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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

- Date:** Wednesday, 16th March, 2022 & Thursday, 17th March, 2022
- Time:** 10.00 am
- Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER
- Chair:** Councillor S Merifield
- Members:** Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve and M Sutton
- Substitutes:** Councillors M Caton, A Coote, N Gregory, V Isham, B Light, G Sell, G Smith and J De Vries

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk

Public speakers will be offered the opportunity for an officer to read out their questions or statement at the meeting, and encouraged to attend the meeting via Zoom to read out their questions or statement themselves. There is capacity for four additional people to attend the Chamber in person and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest.

For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins

AGENDA

PART 1

Open to Public and Press

Wednesday 16th March 2022

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 7
To consider the minutes of the previous meeting.
- 3 Speed and Quality** 8
To consider the Speed and Quality statistics.
- 4 Changes to the Consideration of Major Planning Applications and Consultations on Major Applications submitted directly to the Planning Inspectorate** 9 - 13
To note the report.
- 5 Adopted Enforcement Policy** 14 - 29
To note the report.
- 6 UTT/20/2724/OP - Land East of London Road, LITTLE CHESTERFORD** 30 - 81
To consider application UTT/20/2724/OP.
- 7 UTT/21/2082/FUL - Land East Of Brick Kiln Lane & North Of Pound Gate, STEBBING** 82 - 112
To consider application UTT/21/2082/FUL.
- 8 UTT/19/3164/LB - Lea Hall, Dunmow Road, HATFIELD HEATH** 113 - 125
To consider application UTT/19/3164/LB.
- 9 UTT/19/3163/LB - Lea Hall, Dunmow Road, HATFIELD HEATH** 126 - 136
To consider planning application UTT/19/3163/LB.

10 UTT/19/3173/FUL - Lea Hall, Dunmow Road, HATFIELD HEATH 137 - 176

To consider application UTT/19/3173/FUL.

11 UTT/21/02755/OP - Cannons Yard, Bedlars Green, GREAT HALLINGBURY 177 - 203

To consider application UTT/21/02755/OP.

12 UTT/20/1882/FUL - Land At Sunnybrook Farm, Braintree Road, FELSTED 204 - 242

To consider application UTT/20/1882/FUL.

Thursday 17th March 2022:

13 UTT/21/2509/OP - Land South of (East of Griffin Place) Radwinter Road, SEWARDS END 243 - 286

To consider application UTT/21/2509/OP as an emergency item in light of this notice to appeal.

14 UTT/21/2488/OP - Land East of Parsonage Road, TAKELEY 287 - 320

To consider application UTT/21/2488/OP.

15 UTT/21/2846/FUL - Green Energy Hub, Chesterford Park, GREAT CHESTERFORD 321 - 347

To consider application UTT/21/2846/FUL.

16 UTT/21/2376/FUL - Land West of High Lane, STANSTED 348 - 363

To consider application UTT/21/2376/FUL.

17 UTT/21/2137/FUL - Land to the North of Cornells Lane, WIDDINGTON 364 - 403

To consider application UTT/21/2137/FUL.

18 UTT/21/3410/FUL - Dunmow Cricket Club, St Edmunds Lane, GREAT DUNMOW 404 - 418

To consider application UTT/21/3410/FUL.

MEETINGS AND THE PUBLIC

In light of the High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice. Members of the public are welcome to listen live to the debate of any of the Council's Cabinet or Committee meetings. All live broadcasts and meeting papers can be viewed on the Council's calendar of meetings webpage.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and will be encouraged to do so via the video conferencing platform Zoom. If you wish to make a statement via Zoom video link, you will need to register with Democratic Services by 2pm the day before the meeting. Those wishing to make a statement via video link will require an internet connection and a device with a microphone and video camera enabled. Those wishing to make a statement to the meeting who do not have internet access can do so via telephone.

Technical guidance on the practicalities of participating via Zoom will be given at the point of confirming your registration slot, but if you have any questions regarding the best way to participate in this meeting please call Democratic Services on 01799 510 369/410/467/548 who will advise on the options available.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 16
FEBRUARY 2022 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,
M Lemon (Vice-Chair), B Light (substitute for Councillor
Fairhurst), J Loughlin, R Pavitt, N Reeve and M Sutton.

Officers in attendance: W Allwood (Principal Planning Officer), N Brown (Development
Manager), C Edwards (Democratic Services Officer), C Gibson
(Democratic Services Officer), M Sawyers (Planning Officer) and
E Smith (Solicitor).

Public Speaker: D Hyde

PC97 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Fairhurst: Councillor Light substituted.

Councillors Freeman and Light declared a non-pecuniary interest in Item 6 as Members of Saffron Walden Town Council.

Councillor Bagnall declared a non-pecuniary interest in Item 4 as Ward Member for Takeley and as a Member of Takeley Parish Council.

Councillor Sutton declared a non-pecuniary interest in Item 4 as Ward Member for Takeley.

PC98 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 19 January 2022 were approved.

PC99 **SPEED AND QUALITY**

The Development Manager presented the current performance statistics. He clarified the time periods covered and recognised that some future measurements of any improvements could be difficult if they were being processed through the Planning Inspectorate.

Some Members asked for further information to be provided and for guidance as to how the figures should be interpreted.

The Development Manager said that the implications of the recent Notice of Designation would be considered at the Planning Committee Working Group and would be brought back to this Committee.

The Chair said that it should be noted that the reason for a relatively short agenda at this meeting had been because two major items for consideration had been due but were not now being brought forward.

The report was noted.

PC100 **UTT/20/0223/FUL - THE COTTAGE, MOLEHILL GREEN, TAKELEY**

The Principal Planning Officer presented an application seeking the demolition of existing terrace houses, Village Stores, Meadow View and The Cottage, merging their plots to enable the erection of six terrace houses with associated parking and landscaping including new access road.

The application was recommended for approval with conditions.

Members discussed:

- The significance that this was previously developed land.
- That the proposal would provide six new market dwellings, a net increase of three, and it would make a tangible positive contribution to the housing land supply.
- That it would make more efficient use of the land than at present.
- Possible CPZ and noise mitigation implications.
- NPPF and Local Plan considerations.
- Possible flooding concerns.
- Amenity space for each property was clarified as 50 square metres.
- Lack of a viability statement in respect of the Village Store which had been closed since February 2017.
- The tilted balance argument.
- How existing tenants would be treated.
- The width of the footpath being two metres, if achievable.

General support was given to the application. Additional conditions were suggested in respect of:

- Condition 1, the Time Limit being reduced from three years to two.
- Condition 4, CEMP (Pre-Commencement)- (a new item 4 I) to include names and contact details of site managers.
- Condition 5, Tree Protection and Condition 6, Arboricultural Method Statement, to include reference to heavy standard trees being used to replace any existing trees if necessary.

Councillor Pavitt proposed that the application be approved subject to the additional conditions detailed above. Councillor Freeman seconded the proposal.

RESOLVED to approve the application, subject to the inclusion of the additional conditions.

