by planning conditions and/or s106 agreement:

- A public footbridge over the River Chelmer, in the position indicated on the plan,
- A public vehicular entrance,
- a public parking area and
- appropriate screen planting.

Second response:

Should the Planning Authority be minded to approve this development, GDTC 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'.

The developer has liaised with Essex Highways regarding footpath enhancements from the bus stop to the development site. In addition to those enhancements, the developer has agreed to provide a footbridge across the River Chelmer, as shown on the developer's masterplan and FIG 6.3.5. Proposed Hard Landscape Plan, p35 of the Design and Access Statement (part 3).

Should the Planning Authority be minded to approve this development, GDTC requests that the Highways Authority provides a suitable specification for the footbridge, taking into account recommendations made in the Tim Moya Associates Ecological Report, October 2019 (Otter Scoping Assessment & Water Vole Survey).

A s106 legal agreement should include provision of

- public footpaths (leisure route)
- public car park – 20 car parking spaces located to have easy access to the adjacent open spaces and leading to a footbridge
- public footbridge across the River Chelmer, to ensure a safe pedestrian crossing to GDTC public open space and community woodland.

9. CONSULTATIONS

Great Canfield Parish Council

- 9.1 Great Canfield Parish Council fully supports this application, which in its opinion has significant benefits compared to the alternative site put forward in Little Canfield, UTT/19/1166/OP. Great Canfield Parish Council is of the view not only would the site avoid the issues of increased traffic through the villages and avoid compromising adjoining heritage assets, it would also bring significant new community benefits by enhancing the existing open space.

Lead Local Flood Authority

- 9.2 Do not object subject to conditions.

Essex County Council – Education

- 9.3 An additional 6.56 early years and childcare places would be required and a financial contribution of £114,288.32 would be required.

Environmental Health Officer

- 9.4 The applicants have submitted Land Contamination, Air Quality and Noise Impact Assessments for the proposed development of the site. Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal.

This is a greenfield site that is currently vacant and unused, although it has been used for arable use in the past. There is a sewage treatment works to the south of the site, which has been identified as a potential off-site source of ground gas contamination. Ground gas has the potential to migrate off site, subject to geological conditions and other relevant factors. There is also an area of made ground on the site which could be a further potential source of contamination. In terms of potential receptors, as well as future users of the commercial premises there are also visitors to the proposed open space areas, together with the River Chelmer that flows along the eastern boundary of the site. The land contamination report has made recommendations for further intrusive investigations to be undertaken to identify and quantify any contamination risks that may be present. Therefore conditions will be required to be imposed on any consent.

A noise impact assessment has been submitted which has assessed the potential noise impacts from introducing the proposed commercial development at this location. Generally, it has identified negligible impacts from the proposed commercial operations on surrounding residential receptors. However, there is at least one dwelling at Dunmow Park which could be adversely affected by noise from the Refuse Lorry Depot, in particular from vehicle washing activities, and the report has made some recommendations in respect of possible mitigation measures. Therefore conditions will be required to be imposed on any consent.

In view of the scale of the development, the proximity to existing residential occupiers and the details set out in the Air Quality Impact Assessment, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan (CMP) which should include detailed measures to control off-site environmental impacts, including noise and vibration and the control of fugitive dust emissions during all phases of the construction project.

The air quality impact assessment has identified negligible impacts as a result of future operations of the development. There may be some limited impacts in respect of dust from construction activities, and these can be controlled under the CMP.

Aerodrome Safeguarding

- 9.5 The Safeguarding Authority for Stansted Airport has assessed the proposal and its potential to conflict aerodrome safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

Minerals and Waste

- 9.6 Less than 5ha of the application area falls within a Mineral Safeguarding Area and therefore mineral safeguarding policy does not apply.

Having reviewed the odour impact assessment, the MWPA is satisfied with the scope of the assessment. Whilst the MWPA would have preferred the involvement of the operators of the safeguarded facility, Anglian Water, it is noted that the authors did attempt to contact Anglian Water and received no response.

Having considered the odour contours in light of the intended configuration of the proposed development, provided that the case officer at Uttlesford District Council accepts that there would be no adverse impacts on the safeguarded Water Recycling Centre as a result of the proposed development, the MWPA has no further comment to make in respect of this application.

Environment Agency

- 9.7 No objection.

ECC Archaeology

- 9.8 The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The north and western area comprises part of a former deer park on the eastern edge of Great Dunmow, named 'The Park'. This is recorded on the HER as being of post medieval date, however, there is the potential that it could be significantly earlier. The other known deposits largely comprise cropmarks interpreted as a potential Roman field system with the potential of settlement within the vicinity.

Require a condition requiring an archaeological programme of trial trenching followed by open area excavation.

Crime Prevention Officer

- 9.9 The mix of classic car storage, offices and refuse vehicle yard share similar security risks but also each has its own site specific risks, therefore careful consideration to security measures will need to be given to ensure that this development does not generate crime. A notable risk is the 'Leisure Route' that enters the development bisecting a ditch unnecessarily into the heart of the development. This same route as the entrance alongside the River Chelmer seems to have parking space(s) which could be utilised by thieves making use of the Leisure Route. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and other security measures.

Highways England

- 9.10 Offer no objection.

Anglian Water

- 9.11 The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre that will have available capacity for these flows. The sewerage system has available capacity for used water flows. The preferred method of surface water disposal would be to a sustainable drainage systems (SuDS) with connection to sewer seen as the last option.

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream.

Ecology

- 9.12 We are satisfied that the Reptile Survey Report Mitigation Strategy and Aerial Tree Bat Inspection provides certainty for the LPA of the likely impacts on bats in trees and reptiles. We have reviewed the Otter Scoping Assessment and Water Vole Survey relating to the likely impacts of development on designated sites, protected and Priority species and habitats. We are satisfied that sufficient ecological information is currently available for determination. Recommend conditions.

Economic Development Officer

- 9.13 The development of the land east of Braintree Road (B1256) Dunmow to provide storage and flexible office space is in line with the Council's strategic objective of supporting sustainable business growth. The current and forecast supply of commercial workspace in the Great Dunmow area provides at best only a short term relief from tightness in supply of commercial property.

Two independent reports concerned with the supply of commercial workspace across Uttlesford including Great Dunmow highlight the importance of adding commercial capacity into the local market as a matter of priority.

Project Delivery Advice Report, June 2016, BE Group

Current options to relieve the tightness in the industrial market in Great Dunmow are the development of the Great Dunmow Estates project, or by relying on the stock out of town, closer to the Stansted Airport (eg Vision Stansted). Neither option is ideal for those seeking space in Great Dunmow.

There have been assurances from Mantle Estates that the commercial component of the Great Dunmow Estate project will proceed speculatively in a reasonably short period of time. At this stage, this probably remains the most likely option to develop commercial space in Great Dunmow in the shortest timeframe. Regular monitoring and engagement with the proponents by Council is recommended to ensure that the project is being moved forward. Council may be able to act in a facilitator role to help the proponent proceed with the project.

Landscape Officer

- 9.14 The proposed development would have a significant detrimental impact on the bucolic character of the site and its relationship with the broader landscape. The site consists of two relatively large open fields set between the River Chelmer and the B1256. Overall the site slopes gently down to the river. The public footpath network affords views across the site, in particular from the 'Saffron Trail' (PF66) which runs to the north of the site; and from PF67 which follows the valley bottom on the east side of the river. The open fields of the proposal site maintain the broad appreciation of the river valley setting. Similarly, views across the site and

valley can be taken from the Braintree Road. The open countryside east of the B1256 significantly contributes to the historic setting of Dunmow Park to the west. Landscape mitigation by the planting of tree belts and hedging cannot address the impact of the proposed development on the existing open nature of the site and its contribution to the wider landscape. The proposed development would constitute a significant and detrimental visual intrusion into the open countryside.

Conservation Officer

- 9.15 In terms of Built Heritage, the proposed development site is within the immediate context of the Grade II listed building of Dunmow Park. This is a well documented heritage asset within a characterful landscape.

The submitted archaeological desk-based assessment refers in section 2.3 to 'Designated Heritage Assets', it states '*the surrounding landscape and the setting of this heritage asset may need to be considered at a later date. However, whilst the site is located within the former estate boundary, it is separated from the house by the B1256 and there is no direct line of sight between the listed building and the site.*'

In the first instance 'setting' cannot be considered after the event as the above statement implies, impact upon heritage is a material consideration at application stage, this application would impact upon setting which is considered material.