D Hyde (Agent) spoke in support of the application.

PC101 UTT/21/3445/FUL - FORMER PARKING COURT ADJACENT TO 3 GOLD CLOSE, ELSENHAM

The Planning Officer presented an application seeking the retention of the air source heat pump for the bungalow approved under UTT/20/1082//FUL. Officers explained that the application was on behalf of the UDC Housing Department and that it was in order to relocate the pump.

The application was recommended for approval with conditions.

Councillor Pavitt proposed that the application be approved, subject to conditions. Councillor Reeve seconded the proposal.

RESOLVED to approve the application, subject to conditions.

PC102 UTT/22/0034/NMA - LAND AT THAXTED ROAD, SAFFRON WALDEN

The Planning Officer presented an application seeking the Non-Material amendment to UTT/18/2820/FUL (previously amended under UTT/20/1081/NMA) – addition of 14 air source heat pumps. This application had also been made on behalf of the UDC Housing Department.

The application was recommended for approval.

Some concerns were expressed about possible noise implications, but it was recognised that Environmental Health had not raised any issues.

Councillor Light proposed that the application be approved. Councillor LeCount seconded the proposal.

RESOLVED to approve the application.

The meeting ended at 11.20 am.

Agenda Item 3

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period. October 2018 - September 2020	Threshold and assessment period. October 2019 to September 2021	Live Table
Speed of major Development	60% (70.27%)	60% (76.27%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	P153

UDC performance in red % greater than the threshold is good

Quality – Appeals

Measure and type of Application	Threshold and assessment period. April 2018 - March 2020	Threshold and assessment period. April 2019 to March 2021	Live Table
Quality of major Development	10% (16.5*%)	10% (17.65*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	P154

**Appeals may have had a decision, but any decisions received after December 31, do not count in the assessment period the decision was made but does in the following years.*

Committee: Planning Committee

Date: 16 March 2022

Title: Changes to the Consideration of Major Planning Applications and Consultations on Major Applications submitted directly to the Planning Inspectorate.

Author: Nigel Brown
Development Manager

Summary

1. This item considers the Council's response to the functioning of Planning Committee following the formal Designation Notice dated 8 February 2022 from the Minister of State for Housing (Department of Levelling Up, Housing & Communities).
2. The impact of this Designation Notice offers the opportunity for an applicant to submit any Major Planning Application directly to the Planning Inspectorate for determination. In such circumstances the Local Planning Authority will merely be a consultee on these applications and the timescales, which will run parallel, with other statutory consultations will be **twenty-one days**. Any consultation responses by the Council in this way will have to be reported to Planning Committee, the current arrangements (specifically the frequency) of Planning Committee (including its governance requirements for publicity), does require some changes to the current arrangements.
3. In response to the Designation Notice, the Council has considered its approach to the determination of all Major Planning Applications, and it is considered sensible that all Major Applications **regardless of recommendation** be reported to Planning Committee. This by its nature will certainly increase the cases and will add to the already busy Committee Meetings.
4. These two significant changes do require the need to revisit the current arrangements of Planning Committee. It is not possible to retain the current arrangements of a sole four-weekly Committee cycle.
5. In response to these challenges, the Planning Committee Working Group on 3 March 2022 considered various options to address this challenge. The priority was to allow some agility to scheduling of Planning Committees without reducing the numbers of Committee members to be able to attend. Although quorate for Planning Committee is three members, it is imperative to maximise the number of members being able to attend Committee.
6. In order to accommodate consultation responses for any majors submitted to the Planning Inspectorate (PINS) and to provide additional Committee time for

the consideration of the increased volume of major planning applications, then the frequency of Planning Committee needs to be considered. The option of three weekly Planning Committee would not provide the agility to provide a timely consultation response on PINS submitted application.

7. It was considered that the introduction of a fortnightly cycle for Planning Committees be considered. It is accepted that a fortnightly cycle would have considerable impact on officers both with the Planning Team, and colleagues in Legal and Committee Services, as well as Councillors. So rather than move the Committee cycle to fortnightly, it is considered prudent to schedule additional **Reserve Planning Committee** days on the fortnight between then scheduled monthly cycle. Whilst it is anticipated that the Reserve Days will sometimes be required, it is anticipated that occasions may arise that they are not needed and they will be enacted. These Reserve Planning Committee days will be subject to the same processes of publicity around agenda publication.
8. The scheduling of Reserve Planning Committee days will provide a more predictable diary for Councillors, Officers, and the Public. These additional dates will provide the necessary agility and is considered preferable to the current practice of doubling-up with meetings rolling to the following day.
9. These additional Reserve Committee Dates will be added to the existing Municipal Calendar for 2022-3. This calendar is appended to this report for information.

Recommendation

It is recommended that the Committee notes for information the addition to the Municipal Calendar to include Reserve Planning Committee days on the fortnights between scheduled Planning Committees.

Impact

1.

Communication/Consultation	This group is a working group and will make recommendations to Planning Committee
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
That a review does not take place in accordance with good governance and best practice as recommended by the East of England Local Government Association (EELGA)	3	3	The recommended changes are intended to improve the efficiency of the Local Planning Authority and create space for major applications to be determined by Planning Committee
The Local Planning Authority's Failure to respond to consultations within the strict deadlines	3	3	Review of the frequency of Planning Committee and the maximising the agility of Planning

stipulated by the Planning Inspectorate			Committee to respond in timely way.
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- 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.

Planning Committee Dates for 2022/23

Month	Planning Committee	Reserve Planning Committee
May	Wednesday 11 th May 2022	Wednesday 25 th May 2022
June	Wednesday 8 th Jun 2022	Wednesday 22 nd Jun 2022
July	Wednesday 6 th Jul 2022	Wednesday 20 th Jul 2022
August	Wednesday 3 rd Aug 2022	Wednesday 17 th Aug 2022
August/September	Wednesday 31 st Aug 2022	Wednesday 14 th Sept 2022
September/October	Wednesday 28 th Sept 2022	Wednesday 12 th Oct 2022
October/November	Wednesday 26 th Oct 2022	Wednesday 9 th Nov 2022
November	Wednesday 23 rd Nov 2022	
December	Wednesday 14 th Dec 2022	
January	Wednesday 11 th Jan 2023	Wednesday 25 th Jan 2023
February	Wednesday 8 th Feb 2023	Wednesday 22 nd Feb 2023
March	Wednesday 8 th Mar 2023	Wednesday 22 nd Mar 2023
April	Wednesday 5 th Apr 2023	Wednesday 19 th Apr 2023

Agenda Item 5

Committee: Planning
Date: 16/03/2022
Title: Information Item: Adopted Enforcement Policy
Author: Sarah Marshall,
Planning Enforcement Team Leader