The proposed development site as referred to in the submitted report historically formed part of Dunmow Park, although this curtilage has been severed by a highway route, affording physical separation and an adjusted context; the current agricultural land is open in nature and this key element of context is a positive contributor to setting.

Development of this spread and scale with urban features such as external lighting, associated car parking, signage, etc, will have a negative impact upon the rural setting of the listed building and its environs.

It is not clear from the submission how the findings of the archaeology assessment or built heritage assessment have been considered in terms of layout which is a deficiency of the submission; in conjunction with the listed building, there are other monuments identified through the Essex Historic Environment Record. Their setting will also change to the detriment of their significance.

Certainly, specialist advice and engagement with the County Archaeologist is strongly advised given the impacts identified to other built structures within the site which are of significance.

Having concluded my assessment, I advise the proposals will be incongruous within the open setting of Dunmow Park. For the purposes of planning, the level of harm is considered less than substantial. As such the local planning authority should weigh this harm against any public benefits of the proposal.

ECC Highways

- 9.16 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with site visits and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in

particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The position of the site is such that the use of sustainable transport is likely to be limited, however the impact on the highway has been assessed at the local junctions and is acceptable. The site will be accessed by a roundabout which has been subject to a stage 1 safety audit. A footway cycle link is to be provided to the nearest bus stops and residential area on Braintree Road.

For clarity the highway authority does intend to adopt the proposed leisure route and footbridge into the public right of way network.

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

10. REPRESENTATIONS

10.1 This application has been advertised and 25 letters of representation have been received raising the following points in support of the application:

- Waste trucks need to be resited from town centre
- Good road links
- Away from residential properties
- Provides much needed access to greenspace for local people
- New bridge should be included in s106
- Car park needs to be accessible at all times
- Will enhance the area and potentially allow expansion to an area of unused land that's trapped between town and the A120 route
- Will assist in shielding properties from noise from A120
- Good site for depot but site regularly floods in winter
- Paths should be multi-user to allow access to all vulnerable road users (horse riders, cyclists and walkers)
- Would like a link to the Flitch Way to be funded
- Welcome the potential new link route that could be created to Great Dunmow town centre
- Bridge should be to bridleway standard
- Paths should be all weather
- Car parking facilities should include horse boxes too
-

10.2 The following points have been made in objection to the proposal (3 letters from same address – comments suggest these may actually relate to UTT/19/1166/OP. Clarification was sought from the authors and no response received):

- Increased traffic
- Damage to Flitch Way
- Smells and noise
- Impacts on school children using roads
- Already congestion at Takeley Four Ashes

- Object to road layout only – concerns about increased road noise to my property, Dunmow Park
- Noise report fails to adequately assess impacts

- Example of increasing urbanisation with pollution from traffic, noise, air and light
- Junction is accident blackspot
- Location divides countryside from town – will encourage further urban encroachment
- Whilst understand need to relocate depot was not aware a classic car dealership, offices and car park sustainable requirements for residents of Dunmow
- Provision of depot does not need to sacrifice quality of life for residents here, nor character of open countryside
- Already access to footpaths and Flich Way

10.3 Letter from Councillors of Great Dunmow

Unanimously support. Even though the development is outside the Town Development Area and is in a wildlife corridor all the Councillors consider that it is important to move the UDC Refuse Depot away from the current, inappropriate location in the centre of Dunmow and agree that the land east of Stortford Road is the best location both for ease of access for the refuse lorries and for the residents of south Uttlesford. The site is close to existing industrial estates and to the Water Treatment Plant and the application includes commitments to providing biodiverse planting to screen the facility, a public car park and footbridge over the River Chelmer and will open up additional open space that can be enjoyed by the local residents.

10.4 A letter of objection has been received from Uttlesford District Council Facilities Management Service and Hales Farm raising the following points:

- Contrary to Policy S7
- Policy EMP4 in the Regulation 19 Local Plan should be given increasing weight now the emerging Local Plan has been submitted for independent examination
- Inspector's concerns regarding local plan do not relate to Policy EMP4 or our client's site to south of B1256, Little Canfield
- Our client's site will deliver employment associated with 10,000 new dwellings to be located to the north
- Our client's site has been assessed and considered appropriate for inclusion in the emerging Local Plan
- Site has a 'relatively high sensitivity to change'
- Site is recognised as being 'entirely critical to the landscape, setting and character of Great Dunmow' in the Great Dunmow Neighbourhood Plan
- Contrary to Policy LSC3 of the Neighbourhood Plan
- Does not protect or enhance the character of the part of the countryside within which it is set (Policy S7)
- Does not preserve or enhance the landscape significance, or better reveal cultural and heritage links (eLP Policy C1)
- Does not enhance and protect the setting of the Chelmer Valley as identified in GDNP Policy LSC3
- Does not enhance and protect the setting of the Chelmer Valley, including the GHQ Line pillboxes (GDNP Policy LSC3)
- Adversely affects the character of the open spaces in the Chelmer Valley as identified in GDNP Policy LSC3
- Does not respect the positive features of the approaches to Great Dunmow from the east which are identified as including the setting of the Chelmer,

the open landscape of the Chelmer; and the slope rising to the Grade II listed Dunmow Park (immediately west of the site) (GDNP Policy LSC1)

- LVIA submitted with application identifies major adverse landscape and visual harm
- Landscaping will not mitigate the harm
- Loss of integrity to the Chelmer Valley will be permanent
- Application justifies its need on basis of relocating refuse depot – this site is not supported by the Council
- Not a deliverable site for a new Council depot
- Application does not include any assessment of the site’s contribution to the heritage significance of Dunmow Park
- Less than substantial harm to a heritage asset should be weighed against the public benefits – public benefits are questionable as development is not needed

11. APPRAISAL

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

- A Principle (S7, E1, ENV5; NPPF; GDNP DS1, LSC1, LSC2, LSC3)
- B Impacts on heritage assets (ENV2, ENV4; NPPF)
- C Design and amenity (GEN2, GEN4, GEN5, ENV11; NPPF)
- D Ecology (GEN7, ENV7, ENV8; NPPF)
- E Access and parking (GEN1, GEN8; NPPF; GDNP GA1, GA2, GA3)
- F Flood risk and water resource protection (GEN3; NPPF)
- G Site amenity issues (ENV14; WLP Policy 2; NPPF)
- H Infrastructure (GEN6; NPPF)

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.
- 11.3 It is therefore necessary to establish if the ‘tilted balance’ is engaged in the decision making in this instance. 11d)i) refers to various designations, the most important for the decision making in this instance being designated heritage assets (adjacent listed building). As will be discussed below, the impacts of the proposals on heritage assets are not sufficient to provide a clear reason for refusing the development. Therefore, the ‘tilted balance’ of paragraph 11d)ii) is engaged.
- 11.4 **Explanatory Note:**
- Whilst the application relates, in part, to the provision of a refuse lorry depot, as noted above a letter of objection to the proposals has been received from Uttlesford District Council Facilities Management Service and Hales Farm. The Uttlesford District Council section that has objected to the proposals is the department responsible for the running of the refuse lorry depots currently in existence in the district. In light of the objection the officer has taken the view that any potential benefits arising from this element of the proposals is no longer appropriate to be considered in the planning balance.**
- A Principle**
- 11.5 The application site is located outside the development limits and within the countryside as designated by Policy S7. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. However, given the restrictive nature of the policy it has moderate weight.
- 11.6 Policy E1 of the adopted Uttlesford Local Plan identified a 9.60ha site for employment land in Great Dunmow. This policy is generally consistent with the NPPF, but the 2012 NPPF required allocations to be reviewed to ensure there was the prospect of them coming forward for their intended purpose. In respect of the site in Great Dunmow, planning permission was granted for Mantle Estates for an element of this site for commercial development. This was identified by the Economic Development Officer, when responding to the previous application, as meeting the needs of Great Dunmow in the near term. However, this scheme was part of a hybrid application and only outline planning permission was granted for this development. Due to issues outside of the planning system, no reserved matters application has been made within the required time frame and this consent has now lapsed (although the residential elements of the proposals are extant). In addition, other land identified in Policy E1 has either not come forward for commercial development, or has now been granted planning permission for residential development or retail uses. On this basis, I give limited weight to Policy E1.
- 11.7 The Great Dunmow Neighbourhood Plan refers to the special landscape qualities on the various approaches to Great Dunmow. Making reference to paragraph 17

of the now superseded 2012 NPPF, the policies around landscape character have derived from the requirement for development to “contribute to protecting and enhancing our natural, built and historic environment”. This is now contained in paragraph 8 of the 2019 NPPF as being the environmental objective of sustainable development. The compliance of the Great Dunmow Neighbourhood Plan policies with the NPPF is therefore such that they should be given significant weight.