Summary

1. The Planning Committee will recall receiving an information item at Planning Committee on 27 October 2021. That item drew attention to the PEER Review of Planning carried out by The East of England Local Government Association (EELGA) and the implementation plan that accompanied it.
2. The report recommends actions under themes called pathways. One of these pathways relates to Planning Enforcement. Monitoring of progress with the pathways is taking place regularly with the Interim Director of Planning in consultation with the portfolio Holder for Planning. Formal reports on progress go to Scrutiny and Cabinet.
3. The overarching objective in the Enforcement Theme/Pathway is to promote greater public understanding of the roles and responsibilities, powers and procedures of the planning enforcement service. There are also actions round streamlining internal processes. These are happening too.
4. A first step to promoting greater understanding is to ensure there is awareness of current adopted planning enforcement policy, to re-engage with it and ensure it is being implemented. That policy was adopted by Cabinet on 18/10/2018. It is up to date and fit for purpose. It is attached here at Appendix 1. Any consequential amendments due to legislative changes are made as necessary. The policy appears on the Planning Enforcement page of the UDC website. That page was updated and refreshed in February 2022.
5. The Planning Enforcement Policy sits within the framework of the Corporate Enforcement Strategy which was adopted in 2017.
6. During the month of March to support an understanding of the Planning Enforcement Policy and how it is implemented there are a number of activities planned. Training offered to all UDC Cllrs took place on 03/03/22. The information from that training is available for Cllrs on their library. To partner with this officer training has been programmed to take place on 29/03/22. In addition, and to ensure we complete the promotion and understanding of the existing policy there is a Parish Forum due to take place on 29/03/22. The main topic at that forum is the Planning Enforcement Policy.

Recommendations

7. Note the adopted Planning Enforcement Policy and the fact that it sits within a Corporate Enforcement Strategy. Note the training about planning enforcement that has already taken place for Cllrs on 03/03/22. Also note that there is training programmed for officers on 29/03/22 and that there is a topic based Parish Forum session due to take place on 29/03/2022.

Financial Implications

8. None

Background Papers

9. 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
 - (a) Corporate Enforcement Policy October 2017
 - (b) PEER Review of Planning, Fit for Purpose, East of England Local Government Association (EELGA) August 2021



Uttlesford District Council

Planning Services

Enforcement Policy

1.0 INTRODUCTION

- 1.01 This document sets out the Planning Enforcement Policy of the Council. It should be read in conjunction with the Council's Enforcement Policy, National Planning Policy Framework and the National Planning Policy Guidance.
- 1.02 The Council is firmly committed to effective, appropriate and proportionate enforcement of planning control and monitoring of development.
- 1.03 The enforcement team works closely with planning officers, building control officers and the specialist team of officers dealing with conservation of the natural and built environment, and landscape and tree matters.
- 1.04 There is also close coordination and assistance from other council services, such as legal, environmental health, housing, finance, council tax and business rates as well as from officers working for organisations such as the Environment Agency and Essex County Council etc.
- 1.05 The aims of the Council's Planning Enforcement Team are:
- To be effective and responsive in the prevention, intervention and control of unauthorised development to maintain the credibility of the planning system
 - To correct the undesirable effects of unauthorised development
 - To ensure development is carried out in accordance with planning approvals where possible and appropriate
 - To promote a service which is fair, responsive, helpful and consistent in its approach
- 1.06 When considering what enforcement action to take it is important to note that planning authorities have powers, but in most cases, other than very specialist areas, there is no statutory duty to enforce planning legislation. The planning enforcement system is not designed to seek retribution but is instead intended to mitigate harm. Thus, in all cases, regard must be paid to whether it is expedient to take action and to then reach a balanced view on what action it is appropriate to take. In some cases the complaint will be passed to another authority (e.g. Essex County Council) for them to take appropriate action. Therefore, in responding to any breach of planning control made the strategy will generally be to take one of the following courses of action:
- i. Establish that the complaint is not a breach, and that no action can be taken.

- ii. Take no further action in cases where the planning breach is of a minor or technical nature, or where the works or use, are acceptable without the need to impose any conditions.
- iii. Seek to rectify any breach through negotiation.
- iv. Inviting a listed building consent application or retrospective planning or advert consent application, if the breach that has occurred could be regularised. The legislation specifically provides that such retrospective applications can be made to regularise development already carried out. Alternatively, the owner may be invited to apply for a Certificate of Lawful Use or Lawful Development Certificate. If such applications are refused or not received within a reasonable timescale, the expedience for taking formal action (including issuing an Enforcement Notice, Breach of Condition Notice etc) will be considered.
- v. Immediate enforcement action to resolve breaches of planning control which require very urgent action and are causing significant damage to interests of acknowledged importance (this can include issuing a summons for a prosecution, a stop notice or an injunction).

1.07 This enforcement policy is based not only on the Council's Corporate Enforcement Policy but specifically on Central Government Guidance in the following documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Best Practice Guidance – Section 215 Notices. ODPM January 2005.
- Best Practice Guidance – Listed Building Prosecutions. Department for Communities and Local Government December 2006.

All decisions on whether it is expedient to take enforcement action will have regard to the policies of:

- Central Government Guidance.
- Planning Policy Guidance Notes/Planning Policy Statements.
- Uttlesford District Council Local Plan/Local Development Framework.
- All other saved Supplementary Planning Guidance and draft or adopted Supplementary Documents (SPD's) and other Development Plan Documents (DPD's).

2.0 WHAT IS A BREACH OF PLANNING CONTROL?

2.01 A breach of planning control is defined in the Town and Country Planning Act as:

“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted” (Section 171A).

2.02 In addition to the above and for the purposes of this policy the Council considers that breaches of planning control can include:

- Building work, engineering operations and material changes of use carried out without planning permission.
- Development that has planning permission but is not carried out in accordance with the approved plans.
- Non-compliance with conditions or the terms of planning obligations (Section 106 obligations) attached to permissions.
- Works carried out to a listed building, which affect its special architectural or historic character, without listed building consent being granted.
- Removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given.
- Display of advertisements (including fly posters) which need express consent, under the Advertisements Regulations and are displayed without consent being granted.
- The state of land or a building adversely affecting the amenity of the neighbourhood under (Section 215 of the Town and Country Planning Act).

2.03 The Council does not have the remit to investigate civil matters such as breaches of the Party Wall Act, trespass or land grabbing, breaches of covenants, or activities that are occurring on the public highway.

3.0 PROCEDURES FOR DEALING WITH PLANNING ENFORCEMENT CASES

3.01 Most investigations result from complaints from the public, councillors or parish and town councils. All these individuals and groups have a role to play in planning enforcement, as they are the local ‘eyes and ears’ of the Council in the community. Their contribution towards planning enforcement is greatly appreciated by the Council.

3.02 The enforcement team can be contacted by letter, telephone, website or e-mail. Written enquiries are preferred and in all cases we need the following information:

- The precise location of the site or property to which the complaint relates.