- 11.8 Great Dunmow Neighbourhood Plan (GDNP) Policy DS1 directs development towards the town development area and seeks to protect the rural setting of Great Dunmow. GDNP Policy LSC1 relates to landscape, setting and character. Developments are required to be visually attractive, informed by the defining characteristics of its location character areas, and respect the key positive features of the approaches to Great Dunmow. These policies are in line with the NPPF and have been found sound and are therefore up-to-date and carry full weight.
- 11.9 Policy LSC3 relates to the Chelmer Valley where this site sits. Development is required to enhance and protect the floodplain and setting of the Chelmer Valley, including the GHQ Line pillboxes. The policy states that *‘planning permission will be refused for proposals that adversely affect the character, the floodplain function and associated open spaces in the Chelmer Valley.’* Exceptions relate to essential utility works or development related to or compatible with the open space and recreational uses of the valley, subject to a clear demonstration that the benefits outweigh the harm. This policy is locally led, in line with the NPPF and therefore up-to-date and carries full weight.
- 11.10 The proposals relate to the erection of three separate elements of built form in the valley as it slopes down to the River Chelmer. The southernmost element relates to a refuse depot, the design of which has been agreed with officers associated with the operation of the facility. Notwithstanding this, as stated above, an objection from Uttlesford District Council Facilities Management Service has been received. As this is the department responsible for the operation of any refuse lorry depot the potential benefits of the proposals must be assessed in the light of the objection.
- 11.11 The central section of the site proposes three buildings to be used for Class B1 offices. The northernmost part of the site proposes a classic car storage and restoration depot. Also included in the application is a proposal for a small car park and a bridge over the River Chelmer to enable access to wider areas of open space and the local footpath network.
- 11.12 The application site sits on land that forms the bottom of the valley and the valley side and is part of an area with wide ranging views across the countryside. These views are particularly notable from the public rights of way network, in particular from Bumpsted Hill and from parts of the Saffron Trail. These views also incorporate the setting of Dunmow Park, a Grade II Listed Building. It has been established that the site was formerly part of the grounds to this heritage asset.
- 11.13 In line with GDNP Policy LSC1 the application is accompanied by a Landscape and Visual Impact Assessment. This sets out the impacts of the proposals on the landscape.
- 11.14 This report identifies the visual receptors as being users of the local footpath network, in particular the Saffron Trail and along the high ground at Bumpsted Hill,

the footpath along the southern boundary of the site, also occupiers of some of the upper floors of Oakroyd House, plus drivers using the B1256.

11.15 The landscape effects are described as being:

- A high magnitude of change in the short term leading to a major adverse impact in respect of the domed grassland slope rising to Dunmow Park
- Negligible change to the River Chelmer Floodplain
- No change to the banks of the river or ditch in the site and minor to moderate benefits arising from the increased recreational access
- A negligible change to the woodland around the northern Pillbox and changes to habitats and management being minor beneficial
- A low/negligible adverse impact in the medium to long term on the rural approach to Dunmow.

11.16 In terms of visual effects the report's findings on the magnitude of change are as follows:

- A major adverse impact in the short term with a moderate adverse impact long term on users of Footpath 66 (Saffron Trail)
- Footpath 66 at Bumpsted Hill will have a high magnitude of change leaving to a major adverse impact short term until screen planting and woodland establishes and a minor neutral in the long term with woodland replacing some grassland
- Drivers on the B1256 would have a high magnitude of change leading to a major adverse impact in the short term with a moderate adverse impact long term.
- Footpath 67 (south of the site) would have a high magnitude of change leading to a major adverse impact short to medium term until planting is established
- Oakroyd House would have a medium magnitude of change leading to a moderate adverse impact short to medium term until screen planting establishes then negligible once planting established
- Drivers on B1256 to south of site would have a high magnitude of change leading to a major adverse impact in the short term and moderate adverse impact long term. Similar impacts would be the result for drivers travelling south and at the Braintree Road junction, users of Ford Farm and the allotments.

11.17 The objection letter from JB Planning Associates (on behalf of Uttlesford District Council Facilities Management Service and Hales Farm) is accompanied by an appraisal of the LVIA prepared by Michelle Bolger, a landscape consultant. This identifies that the landscape has a high value, something not identified in the applicant's LVIA. This is contrary to the methodology set out in the Landscape Institute/Institute of Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment.

11.18 This assessment of the landscape character around Great Dunmow, as set out in the GDNP and the Town Design Statement also identify the high quality of the landscape of this valley stating it is a key positive feature and worthy of protection. For example:

- It is entirely critical to the landscape, setting and character of Great Dunmow

- The Chelmer Valley is integral to the life and identity of the town, as well as forming an important part of the District's floodplains
 - Of primary interest is the agricultural landscape to the north of the town, the Chelmer Valley, and the rural approach from the east
 - The identity and character of Great Dunmow is heavily influenced by its landscape, setting and character, and these aspects are to be retained as a priority
 - It is listed as a key positive feature to the south eastern approach to the town
- 11.19 The Council's Landscape Officer has also reviewed the LVIA submitted with the application and visited the site. They identify that the site significantly contributes to the historic setting of Dunmow Park. They are of the opinion that the proposals would constitute a significant and detrimental visual intrusion into the open countryside. The landscape mitigation of planting tree belts and hedging would not address the impact of the proposed development on the existing open nature of the site and its contribution to the wider landscape.
- 11.20 It is noted that the application is supported by many making representations in respect of this application, although these are generally a comparison between this site and the Council's application site located near Hales Farm in Little Canfield and from residents affected by the latter proposal. Local residents to this site object to the proposals on the basis of the impacts of the proposals.
- 11.21 It is noted that the application is supported by the Councillors of Great Dunmow and Great Dunmow Town Council on the basis that the proposals would bring benefits to the town. These are primarily the bridge to enable access to their landlocked holdings to the east of the river and the car park to enable greater ease of access to the footpath network.
- 11.22 Whilst these benefits are noted, together with the support for the proposals, these need to be weighed against the harm to the character of the area, the area that is specifically identified as being important to the town in their own Neighbourhood Plan.
- 11.23 The extensive spread of the proposed new development, together with the proposed car parking areas would introduce significant urban elements in this visually important landscape that is assessed as being of high value. This would be detrimental to the character of the area. As such, the development proposals relate to a form of development that does not need to take place in the open countryside. The scale and approach to the development is one that is not necessarily appropriate to a rural area (discussed further under Design). The development proposals do not protect or enhance the character of the countryside within which it is set and there are no special reasons why the development in the form proposed needs to be there. This would be contrary to ULP Policy S7, paragraphs 8 and 170 of the NPPF.
- 11.24 Policy LSC3 requires development proposals to enhance and protect the floodplain and setting of the Chelmer Valley. Exceptions for development proposals for essential utility works and other development related or compatible with the open space and recreational uses of the valley can be made, subject to a clear demonstration of benefits outweighing the harm.
- 11.25 As stated above, the introduction of significant areas of new built form and car parking, urbanising the valley floor are not considered to be related to or

compatible with the open space and recreational uses of the valley. Whilst the proposal offers minimal benefits, such as the bridge and car park to enable access to landlocked Town Council holdings, these benefits do not outweigh the significant harm arising from the urbanisation of the valley floor. Many representations put significant weight on the benefits of relocating the Council's depot from the town centre, and other sites in the District. However, the department responsible for the running of these facilities is an objector to the scheme and as such no weight can be given to this element of the scheme. As such, the proposals are contrary to Policies LSC1 and LSC3.