- The exact nature of concern, i.e. the potential breach of planning control.
 - The date the unauthorised development or works began and a note of whether and when they continue.
 - An indication of any harm caused.
 - Where it is known, details of the identity of the person / organisation responsible.
- 3.03 Unless the complainant has a reason for not giving their details, and explains this, anonymous complaints will not be investigated, unless there is justification for this and it will be considered on a case by case basis. Anonymous evidence usually carries little weight in Court, and without robust, reliable evidence, most formal enforcement action is likely to fail. If the person still wishes to remain anonymous they will be referred to their Ward Member or the Parish Council who can submit the complaint on their behalf. Therefore the complainant should give details of name, address, email address and telephone number.
- 3.04 All investigations are carried out on a strictly confidential basis and complainant details will not be revealed by the enforcement team. However, there may be occasions where it is not possible to proceed without disclosing a complainant's identity. We will always seek a complainant's permission before making his/her details available to anyone else to give the complainant an opportunity to consider his/her position.
- 3.05 All complaints will be acknowledged within 5 working days in writing from the date the referral is received. All enquiries about possible breaches of planning controls including breaches of planning conditions will be entered on the database upon receipt, and a unique reference number will be created so that the progress of each complaint received can be monitored. If the complaint leads to formal action then it will form part of the Council's online enforcement register.
- 3.06 Due to the level and nature of cases being investigated by the Planning Enforcement Team it is necessary for all workloads to be prioritised. In nearly all cases a site visit will be carried out by a Planning Enforcement Officer in order to establish what development if any is occurring, the level of activity and if the works constitute a breach of planning regulations. It is not normal practice for the case officer to attend the complainants property unless it is absolutely necessary and this will be at the discretion of the case officer.
- 3.07 Site visits and action will be prioritised according to the harm to amenity likely to be caused and to the degree of departure from development plan policies

represented by the alleged breach. Regard will be had for the fact that enforcement action is discretionary, and formal action will only be taken where the breach would warrant a refusal of permission that could be supported on appeal.

- 3.08 The Council has thus adopted the following standard for prioritising response to complaints:

Planning Enforcement Priorities and Targets

Top Priority - A

Unauthorised work causing significant damage to listed buildings, felling of protected trees/hedgerows, works to ancient monuments/site of special scientific interest (SSSI) likely to cause irreversible harm to the natural or historic environment. Developments affecting the highway to the extent that it causes immediate danger to life.

Target: Initial investigation and site visit to control the situation carried out within one working day.

High Priority - B

Unauthorised developments causing significant harm to the quality of life of local residents, causing or potentially causing significant harm to the landscape or the quality of conservation areas etc, or harm to listed buildings causing lesser harm than top priority cases.

Target: Initial investigation and site visit will be carried out within five working days of the complaint being lodged.

Medium Priority - C

Unauthorised developments which cause limited harm (*e.g. works not in general public view, advertisements*). Minor householder developments, minor works (*e.g. sheds, fences, extensions*), satellite dishes which appear to cause no harm to interest of planning importance.

Target: Initial investigation and site visit will be carried out within 10 working days of the complaint being lodged.

Other Priority - D

Complaints with limited or vague information but which warrant an investigation by an officer.

Target: Initial investigation and site visit will be carried out as resources allow.

- 3.09 In individual cases officers exercise their professional judgement in assessing the levels of priority.

- 3.10 When Enforcement and other Officers visit a site they will identify themselves and explain the reason for their visit.
- 3.11 The owner/occupier or people working on site may be interviewed to obtain factual information, and photographs and measurements may be taken if required. A detailed note will be made on the investigation file, which is used to record all visits and discussions at meetings or over the phone. If necessary the owner/occupier or people working on the site may be cautioned by the officer if it appears to him or her that a criminal offence is taking place.
- 3.12 It should be noted that under the various Planning Acts, enforcement and planning officers have the right of entry onto all non-residential land and buildings. They have further powers to enter residential property, and can apply for a warrant from the Magistrates' Court to gain access if initial attempts to gain entry (on the giving of twenty-four hours notice) are unsuccessful. Warrants can also be obtained where it might be necessary to not alert the owner/occupier that a site visit is going to occur in order to avoid developments being concealed to officers.
- 3.13 In more complex or controversial cases or where it has not been possible to establish the facts through normal investigation, or where co-operation from the owner/occupier is not forthcoming, a formal planning contravention notice (under Section 171C of the Act), can be served relating to any breach of planning control alleged by the Council. This requires the recipient to provide specific information. Failure to respond satisfactorily to a notice within the required timescale is a criminal offence.
- 3.14 Once the initial site visit report is written by the enforcement officer, a decision will be made by the appropriate delegated officer about which of the five courses of action to pursue (see paragraph 1.06 above). This may involve consultation with other specialist officers such as in listed building, landscape or tree matters. The Council will then aim to keep complainants, local ward members and parish and town council's informed of progress at the following key stages:
- When any enforcement or other notice is issued.
 - When any appeal has been lodged with the Planning Inspectorate.
 - When the matter is to proceed to the Magistrates Court or High Court.
 - On the final closure of the matter.
- 3.15 It must be noted that the vast majority of breaches of planning control are resolved informally by negotiation with the owner/occupier or by the

submission of a retrospective application for consideration. Legislation and central government guidance requires that all formal action must be commensurate with the risk or harm associated with the breach, and formal action is not always appropriate. The Council will, however, take effective enforcement action when it is essential to protect the amenity of the area, public, and to maintain the integrity of the development control process within the district.

- 3.16 With respect to monitored sites officers will make visits at appropriate intervals with particular attention being given to setting out, site levels, submission of details required by condition and compliance with the relevant conditions. Any oral agreement made with the site operators / developer regarding compliance will be followed up in writing and will set out agreed actions and an appropriate timescale.
- 3.17 Decisions about the issue of any enforcement or other notice or the pursuit of other legal actions will generally be taken by the Development Manager, and where necessary in consultation with the Council's legal department, the Chairman of Planning Committee or the Vice Chairman in the case of an emergency, in accordance with the Council's constitution scheme of delegation. Local district councillors will be informed where such action is authorised. More complex or controversial cases may be referred to the Planning Committee.
- 3.18 If an enforcement or stop notice is issued the Council must be able to justify such action in the event of an appeal to the Planning Inspectorate. Appeals need to be made before the date on which the notice takes effect; this date must be at least 28 days from the date on which the notice is served. Appeals can be lodged on a number of grounds and the appellant can request that his/her appeal is dealt with by a written procedure, or ask for an informal hearing or public inquiry, although the decision as to which procedure is followed is made by the planning inspectorate, it should be noted that the appellants preferred option may not be followed.
- 3.19 A criminal offence occurs where an owner/occupier fails to comply with the requirements of a valid notice. The Council will usually seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the Courts. The investigation into non-compliance with the requirements of any enforcement notice will be carried out having regard to the Codes of Practice to the Police and Criminal Investigation Act 1984, the Criminal Procedure and Investigation Act 1996, the Human Rights Act 1998, the Codes of Practice to the Regulation of Investigatory Powers Act 2000 and the Home Office Guide to Prosecution.

- 3.20 The Council will also consider taking direct or default action to remedy a breach of planning control when it has been established that the requirements of an enforcement notice or a S215 notice have not been complied with. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work.
- 3.21 In such cases the Council will seek to recover its costs, possibly in a form of a charge on the land which may be enforced by an application to the court for an Order for Sale.
- 3.22 The options of compulsory purchase or the service of a discontinuance notice will also be considered if all other remedies fail to remedy a breach causing serious harm to an area.
- 3.23 The Council, when prosecuting for an offence can consider making a confiscation order to recoup money that has been gained from a criminal lifestyle under the Proceeds of Crime Act 2002.

3.24 Enforcement Notices

It should be noted that in the majority of cases it is not an offence to carry out development without planning permission. An offence in law only occurs if the Council has taken formal civil action (e.g., by serving a notice) and the recipients have failed to comply. It is thus necessary for the Council to first issue a formal enforcement notice. The recipient of a notice has a right of appeal to the Secretary of State against the issue of the Notice or its terms, and to make an application for costs in the course of doing so. An appellant who acts unreasonably may have a costs order made against them; the Council can also be subject to a costs award. It must be appreciated that if an appeal is made, this inevitably leads to delays in bringing a matter to Court.

If someone is found guilty of failing to comply with the terms of an enforcement notice a maximum fine of £20,000 may be imposed by the Magistrates' Court and an unlimited fine can be imposed if the matter goes to the Crown Court.

3.25 Stop Notices

A stop notice can be served at the same time as an enforcement notice in appropriate cases as explained in the chapter "Ensuring effective enforcement" in the NPPG. In particular a cost/benefit assessment needs to be carried out to ensure that the requirements do not prohibit anything more than is essential to safeguard amenity or public safety in the neighbourhood or prevent serious or irreversible harm to the environment in the surrounding area and to mitigate against any possible compensation claim.

3.26 Temporary Stop Notices

In exceptional cases where an enforcement notice has not been or cannot be served immediately a temporary stop notice can be served which can prohibit any activity, which is in breach of planning control for a period for up to 28 days. This provides an opportunity for the Council to serve an enforcement notice before the 28 days or the specified time has lapsed.

3.27 Injunctions

In certain exceptional cases the Council will seek to obtain an injunction using powers laid out in Section 187B of the Town and Country Planning Act 1990.

Such applications are made to the county or high court, and it is for the court to decide what is appropriate to restrain any breach of planning controls.

Failure to comply with such an Injunction can result in an unlimited fine or imprisonment. An Injunction can be issued against a person whose identity is unknown.

In the case of unauthorised advertisements, works to protected trees, hedgerows or listed buildings it is possible to proceed directly to the Courts with a prosecution case. Specific details are set out below:

3.28 Untidy land

If the state of land or a building is harming the amenity of the surrounding area the Council can take action under S215 of the Town and Country Planning Act 1990 to make the person with a legal interest in the land bring it up to a level where the harm has been remedied. Works can involve clearing the land or carrying out works to the exterior of a building. The Council will only serve a S215 notice as a last resort and will encourage the land owners to carry out the works without the need for issuing the notice. There is a right of appeal under several grounds to the Magistrates Court.

It is an offence under S216 of the Town and Country Planning Act 1990 not to comply with the requirements of the notice within the time frame. The person with a legal interest in the land "shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale". Pursuant to S219 the Council can also carry out default action and put a charge on the land to re-coup the costs of the default action.

3.29 Breach of condition notices

Where a breach of a planning condition(s) attached to an approved planning permission has occurred the Council can issue a breach of condition notice. The notice will require the person with a legal interest in the land to ensure the condition(s) is complied with. It is an offence not to comply with the

requirements of the notice and the person that commits the offence “shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”. The only way to challenge a Breach of Condition Notice is to judicially review it in the High Court.

3.30 High Hedges

The planning service is responsible for dealing with complaints under the Anti-Social Behaviour Act 2003 regarding high hedges. Where appropriate, remedial notices can be issued, requiring a hedge to be reduced in height or to be managed in accordance with a long term maintenance plan. The Council will obtain specialist arboricultural advice before issuing any remedial notice.

Development that constitutes a Criminal Offence

(a) Listed Buildings

A person is guilty of an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if unauthorised works to a listed building which would affect the character of the listed building as a building of special architectural or historic interest are carried out without the Council’s consent or if works are carried out without complying with a condition attached to a consent. There is no time limit on bringing a prosecution, although this would only be against those who carried out the work or who caused it to be carried out.

Thus those who have a legal interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether listed building consent is later obtained or the unauthorised works are later made satisfactory. The current owner of a listed building may be served with a listed building enforcement notice even if they were not responsible for the works being carried out. A person found guilty of an offence may be liable to a fine of up to £20,000 or six months imprisonment, or both, for each separate offence. On indictment the potential penalties are an unlimited fine, imprisonment of up to two years or both.

In addition, the Council may consider it expedient to issue a listed building enforcement notice, to require remedial works to be carried out. The decision whether to prosecute and or issue an enforcement notice will be based on guidance in the government’s document “Best Practice Guidance – Listed Buildings Prosecutions” December 2006.

(b) Advertisements

Anyone who displays an advertisement without the appropriate consent is open to a prosecution in the magistrates' court for an offence under Section 224(3) of the Town and Country Planning Act 1990. Unless the offence is particularly flagrant or repeated, the Council may not initially consider it necessary to prosecute for an advertisement offence. The maximum fine on conviction is currently £2,500 with an additional daily fine of one-tenth of the maximum penalty if the offence continues after conviction.

Any form of fly posting (that is, displaying an advertisement on land without the consent of the owner) is an offence. The Council has powers to remove such advertisements, but if the advertisement identifies the advertiser, the Council must give 2 days notice before removal.

In addition to those powers above, in certain circumstances, advertisement discontinuance notices can be issued against advertisements that are being displayed with the benefit of express or deemed consent and which are considered to now have a detrimental impact on the amenity of the area in which they are displayed. These notices can be the subject of appeal and compensation claims.

(c) Trees and Hedgerows

The enforcement team works closely with the Council's specialist tree officer on all arboricultural matters. The tree officer should be consulted for advice before any works are carried out to all protected trees, hedgerows and to all trees in a conservation area.

Unauthorised works to trees protected by a tree preservation order can result in fines up to £20,000. Notices can also be served by the Council requiring the replacement of protected trees that have been felled.

Formal notice must be given to the Council before works are carried out to most trees in a conservation area, and before any works are carried out to the majority of hedgerows in the countryside. In these cases the Council has powers to serve notices requiring replacement trees or hedgerows. In particular, the Council has power to issue a hedgerow retention notice. The Council can prosecute persons who remove hedgerows or in any other way fail to comply with any retention notice.

Other Matters

As noted above, the Authority will work with the Police and other agencies such as Essex County Council, English Heritage, the “Environment Agency” and “Natural England”, where for example there is damage to wildlife and habitats protected by the Wildlife and Countryside Act 1981, as amended; works to protected Ancient Monuments or offences under the Dealing in Cultural Objects (Offences) Act 2003.