- 11.26 The proposals would result in additional employment opportunities. Whilst there is some doubt about the refuse depot element of the scheme, if this were to come forward, notwithstanding the objection from the department responsible for running such facility, then this would not create additional employment opportunities. This would redistribute existing employment from the Council's existing sites. Therefore, as it stands, this element of the proposals cannot be given any weight in terms of benefits.
- 11.27 The remaining development would provide additional employment opportunities. The proposed classic car storage and restoration business is indicated as providing 7 employment opportunities. The proposed offices have the potential to provide an additional 108 corporate jobs.
- 11.28 The Council's Economic Development Officer has reviewed the proposals and states that the proposals would be in line with the Council's strategic objective of supporting sustainable business growth. Two reports, the Commercial Workspace Study (June 2015, BE Group) and the Project Delivery Advice Report (June 2016 BE Group) both identify that there is a current shortfall in floorspace requirements resulting in out-commuting. There is a shortage of industrial space and workplace stock is tightly held meaning a lack of marketing. This shortfall is constraining economic growth in the Uttlesford District.
- 11.29 The reports identify a high demand for offices in the region of 150-500sqm, with occupiers looking for more than 200sqm increasingly wanting self-contained premises, ie their own front door, toilets, reception, utilities, etc. There is also an increase in demand for short term lets and serviced offices are increasing in popularity.
- 11.30 Great Dunmow is identified as being attractive to industry due to its connections. The reports both refer to the scheme by Mantle Estates on the Smith's Farm site that had the benefit of planning permission. However, this scheme has not been forthcoming and the outline consent has now lapsed. Therefore, it is recognised that there is a requirement for additional employment floorspace within the district and Great Dunmow.
- 11.31 The proposed B1 office units are for flexible floorspace and therefore of the type of commercial development that is required in the district. This element of the proposals can be given significant weight. The classic car restoration business is a personal element of the scheme relating to the applicant. There is no identified need for such a facility and the employment opportunities would be minimal. Therefore, like the refuse depot, this element of the proposals would carry no or minimal weight.
- 11.32 The proposal would result in the loss of 8.6ha of grade 3 agricultural land, the type of land that Policy ENV5 seeks to protect. This policy is consistent with the NPPF

and I give the policy full weight. However, it must be acknowledged that there are limited brownfield sites within the district and the majority of the district's agricultural land is grade 2 or 3. It is acknowledged that grade 3 agricultural land is the lower quality in the Uttlesford District, but it is still classified as Best and Most Versatile Agricultural Land.

- 11.33 As discussed above, these proposals bring benefits of varying scales. Overall, in respect of the loss of agricultural land, it is considered that the benefits would be sufficient to outweigh the harm. In addition, such proposals would be in accordance with the requirements of the NPPF to give significant weight to be placed on the need to support economic growth and productivity. It would also support the aspiration of sustainable growth and expansion of all types of business in rural areas. Paragraph 84 of the NPPF recognises that in order to meet the needs of business growth that sites may need to be found adjacent to or beyond existing settlements.

B Impacts on heritage assets (ENV2, ENV4; NPPF)

- 11.34 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV2 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV2.
- 11.35 The site lies to the east of Dunmow Park, a Grade II listed building. Whilst the buildings at Dunmow Park are largely screened by mature planting, there are views within the landscape on the public right of way network whereby they can be appreciated. In addition, the Landscape Officer, the Conservation Officer and the County Archaeologist have all identified that the site was formerly part of the Dunmow Park complex, having been severed by the construction of what is now the B1256. Therefore, there is a historic connection to the heritage assets that needs to be considered.
- 11.36 The Conservation Officer has viewed the site and the documents accompanying the application. It is noted that the archaeological desk-based assessment refers to the setting of the heritage asset may need to be considered at a later date. This is totally the incorrect approach as applications need to be determined on the basis of the impacts that they will have to enable the balancing exercise set out in paragraph 196 of the NPPF to be carried out.
- 11.37 The Conservation officer is of the view that the proposed spread and scale of development with its urban features such as external lighting, associated car parking and signage will have a negative impact upon the rural setting of the listed building and its environs. This would appear incongruous and result in less than substantial harm to the setting of the heritage assets.
- 11.38 As discussed above, the proposals would bring a range of benefits in terms of additional employment, some neutral, some minimal and some having significant weight. On that basis it is considered overall that any benefits would have moderate weight.

- 11.39 There are other benefits that would also need to be considered in the round. The proposals also offer additional access to the existing public rights of way network and include a small element of additional open space. This could help to alleviate some of the pressure on Hatfield Forest. The National Trust and Natural England are currently consulting on a mitigation strategy to deal with the pressures on the Forest. One element that could reduce pressures is the creation of a Significant Area of Natural Greenspace (a SANG). This proposal doesn't actually create a SANG, but does provide easier access to the existing network. Neither organisation has commented on this application. Likewise, the ecologist has also not identified the proposals as being beneficial to Hatfield Forest. The ecology team at Place Services are also heavily involved in the development of the proposed SAMMS.
- 11.40 It is noted that Great Dunmow Town Council support the proposals on the basis that they would provide an access point to their currently landlocked holdings on the eastern side of the river. Some representations also support the proposals, with comments relating to connections to the Flitch Way and the town centre. On the basis that the proposals are only providing easier access to existing facilities, along with a small area of additional footpaths, these benefits would carry minimal weight.
- 11.41 It should be noted that the Crime Prevention Officer has identified concerns regarding these elements of the proposals due to their location in the heart of the development. There is concern that the route and car park could be used for anti-social activities or utilised by thieves making use of the leisure route. In order to reduce such activities additional lighting may be required, which would in turn increase the visual impacts of the proposals on the countryside. This increase in visual harm would compound the harm arising from the proposals in respect of Policies S7, LSC1 and LSC3. They would also increase the impacts on the setting of the heritage assets.
- 11.42 On balance, it is therefore considered that the proposals offer minimal benefits to be weighed against the less than substantial harm to heritage assets. These impacts have not been adequately assessed in the planning submissions and, on the basis of the analysis from the Conservation Officer and the Landscape Officer, it is considered that these benefits are not sufficient to outweigh the harm.

C Design and amenity

- 11.43 Policy GEN2 seeks to ensure development is appropriate to its area and does not result in adverse impacts on residential amenity. This policy is generally consistent with the NPPF and has moderate weight. Policy GEN4 seeks to protect existing properties from disturbance and nuisance. This policy is consistent with the NPPF and has significant weight. Policy GEN5 seeks to prevent light pollution and this policy is also consistent with the NPPF and has significant weight. Policy ENV11 seeks to protect existing development from noise generators arising from development proposal. This policy is consistent with the NPPF, although the latter enables areas to be identified and protected as tranquil areas prized for their recreational and amenity value. This policy has moderate weight.
- 11.44 Paragraph 180 of the NPPF seeks to ensure that development is appropriate for its location taking into account various factors such as pollution, living conditions and the natural environment. Consideration needs to be given to:

- Noise impacts on health and quality of life
- Protection of tranquil areas prized for their recreational and amenity value
- Limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation

- 11.45 The proposal relates to a range of size and style of buildings. The refuse depot buildings are proposed to be 9.9m for the workshop building, reducing to 6.6m for the ancillary office/canteen building. The design is considered appropriate to the rural area being black weatherboarded buildings with a brick plinth. The roofs would be clad with metal composite coverings. In addition, the size and scale of the buildings is similar to small scale agricultural buildings.
- 11.46 Similar design approaches have been taken in respect of the proposed offices and the classic car restoration business. These would have ridge heights of around 6.5m for the office buildings, and 7.3m for the classic car buildings. However, unlike the depot buildings, these do not respect the scale and characteristics of converted farm buildings in quite the same way due to their extensive spans and their clustering. In addition, it is proposed to use a mixture of boarding and red brick, further emphasising the appearance of the buildings in the countryside location.
- 11.47 The location of the car parking at the front of the site results in the buildings being on the lower section of the site. However, this does not alleviate the significant urban impact of the development overall on this prominent rural site on the valley side.
- 11.48 The proposed development would, by its very nature, introduce elements of nuisance in the form of noise, dust and light pollution. The proposals have been considered by the Environmental Health Officer who raises no objections subject to conditions.
- 11.49 Light pollution is also a potential nuisance in respect of the proposed development, particularly given the fact that this is a rural location and inherently dark by its very nature. Lighting can impact on residential amenity, but also given the proximity of the site to the River Chelmer, it could also impact on protected species, notably bats. The Council's Environmental Health Officer and the County Ecologist have both recommended conditions requiring lighting schemes to be submitted and approved.
- 11.50 However, the Conservation Officer has also raised concerns regarding lighting and the impacts on the setting of the heritage assets. Given the concerns of the police in respect of the potential for the site to be used in relation to crime, there is likely to be an expectation that lighting would need to be quite intrusive in order to minimise crime risk. This would be inappropriate in terms of landscape harm and impacts on ecology. Therefore, it is possible that a proposed lighting scheme could not be developed to accommodate all the requirements of the site without resulting in detrimental harm, contrary to Policy GEN5.

D Ecology

- 11.51 Policy GEN7 relates to nature conservation and seeks to protect habitats and protected species. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

- 11.52 Policy ENV7 seeks to protect designated areas of nature conservation, such as SSSIs, National Nature Reserves and Local Wildlife Sites. Policy ENV8 seeks to protect other features important for nature, such as hedgerows. These policies are partially consistent with the NPPF with the NPPF setting out a hierarchy which is different to the policy approach. As such these policies have limited weight.
- 11.53 GDNP Policy NE2 relates to wildlife corridors and the policy seeks to promote the enhancement of these corridors. The site falls within the Chelmer Valley Wildlife Corridor identified in the policy. This policy is in line with the NPPF principle of securing “net gains” for biodiversity and therefore has significant weight.
- 11.54 In terms of biodiversity net gains, the proposals seeks to introduce new landscaped open space. This could, if approached in the correct way, improve biodiversity and care would need to be taken that habitats for existing protected species are not adversely affected. The County Ecologist does not object to the proposals, subject to conditions.
- 11.55 In terms of ecological impacts, the proposed development is accompanied by a Preliminary Ecological Appraisal and additional surveys that have been undertaken in respect of otters and water voles. These have been assessed by the County Ecologist. Mitigation measures are identified within the appraisal including the use of buffer zones and sensitive working practices.
- 11.56 In terms of impacts on designated areas of nature conservation, there are no direct impacts. The Town Council make reference to the potential for the proposals to reduce pressure on Hatfield Forest. However, the proposals themselves do not great a significant area of natural green space, although it is acknowledged that they would introduce car parking nearer to the existing public right of way network in the area. Any benefits arising from the proposals in this regard would be minimal and carry little weight.
- 11.57 The proposals would largely retain the existing ecological features within and adjacent to the site. Some removal of vegetation would be undertaken to provide the bridge crossing over the ditch system and the River Chelmer. However, the benefits of achieving pedestrian access to the Town Council’s land holdings would outweigh any potential harm.
- 11.58 Therefore, subject to appropriate conditions, the proposals would comply with Policies GEN7, ENV7 and ENV8, as well as GDNP Policy NE2.

E Access and parking

- 11.59 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Policy GEN8 seeks to ensure development proposals comply with adopted parking standards. The current standards relevant to the proposals are the Essex Parking Standards, adopted in 2009. These relate to maximum parking standards for commercial development. The policy is generally consistent with the NPPF and has moderate weight.
- 11.60 GDNP Policy GA1 requires enhancements to the existing public right of way network. Policy GA2 requires developments to be well-integrated with the surrounding footpath and bridleway network. Policy GA3 requires developments to be integrated into the local bus network and appropriate infrastructure and

support for services will be secured where appropriate. These policies are in line with the NPPF aims of promoting alternative means of transport and improving accessibility. These policies have full weight.

- 11.61 The proposals have been revised during the course of the application to relate to only one point of access into the site via a roundabout junction with the B1256. A new footpath is proposed to be constructed along the western side of the carriageway, linking into the public right of way network to connect to the Braintree Road (B1008). The public right of way (18_66) is proposed to be upgraded to an all-weather cycleway/footway and this would provide a connection to the public transport network.
- 11.62 The application is accompanied by a Transport Assessment that assesses the potential for users of the site to access the facilities by means other than the private car. It is noted that the bus services include a school bus service (508) and the 313/313A service which is likely to be axed in the near future. The latter service is 4 buses a day (2 on Saturdays). However, the nearby bus stop would still be serviced by the 133 hourly service operating between London Stansted Airport-Takeley-Great Dunmow-Little Dunmow-Felsted-Braintree and Colchester.
- 11.63 The table below sets out the trip rates in respect of the proposed development.

Likely Level of Traffic Attracted by the Proposed Development

Use	Area	AM Peak Hour		PM Peak Hour		12 Hour	
		Arrivals	Departs	Arrivals	Departs	Arrivals	Departs
Business Park	1770 sqm	26	5	3	20	101	104
Vehicle Repair Garage	449 sqm	5	3	2	4	44	45
Bin Lorry Depot (TRICS)	1220 sqm	7	3	2	6	40	40
Bin Lorry Depot (User specific)	1220 sqm	17	5	2	14	117	119
Total Two Way*		61		45		530	

* Two way traffic includes business park, vehicle repair garage and bin lorry depot (user specific)

- 11.64 The report references the fact that the bin lorry depot would be displacing existing vehicle trips to the existing depot in the town centre. However, it should also be noted that the bin lorry depot would also include the relocation of the sites in Newport and Saffron Walden. As such, the vehicular movements associated with those depots would now be concentrated in Great Dunmow.
- 11.65 The Transport Assessment concludes that there is sufficient capacity within the existing road network and at the junctions in order to accommodate the additional vehicular movements arising from the proposals. This has been assessed by the Highways Officer who confirms that, subject to conditions, there are no objections to the proposals.
- 11.66 Accompanying the Transport Assessment is a Travel Plan for the proposed development. This sets out how targets for reducing the use of the private car

would be achieved. Subject to a condition securing the implementation of the Travel Plan, and its subsequent monitoring, this is in accordance with Policy GEN1.

- 11.67 As stated above, it is proposed to connect the site to the public transport network as part of the means of improving accessibility to the site. This also includes the upgrading of an existing public right of way. It is also proposed to create a new footpath (leisure route) into the proposed development. In addition, it is proposed to construct a bridge over the River Chelmer. This would form part of the new leisure route which would be served by a new public car park. This would enable easier access to the existing public right of way network. These proposals are acceptable to the highway authority, and it is confirmed that it is proposed to adopt the leisure route into the public right of way network. As such, it is considered that the proposals comply with Policies GEN1, GDNP GA1, GA2 and GA3.
- 11.68 The parking provision for the development is set out on the plans. Three separate parking areas are proposed, in addition to the public car park for those accessing the leisure route and public right of way network. It should be noted that parking standards for commercial developments are minimum standards based on the floor area of the proposed uses.
- 11.69 The three different proposed uses therefore have different parking requirements. The proposed offices would require a minimum of 59 car parking spaces, 27 cycle spaces, 3 powered two wheeler spaces, and 3 disabled parking bays. The requirement for the proposed car restoration business and the refuse depot have been calculated on the basis of a "Motor Vehicle Service Station". This would require a minimum of 49 spaces, 1 cycle space per 4 staff, 3 powered two wheeler spaces and 3 disabled bays.
- 11.70 The proposed depot is shown to have 91 car parking bays and 21 refuse vehicle bays. The Council currently has 14 refuse vehicles and a number of other vehicles that would be required to be parked overnight on the premises. The size of the spaces provided are sufficient to serve the Council's fleet of vehicles. The number of spaces provided is sufficient to enable the fleet to grow taking into account the housing requirements for the district.
- 11.71 The proposed B1 business units are shown to have 68 car parking spaces, and the proposed classic car restoration and storage business would have 19 spaces. This obviously does not include the storage spaces within the proposed buildings.
- 11.72 The Highways Officer has considered the proposals and, taking into account the proposals to improve the accessibility to the public transport network, the improvements to the public right of way network, and the travel plan, raise no objections to the proposals. As such they comply with Policy GEN8.

F Flood Risk and Water Resource Protection

- 11.73 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.
- 11.74 The site falls within three categories of flood risk – Zones 1, 2 and 3. Zone 3 is at the greatest risk of flooding, followed by Zone 2. Zone 1 is classified as having a low risk of flooding. The proposed built form is largely located within Flood Zone

1, with some car parking spaces and areas of hard standing falling partially within Flood Zone 2.