4.0 SPECIFIC PRIORITIES

- 4.01 Airport related parking – Due to the location of London Stansted airport within the District there is considerable pressure for well located and convenient parking. This has led to a number of unauthorised sites being developed in the vicinity of the airport. These sites range in size from a few cars to hundreds of cars and can have a serious impact on the appearance and quality of the landscape, the condition of the rural roads and general character of the area. The Council will consider complaints regarding such breaches of planning control in accordance with the priorities listed above depending on the size, scale and harm caused by the parking.
- 4.02 Harm to heritage assets- The district has a significant number of heritage assets including listed buildings, ancient monuments and landscapes. Unauthorised and harmful development can have a detrimental impact on the character and setting of these assets. The Council will consider using a range of tools to ensure suitable restoration of the buildings. This will include advice and guidance, support for grants, repairs notices and direct action as appropriate.

5.0 REVIEW AND AUDIT

- 5.01 It is anticipated that this policy will be reviewed on an annual basis or sooner if there is a significant change in legislation, national or local policy. At appropriate intervals during the year reports will also be made to the Planning Committee. The status of this policy is guidance and if there is a conflict between this policy and national legislation or policy, then the national legislation or policy will prevail.

6.0 EQUAL OPPORTUNITIES

- 6.01 The Council will ensure that all persons involved in enforcement and compliance matters, including both formal and informal action and advisory visits, whether as complainants, witnesses, developers or landowners, receive

fair and equitable treatment irrespective of their race, ethnicity, gender, sexuality, religious beliefs or any disability.

7.0 CONTACT DETAILS

7.01 If you need this document in large print, braille, audiotape or other format please contact us. Copies of this document can be obtained from the Councils website.

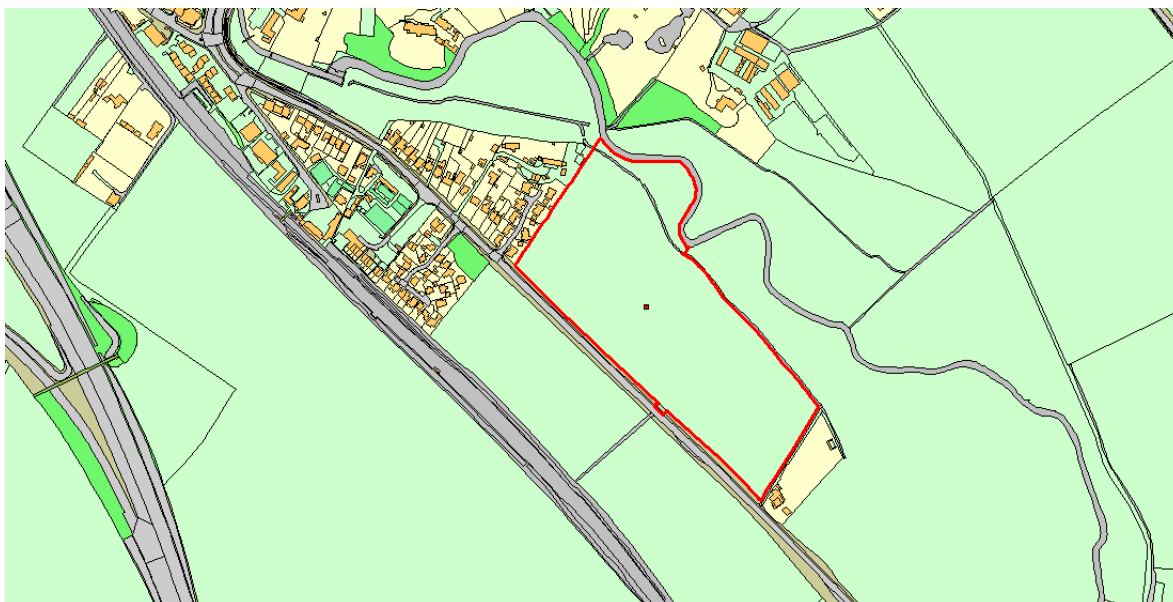
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Agenda Item 6

REFERENCE NUMBER: UTT/20/2724/OP

LOCATION: Land East Of London Road, Little Chesterford

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council : 4th November 2021

PROPOSAL: Outline application for the erection of up to 124 dwellings with all matters reserved except for access.

APPLICANT: Hill Residential

AGENT: Strutt & Parker

EXPIRY DATE: 16/3/2022

CASE OFFICER: Chris Tyler

NOTATION: Outside but adjacent to development limits,
Site of Archaeological significance
Flood Zone 3 - east of the site
Conservation area – north east of site

1. RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1.1 S106 HEADS OF TERMS

1.1.1 The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 16th August 2022 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) 40% Affordable Housing & 5% to be wheelchair accessible.
- ii) Payment of NHS/West Essex clinical commission Group contribution £63,780.
- iii) Highway Works.
- iv) Maintenance of SuDS including on-going maintenance of drainage systems where their outfall is beyond the site.
- v) Payment of early years, primary and secondary education Contributions

A developer contribution of £192,710.88- EY& C provision
A developer contribution of £642,369.60- Primary School provision
- vi) Provision of Open Space and Woodland
- vii) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Parish Council/Management Company or other body such as the Woodland Trust
- viii) Developer Contribution of £25,000 toward the extension of recreation ground building.

- ix) Monitoring fee for Residential Travel Pack
- x) Pay the Council's reasonable legal costs
- xi) Pay the monitoring fee

1.1.2 In the event of such an agreement being made, the Director Planning Services shall be authorised to grant permission subject to the conditions set out below.

1.1.3 If the freehold owner shall fail to enter into such an agreement, the Director of Planning Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

- i) Highway works
- (ii) Education Contribution
- (iii) Affordable Housing & 5% to be wheelchair accessible
- (iv) Provision of Open Space and woodland
- (v) Contribution towards the maintenance of open space and woodland

1.2 CONDITIONS

1.2.1 Approval of the details of appearance, layout, landscaping and scale (hereafter called "the Reserved Matters") must be obtained from the local planning authority in writing before development commences and the development must be carried out as approved.

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

1.2.2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. carried out in accordance with the above details

1.2.3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

1.2.4 The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed in writing by the local planning authority:

Revised Site location plan 7552_PL_001_B

Block Plan 7552_PL_002_B

Proposed site access & visibility splays 193090-001

Propose speed control measures 193030-004 I

REASON: To provide further certainty and clarity that the development should be constructed in accordance with the plans assessed as part of the application, and to allow the plans to be later varied if needed in order to facilitate the delivery of the development, in accordance with the provisions of s96a of the Town and Country Planning Act 1990, as amended.

- 1.2.5 The development shall be carried out in accordance with the submitted flood risk assessment (ref. 6100719-MLM-ZZ-XX-RP-C-0001, dated 28 October 2020) and the following mitigation measures it details:

All built development will be located within Flood Zone 1 (i.e. within the part of the site where levels are higher than the 1 in 1000 year modelled flood level of 36.95mAOD, as shown on drawing 6100719-MLM-ZZ-XX-DR-C-0101 in Appendix B).