- 11.75 The Technical Guidance to the NPPF sets out in Table 3 the levels of flood risk and the categories of development that are appropriate to the various zones. The development types the subject of this application fall within the category of “less vulnerable”. This type of development is permissible in flood zones 1, 2 and 3a. Development is not permitted in flood zone 3b, the functional floodplain.
- 11.76 The application is accompanied by a Flood Risk Assessment. This sets out the range of the development proposals, and the fact that around 1.82ha would become impermeable compared to the current situation. The ground in the site is relatively impermeable due to soil conditions and therefore it is proposed to drain into the existing ditch system with flow control devices in place to limit the discharge rates to the 1 in 1 year greenfield runoff rates in the 1 in 100 year +40% climate change event.
- 11.77 The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

G Site amenity issues

- 11.78 Policy ENV14 relates to development of contaminated land. This policy is consistent with the NPPF and therefore has significant weight. The application is accompanied by a Land Contamination Assessment. This identifies the most likely sources of contamination as being the sewage works by way of ground gas. This report has been considered by the Environmental Health Officer who raises no significant concerns regarding contamination, subject to conditions.
- 11.79 Policy 2 of the Essex and Southend-on-Sea Waste Local Plan seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Policy 2 defines Waste Consultation Areas as extending up to 400m from Water Recycling Centres. The majority of the application site is within a Waste Consultation Area associated with the Dunmow Water Recycling Centre (sewage works). The policy is in line with the NPPF and therefore carries significant weight.
- 11.80 Additional information has been submitted by the applicant to demonstrate that the proposed development will not impact on the operation of the existing Water Recycling Centre. However, there is little commentary on the impacts of the existing facility on the proposed development. NPPF Para 182 states that ‘Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.’
- 11.81 The likely impact on the proposed development would be in relation to odour from the existing Water Recycling Centre. Appendix 3 of the additional information contains an email chain from the applicant to the operators of the Recycling Centre requesting if there have been an odour complaints from the existing industrial estates in Great Dunmow. The response is that there have been none since the new methods of operation have been in place. This information is noted but there has been no bespoke monitoring data provided to demonstrate that a

quantitative assessment has been made of the potential for odour from the safeguarded site to impact on the newly proposed development.

- 11.82 In order to address potential odour issues, it is possible that a design solution could be established, such as mechanical ventilation of the proposed buildings. Such information has not been included in the application, but could be secured by way of condition if planning permission were to be granted.

H Infrastructure

- 11.83 Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.
- 11.84 In terms of the mitigation required as a result of the proposed development, these mainly relate to highway issues. The Highway Authority has identified the requirement for a financial contribution towards monitoring of the Staff Travel Plan. In addition, works are required to upgrade an existing off-site footpath, the provision of a new off road footpath/cycleway, including the provision of dropped kerb crossing points.
- 11.85 It is noted that the Education Authority has requested a financial contribution towards Early Years and Childcare Provision. The requirement for such contributions is now being proposed to be removed from commercial developments. In any event, the officer is of the opinion that this financial contribution would not comply with the CIL Regulations.

I Other material considerations

- 11.86 The emerging Local Plan has undergone the first round of examination and the Inspector's letter, which was due towards the end of last year and been delayed by the calling of the General Election, is potentially imminent at the time of preparing this report. If this is received prior to the Planning Committee meeting on 15 January 2020 then this may affect the weight to be given to emerging policies. However, they currently have limited weight.

12. PLANNING BALANCE

Policy	Proposals in accordance with policy?	Policy compliance with NPPF	Weight
S7	Proposals do not comply with Policy S7	Partially compliant	Moderate
E1	Site not designated in adopted Local Plan	Consistent but required allocations to be reviewed	Limited
ENV5	Proposals do not comply with Policy ENV5	Consistent	Significant
ENV2	Proposals would result in harm to the setting of listed buildings	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV4	Proposals could result in harm to archaeological deposits without mitigation	Broadly compliant but NPPF requires a balancing exercise	Moderate
GEN2	Proposals do not comply with Policy GEN2	Generally consistent	Moderate

GEN4	Proposals would comply with Policy GEN4 with appropriate mitigation	Consistent	Significant
GEN5	Proposals would comply with Policy GEN5 with appropriate mitigation	Consistent	Significant
ENV11	Proposals would comply with Policy ENV11 with appropriate mitigation	Consistent although the NPPF allows designation of tranquil areas	Moderate
GEN7	Proposals would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
ENV7	Proposals would comply with Policy ENV7 with appropriate mitigation	Partially consistent	Limited
ENV8	Proposals would comply with Policy ENV8 with appropriate mitigation	Partially consistent	Limited
GEN1	Proposals would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate
GEN8	Proposals comply with Policy GEN8	Generally consistent	Moderate
GEN3	Proposals comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
ENV14	Proposals comply with Policy ENV14 with appropriate mitigation	Consistent	Significant
GEN6	Proposals comply with Policy GEN6 subject to the completion of a satisfactory s106 Legal Obligation	Generally consistent	Full

12.2 Other Policies

GDNP DS1	Proposals do not comply with Policy DS1	Consistent	Significant
GDNP LSC1	Proposals do not comply with Policy LSC1	Consistent	Significant
GDNP LSC3	Proposals do not comply with Policy LSC3	Consistent	Significant
GDNP NE2	Proposals would comply with Policy NE2 with appropriate mitigation	Consistent	Significant
GDNP GA1	Proposals would comply with Policy GA1 with appropriate mitigation	Consistent	Significant
GDNP GA2	Proposals would comply with Policy GA2 with appropriate mitigation	Consistent	Significant

GDNP GA3	Proposals would comply with Policy GA3 with appropriate mitigation	Consistent	Significant
Essex & Southend-on-Sea Waste Local Plan Policy 2	Proposals would comply with WLP Policy 2 with appropriate mitigation	Consistent	Significant

- 12.3 The proposals do not comply with the requirements of Policies S7, ENV2 and GEN2 which seek, inter alia, to protect the character of the area and the setting of listed buildings. In addition, the proposals do not comply with the requirements of Great Dunmow Neighbourhood Plan Policies DS1, LSC1, LCS2 and LSC3. However, the NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified.
- 12.4 The proposals would result in harm to the character and appearance of the countryside with the introduction of significant areas of built form, out of scale and keeping with the character of the rural area. Mitigation measures such as additional planting are proposed. However, these measures are not sufficient in their own right to make the proposals acceptable and in accordance with Policies S7, GEN2 and ENV2. Likewise, they are not sufficient to make the proposals acceptable and in accordance with GDNP Policies DS1, LSC1, LSC2 and LSC3.
- 12.5 Notwithstanding this, the proposals would result in the creation of additional employment opportunities, meeting an identified need. This need is exacerbated by the loss of the planning permission for employment land on a site in Great Dunmow following the lapse of the outline planning permission. In addition, the proposals provide the potential to relocate the Council's refuse depot to a site, reducing the impact on the Great Dunmow Conservation Area and listed buildings. There could also be potential benefits to Newport Conservation Area. However, these benefits are considered neutral at best given the objection to the proposals from the Council. There are no or very limited employment opportunities arising from the relocation of the depots to the site, other than expected growth associated with the growth of the district. Therefore, the benefits of the proposals need to be weighed against the harm.
- 12.6 The proposed development would result in less than substantial harm to the setting of Dunmow Park, and the historical relationship between this site and the buildings, severed by the construction of the road now designated as the B1256. This less than substantial harm needs to be weighed against the benefits of the proposal. Benefits of the proposal include the provision of a footbridge over the River Chelmer and the provision of a public car park to enable easier access to the holdings of Great Dunmow Town Council and the wider public right of way network. However, these elements have also been identified by the Crime Prevention Officer as having potential for increased crime. The remainder of the proposals are predicted to generate approximately 115 new employment opportunities. These benefits carry significant weight and, on balance, would outweigh the harm to the setting of the listed building.
- 12.7 The support of the Great Dunmow Town Council to the proposals are noted, in particular in respect of the proposed new footbridge to enable easier access to

their land holdings. However, the benefit of the bridge is not sufficient to outweigh the harm arising from the scale of the proposed development on this sensitive landscape setting. This sensitive landscape setting is identified in the made Neighbourhood Plan and the policies contained within that plan carry significant weight given their conformity with the NPPF. Insufficient justification has been given to demonstrate why the level of harm arising from the proposals would outweigh the benefits of the proposed footbridge. The additional benefits supported by the Town Council are the relocation of the depot from the town centre. However, given the objection from the department responsible for the facility this element of the proposals cannot be given any weight.

RECOMMENDATION – REFUSAL

Refusal Reasons

1. The proposed development due to its size and scale of built form would result in the urbanisation of this sensitive rural location, identified in the Great Dunmow Neighbourhood Plan as being of special merit. The scale of the development is of a type that does not need to take place in this location and the merits of the proposals are not sufficient to outweigh the significant harm that would arise. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005), Great Dunmow Neighbourhood Plan Policies DS1, LSC1, LSC2 and LSC3 (made 2016) and the NPPF which seeks to delivery sustainable development. These proposals would result in significant environmental harm that would outweigh any social and economic benefits when assessed against the policies in the Framework as a whole.
2. The proposals fail to provide a mechanism to deliver infrastructure improvements required in respect of the proposed development. In the absence of any legal agreement to address the requirements to carry out improvements to highway infrastructure and for the monitoring of a Staff Travel Plan, the application fails to fully mitigate the impacts of the development contrary to Policies GEN1 and GEN6 of the Uttlesford Local Plan 2005, and Policies GA2 and GA3 of the Great Dunmow Neighbourhood Plan (made 2016).



Organisation: Uttlesford District Council
Department: Planning
Date: 21 APRIL 2020

UTT/20/0707/HHF (SAFFRON WALDEN)

(Applicant UDC Employee)

PROPOSAL: Erection of single storey rear extension.

LOCATION: 6 Farmadine, Saffron Walden, Essex CB11 3HP

APPLICANT: Mr & Mrs B Jones

AGENT: Mr A F Weaver

EXPIRY DATE: Extension of time (agreed): 01 June 2020

CASE OFFICER: Mr Avgerinos Vlachos

1. NOTATION

- 1.1 Within Development Limits (Original Dwelling).
- 1.2 Setting of Listed Building (46 Farmadine House – Grade II).
- 1.3 Conservation Area 50m Buffer Zone (The Site and the Property Are Outside the Conservation Area Boundaries).
- 1.4 Tree Preservation Order (Ref. No. 24/93/38, Category 2 - Pine).

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a two storey detached dwelling located within the development limits in Saffron Walden. The dwelling has benefited in the past from extensions and alterations. The neighbouring properties include mainly two storey detached dwellings of a similar type. There is a large driveway to the front (east) elevation of the property that could accommodate at least 3 no. parking spaces of appropriate dimensions (without including the garage, as it has smaller dimensions than prescribed by the standards). The rear garden sits on elevated ground and the boundaries of the site to the south, north and west include sizeable wooden fences; in addition, close to the western boundary there is dense vegetation and a tree row.

3. PROPOSAL

- 3.1 The proposal includes the erection of a single storey rear extension (4.8m wide and 3m deep) with a pitched roof and a small rooflight on top of it, as well as a smaller window on the rear (west) elevation than the existing ones in the dwelling. The proposed materials will match the existing, including face brick, concrete pantiles and PVC.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application includes the following document(s):
 - Biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 • UTT/0898/88 – Single storey rear extension.
Approved with conditions.
- 6.2 • SWB/0139/66 - Alterations and additions to existing garage to form study and addition to form new garage.
Unconditional approval.

7. **POLICIES**

- 7.1 S70(2) of the Town and Country Planning Act 1990 (as amended) 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 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 S72(1) of the Town and Country Planning Act 1990 (as amended) requires the local planning authority, in dealing with an planning application, in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4 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 **Uttlesford Local Plan (2005)**

S1 – Development limits for the main urban areas
ENV2 – Development affecting listed buildings
GEN2 – Design
H8 – Home extensions
GEN8 – Vehicle parking standards

7.4 **Supplementary Planning Documents/Guidance**

SPD1 – Home Extensions

7.5 **National Policies**

Para 127 of the NPPF

7.6 **Other Material Considerations**

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards: Design and Good Practice (2009)

8. **PARISH COUNCIL COMMENTS**

8.1 The Parish Council has raised no objections to this application.

9. CONSULTATIONS

9.1 N/A

10. REPRESENTATIONS

10.1 The Council has received no letters of representation for this application.

11. APPRAISAL

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

- A Whether the scale, design and materials of the proposal respect the character of the area and of the original building (ULP Policies S1, ENV2, H8, GEN2, SPD Home Extensions, and the NPPF);
- B Whether the proposal would harm the amenity of neighbouring occupiers by way of overlooking, overshadowing or overbearing effects (ULP Policies H8, GEN2 and the SPD Home Extensions);
- C Parking standards (ULP Policy GEN8).

A Whether the scale, design and materials of the proposal respect the character of the settlement and of the original building (ULP Policies S1, ENV2, H8, GEN2, SPD Home Extensions, and the NPPF);

- 11.1 ULP Policy S1 states that development will be permitted within the existing built up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built up area, its countryside setting.
- 11.2 ULP Policies GEN2 and H8, highlights that development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings; also, development shall not have a materially adverse effect on the occupiers of neighbouring dwellings.
- 11.3 According to para 127(c) of the NPPF, development should be sympathetic to the local character, including the surrounding built environment and landscaping setting.
- 11.4 Due to the national pandemic emergency the Case Officer was unable to visit the site, but was confident that an appropriate desktop assessment of the proposal could be carried out using other means and using the applicant's full submission. For this reason, photographs were asked by the applicant and were submitted on 22 April 2020. Also, the neighbours were consulted, raising no objections to the application.
- 11.5 The site is located within the development limits of a main urban area as it is located in the residential development of Farmadine in Saffron Walden, where at this point mainly includes two storey detached properties of a similar type dwellings.
- 11.6 The proposal includes the erection of a single storey rear extension with a pitched roof and a small rooflight on top of it, as well as a smaller window on the rear (west) elevation than the existing ones in the dwelling. The proposed materials will be matching the existing ones, including face brick, concrete pantiles and PVC.
- 11.7 The proposal will amount to a modest increase in the original dwelling's footprint, and therefore it is considered to be in keeping with the character and appearance of the original dwelling and of the area, as a subordinate extension. In addition, it should be noted that the increase in the footprint of the original dwelling is considered modest even by taking into account the 1988 single storey rear extension (under UTT/0898/88). Therefore, the proposal is considered acceptable.
- 11.8 The proposed materials are acceptable as they will match the existing and others in this urban setting.

- 11.9 In addition, it should be noted that the proposal will not be visible from the neighbouring listed building (46 Farmadine House – Grade II), and therefore it will not harm its setting in any way. The proposal is not within the Saffron Walden Conservation Area, sitting at a distance of approximately 30m. Therefore ULP Policies ENV1 and ENV2 are not relevant on this occasion.
- 11.10 Overall, the proposal is of subservient scale, form, layout, design and materials that will not harm the character of the original building nor of the established streetscene, and therefore it accords with ULP Policies S1, GEN2, H8, the SPD Home Extensions, and the NPPF.

B Whether the proposal would harm the amenity of neighbouring occupiers by way of overlooking, overshadowing or overbearing effects (ULP Policies H8, GEN2 and the SPD Home Extensions);

- 11.11 ULP Policies GEN2 and H8, states that development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.
- 11.12 The proposed rear (west) window will be facing an elevated garden, as well as a sizeable wooden fence and mature trees to the west. In addition, the proposed rooflight is of small dimensions with no direct view of any habitable room windows of any neighbouring properties. Therefore, overlooking is not possible.
- 11.13 The small-scaled nature (i.e. single storey and 14.4m² footprint) of the proposal and the existing wooden fences, as well as the location of the proposed extension and its position (as it will not be built right up to the southern boundary of the site) provide clear safeguards that neither overshadowing nor overbearing effects are possible. The 45-degree tests are also adhered to, offering an extra safeguard against overshadowing of any habitable room windows of the neighbouring property to the south.
- 11.14 Overall, the proposal will not harm the residential amenity of neighbouring occupiers, as it does not result in loss of privacy, loss of light nor have an overbearing impact, and thus in accordance with ULP Policies GEN2 and H8, and the SPD Home Extensions.

C Parking standards (ULP Policy GEN8).

- 11.15 According to ULP Policy GEN8, development will not be permitted unless the number, design and layout of vehicle parking spaces proposed is appropriate for the location, whilst Uttlesford Local Residential Parking Standards (2013) and Essex County Council Parking Standards: Design and Good Practice provide further guidance and good practice.
- 11.16 Existing parking arrangements include at least 3 no. parking spaces of appropriate dimensions to the front (east) elevation of the dwelling (the existing garage is not included in the existing parking arrangements as it is not of appropriate dimensions); the proposal will not negatively impact existing parking arrangements. Bedroom numbers remain intact, triggering no requirement for additional parking provision, and the existing parking arrangements would suffice in any case.
- 11.17 Overall, the proposal is in accord with ULP Policy GEN8, and with local and regional parking standards.