REASON

To ensure a sequential approach is taken to the site layout, to ensure the proposed development will be safe for its lifetime and to ensure there is no increase in flood risk elsewhere due to a loss of floodplain storage and in accordance with ULP Policy GEN3.

- 1.2.6 Prior to first occupation of the development, the access provision as shown in principle on submitted drawing 193090-004 Rev I shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway, a 3.5m footway/cycleway and 2m footway, a ghosted right hand turn and refuge islands. The associated vehicular visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 1.2.7 Prior to first occupation of the development the highway infrastructure shown in principle on drawing number 193090-004 Rev I shall be provided on the B1383, all necessary works including any relocation or provision of signage, lighting, associated, relocation of kerbs, resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense, the works to comprise

- Widening of the footway and narrowing of carriageway on the north-eastern side of B1383 as shown on drawing number 199090-0044 Rev I to form a 3.5m footway/cycleway as appropriate.
- Signalised crossing and associated maintenance layby
- Provision of school bus stop on north eastern side of B1383 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; flags timetable casings, exact position to be agreed with the highway authority
- Relocation of speed limit and provision of village gateway sign to the south-east of the proposed access
- 2m footway from the proposed site access going south-east along the site frontage to join with the existing footway on the B1383

REASON: To provide safe and suitable access and connectivity for all users in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 1.2.8 Provision of land to the south east of the proposed site access along site frontage of B1383, land to be reserved for the highway authority to widen the proposed footway to a footway/cycleway, minimum width of 3.5m including any maintenance requirement. The developer to undertake no work on the land that will inhibit the provision of a future footway cycleway. Land to be provided at no cost to the Highway Authority.

REASON: To provide connectivity for all in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 1.2.9 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on the submitted flood risk assessment (ref. 6100719-MLM-ZZ-XX-RP-C-0001, dated 28 October 2020, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- All built development will be located within Flood Zone 1 (i.e. within the part of the site where levels are higher than the 1 in 1000 year modelled flood level of 36.95mAOD, as shown on drawing 6100719-MLM-ZZ-XX-DR-C-0101 in Appendix B
- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed infiltration tests that have been undertaken in all location infiltration is proposed and in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. It should also be based on detailed ground water monitoring during the winter months to establish the highest average annual groundwater level. If infiltration is proven to be viable then the scheme should manage surface water in this way and the scheme should be updated accordingly.

- If infiltration is shown not to be viable then the scheme should limit discharge rates to 1l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. This should also be inclusive of a 10% urban creep allowance.
- The detailed design should incorporate as much above ground interception storage as possible.
- The scheme should, where possible, incorporate rainwater reuse where possible.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Due to the level of anticipated traffic movements, the pollution hazard risk level is considered to be medium and therefore should be treated for such.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with ULP Policy GEN3 and the NPPF.

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

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

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

In accordance with ULP Policy GEN3 and the NPPF.

- 1.2.11 Prior to the first occupation of the development hereby approved 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, shall be submitted to and agreed, in writing, by the Local Planning Authority.

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

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

In accordance with ULP Policy GEN3 and the NPPF.

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

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

- 1.2.13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (MKA Ecology, May 2021), Protected Species Mitigation Strategy (MKA Ecology, October 2020), Bat Inspection and Barn Owl Survey (MKA Ecology, May 2021), Breeding Bird Survey (MKA Ecology, May 2021), Otter and Water Vole Survey (MKA Ecology, May 2021) and Parameter Plan 7552_PL_002_B as already submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during

construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 1.2.14 Prior to the commencement of the development hereby a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include bats, Barn Owl, Otter, reptiles and general precautionary measures.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7.

- 1.2.15 Prior to the commencement of the development hereby approved a Skylark Mitigation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots,

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots;
- b) detailed methodology for the Skylark plots following Agri-Environment Scheme option: ‘AB4 Skylark Plots’;
- c) locations of the Skylark plots by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance ULP Policy GEN7.

- 1.2.16 Prior to works above level of the development hereby approved a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve a 10% gain in biodiversity using Natural England Metric 3;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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

- 1.2.17 Prior to the occupations of the dwellings hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development
The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including dense scrub for Linnet and Yellowhammer, new tree and hedgerow planting as well as the creation of species-rich grassland and provision of any green roofs.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 1.2.18 Prior to the occupation of the development hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

- 1.2.19 No development or preliminary groundworks shall commence until a further 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 in writing by the planning authority.

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

REASON: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits. The report submitted with this application shows a complex of Roman archaeology probably representing a farmstead dating from the first to third century AD. The evaluation has shown extensive archaeological features containing considerable quantities of finds. In accordance with ULP Policy ENV4.

- 1.2.20 No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six 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 shows that the proposed development lies within an area of known sensitive archaeological deposits. The report submitted with this application shows a complex of Roman archaeology probably representing a farmstead dating from the first to third century AD. The evaluation has shown extensive archaeological features containing considerable quantities of finds. In accordance with ULP Policy ENV4.

- 1.2.21 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF) and Environment Agency Groundwater Protection Position Statements and in accordance with ULP Policy GEN3.

- 1.2.22 The building envelope sound reduction measures including facade construction, glazing and ventilation hereby permitted shall be installed in strict accordance with the specification details provided in Section 8 of the acoustic report submitted by MLM group, ref 102988-MLM-ZZ-XX-RP-YA-0001 dated 17th September 2020. The building envelope sound reduction measures shall thereafter be retained as approved.

REASON: To ensure the development can achieve appropriate noise level targets in accordance with BS8233:2014 and World Health Organisation and in accordance with the aims of ULP Policy ENV10.

- 1.2.23 Prior to the commencement of the development hereby approved an air quality assessment and report shall be undertaken and submitted and approved by the LPA. The assessment report, which should include dispersion modelling, is to be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment. The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010. Thereafter the development shall be implemented in accordance with the approved details.

REASON: To ensure the development minimises the impact of the surrounding locality on the development and the operation of the development on the local environment in terms of air quality and in accordance with ULP Policy ENV13.

- 1.2.24 a) A Site Investigation (Phase II environmental risk assessment) report shall be undertaken and submitted to and approved by the Local Planning Authority which includes;
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
 - (ii) The results from the application of an appropriate risk assessment methodology

b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority. The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.

d) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14.

1.2.25 Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

1. Demolition, construction and phasing programme.
2. Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, details of their signage, monitoring and enforcement measures.
3. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
4. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
5. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
6. Maximum noise mitigation levels for construction equipment, plant and vehicles.
7. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
8. Prohibition of the burning of waste on site during demolition/construction.
9. Site lighting.

10. Screening and hoarding details.
11. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
12. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
13. Prior notice and agreement procedures for works outside agreed limits.
14. Complaints procedures, including complaints response procedures.
15. Membership of the Considerate Contractors Scheme.
16. Wheel and underbody washing facilities.