12. CONCLUSION

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

- A** In conclusion the proposal is acceptable and complies with all relevant ULP Policies and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

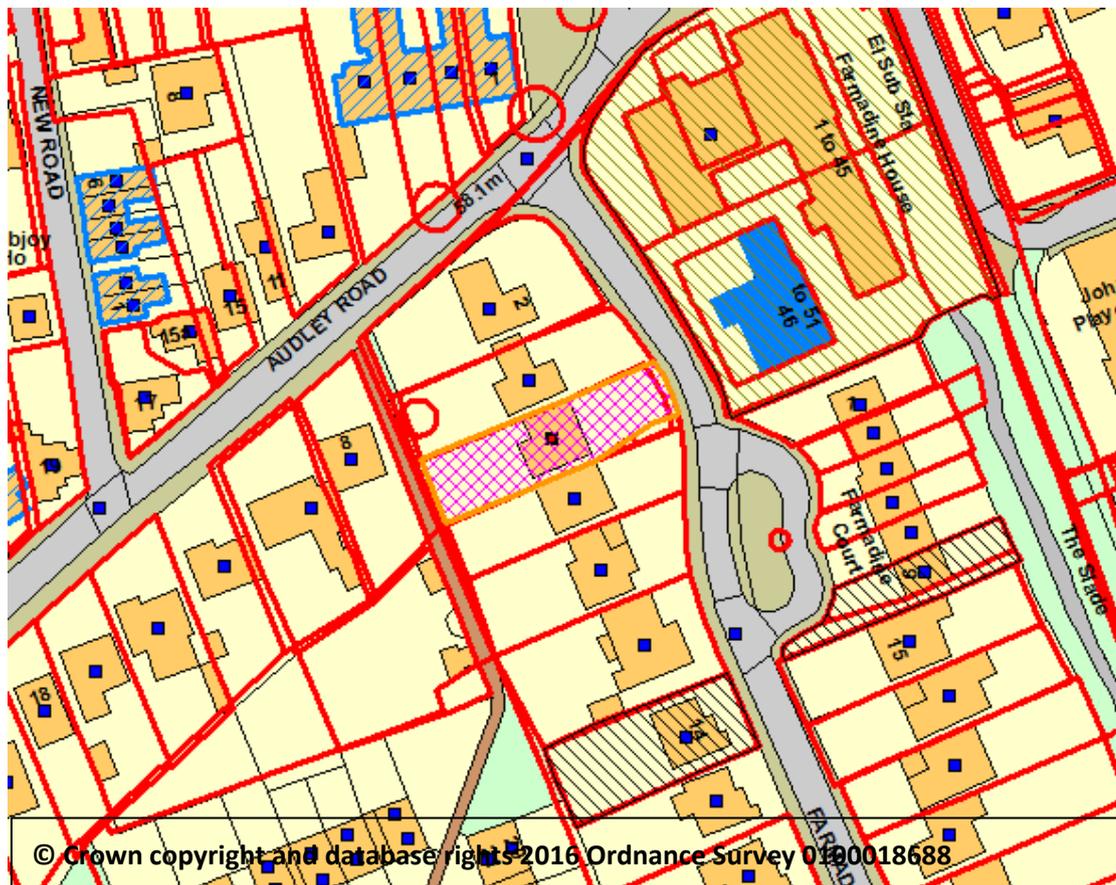
Conditions

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.

Application: UTT/20/0707/HHF

Address: 6 Farmadine, Saffron Walden, Essex CB11 3HP



Organisation: Uttlesford District Council

Department: Planning

Date: 04 May 2020

Agenda Item 6

Committee: Planning

Date: 20th May 2020

Title: UTT/29/0552/TPO

Notification of intent to fell 1no. pine tree at no.6, Farmadine, Saffron Walden.

Author: Ben Smeeden
Landscape Officer

Summary

1. This item seeks Committee's consideration of the proposed felling of 1no. pine tree in the grounds of no.6, Farmadine, Saffron Walden, subject to a group designation TPO. The applicant is the spouse of a council staff member.

Recommendations

2. Approval is granted for the felling of the pine tree.

Financial Implications

3. None.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/20/0552/TPO - <https://publicaccess.uttlesford.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Impact

- 5.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. The tree work proposed is the felling of 1 no. pine tree in the rear garden of no.6, Farmadine (Appendix 1: Location plan).
7. The tree has been inspected by the council's Landscape Officer and found to have poor form, its development having been suppressed by adjacent trees.
8. It is considered that the subject tree makes a limited contribution to the visual amenity of tree group as a whole (Appendix 2: Photograph of the pine tree).

9. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

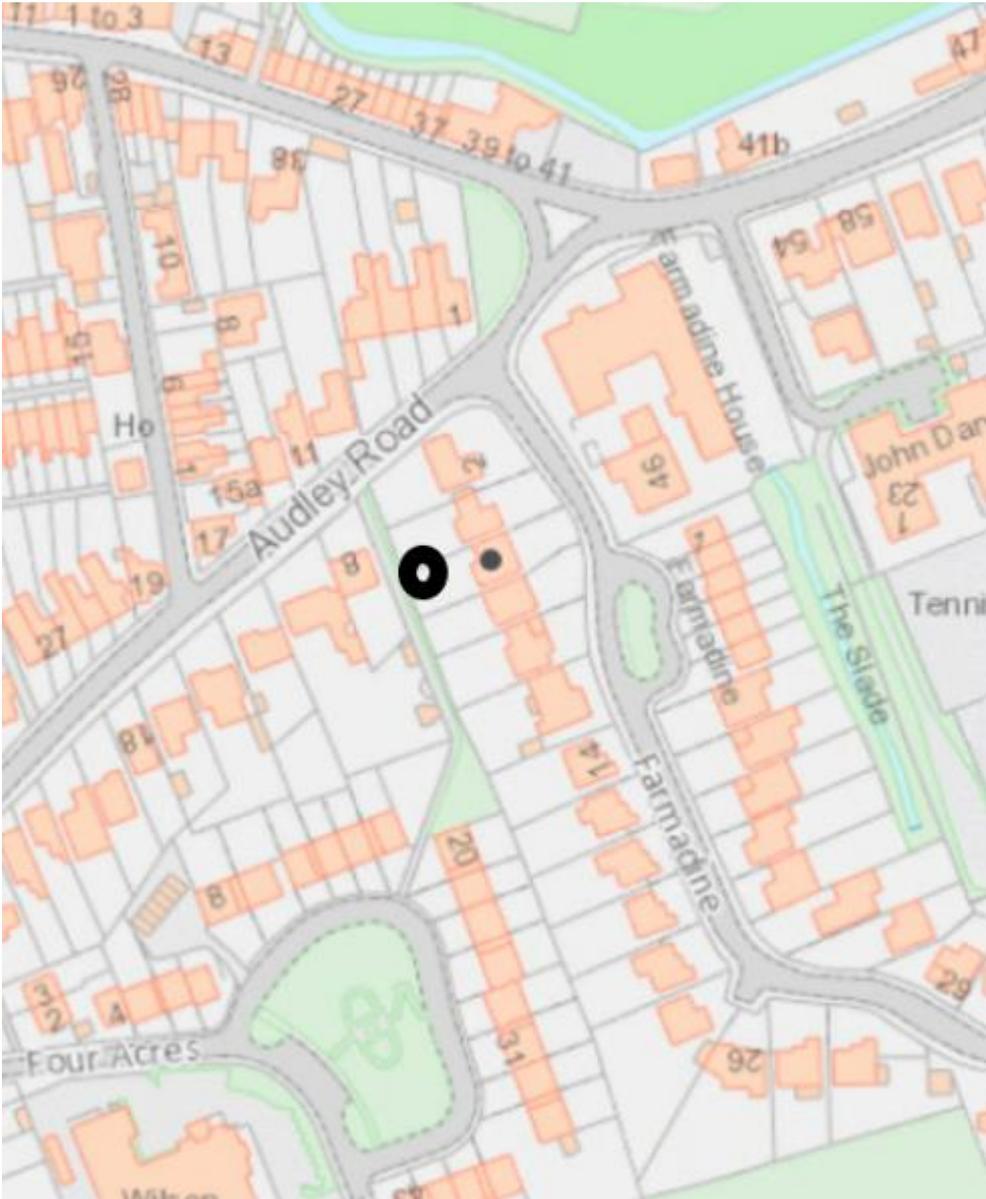
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



Appendix 2: Photograph of the pine tree.