All works shall be carried out in accordance with the approved CMP thereafter.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 1.2.26 No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 1.2.27 The parking provision shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005)

- 1.2.28 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

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

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within

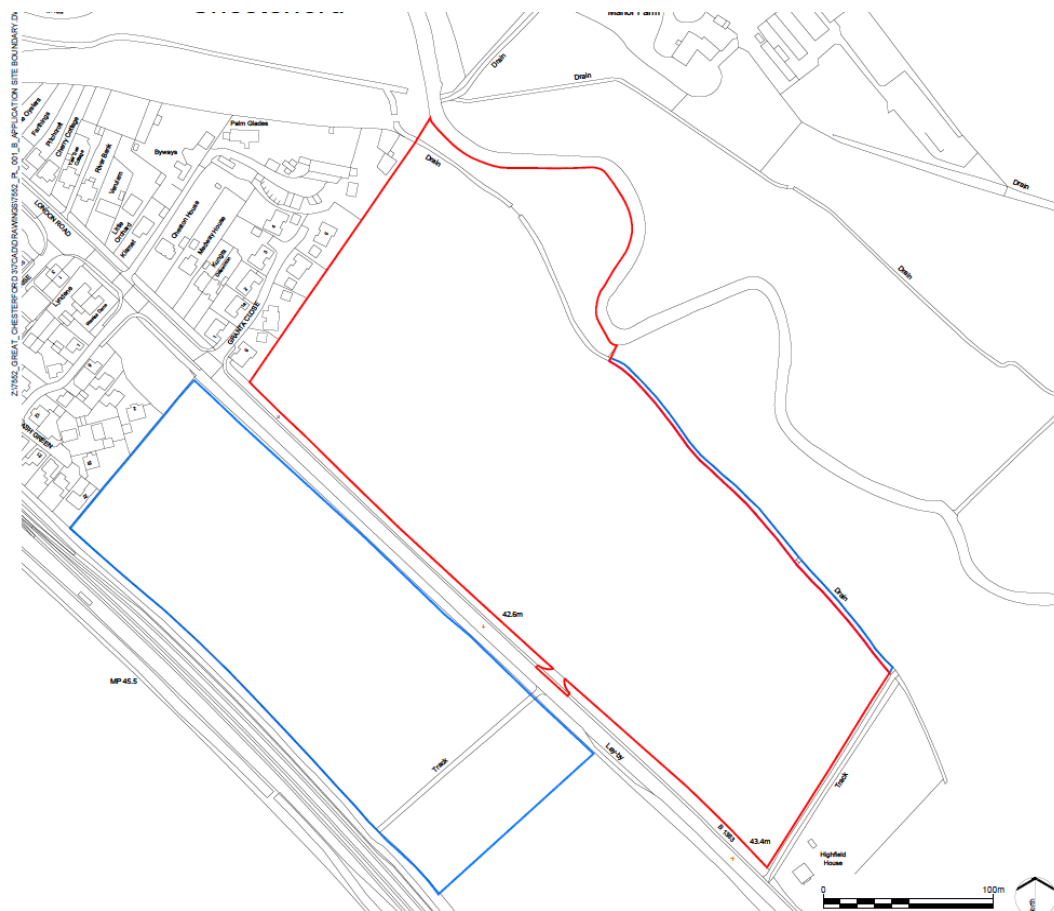
and in accordance with ULP Policy ENV13 and paragraph 107 of the NPPF and in accordance with the guidance in Approved Document S 2021.

2. DESCRIPTION OF THE SITE :

- 2.1 The application site is currently in agricultural use and extends to 7.08 hectares. It is located immediately to the south of the existing settlement of Great Chesterford however is located with the parish of Little Chesterford (see plan 1). The site is bound to the south-west by the B1383 (London Road) and arable fields to south and east. The River Cam is to the north eastern boundary.
- 2.2 Great Chesterford is a large village located within the local authority area of Uttlesford District Council (UDC). Great Chesterford is located approximately 17km to the south of Cambridge, and approximately 5km north of Saffron Walden.
- 2.3 The village benefits from having a mainline train station, served by the West Anglia line, with a regular train service. Trains from Great Chesterford station serves Cambridge to the north and London Liverpool Street to the south and it has good access to the M11.
- 2.4 The character of the area surrounding the application site changes from one which is of a rural village nature, to open countryside. The site lies outside but adjacent to the development limits of Great Chesterford

2.5

Plan 1- Location Plan



2.6 PROPOSAL

- 2.7 This application seeks outline planning permission for the erection of up to 124 dwellings with all matters reserved except for access, see plan 2 below.
- 2.8 The proposed development also consists the following elements:
- A main access point off the B1383 (London Road);
 - Extensive areas of open space including play space;
 - Extensive soft landscaping throughout the site;
 - A woodland buffer to screen the development from the south and along the north-west boundary to screen Granta Close properties;
 - Biodiversity enhancement through the creation of habitat areas
 - Improved footpath and cycle links with a potential direct connection into the village from the north of the site;
 - SuDS attenuation pond; and,
 - The creation of a clear definition to the settlement boundary to provide a positive gateway to the village from the south along the B1383.
- 2.9 The proposed residential development of up to 124 dwellings with 40% affordable housing (up to 50 dwellings). 5% of all the homes will be fully wheelchair accessible and 5% delivered as ground floor only. The precise mix would be subject to further consideration at the reserved matters stage if outline planning permission is granted.
- 2.10 The main site constraints relate to the north-west, north-east and south-east boundaries. On the north-west boundary, the site abuts the rear gardens of the properties in Granta Close. On the illustrative masterplan, the housing development has been pulled away from the boundary creating a green buffer with tree planting to mitigate any loss of privacy issues. The north-east corner of the site is in flood zone 2/3 and so this area will be used to create the main open space area.
- 2.11 Plan 2- Illustrative Layout Plan.



3 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 Town and Country Planning (Environmental Assessment):
The proposal has been screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

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

4. APPLICANTS CASE

- 4.1 The following documents have been submitted in support of the application:

- Design and Access Statement,
- Landscape and Visual Assessment
- Ecology Appraisal,
- Heritage Statement,
- Breeding Bird Survey,
- Flood Risk Assessment,
- Archaeological Evaluation,
- Tree Survey,
- Transport Assessment,

- Statement of Community Involvement,
- Planning Statement
- Mineral Resource Assessment,
- Contamination Report,
- Acoustic Design Statement,
- Arboriculture Impact Assessment

Drawings:

- Location Plan - 7552_PL_001 B
- Illustrative Masterplan - 7552_SK_004
- Block Plan - 7552_PL_002_B
- Site Access Plan - 193090-001 C

5. RELEVANT SITE HISTORY

5.1 The application site does not include any planning application linked to this proposal, however the following planning application relate to the approved development of 76 dwellings on the opposite site.

5.2 UTT/19/0573/OP

Outline application with all matters reserved except for access for the development of up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping

Approved- 17/6/2020

5.3 UTT/20/3329/DFO

Reserved Matters application, seeking approval of appearance, layout, scale and landscaping, for 76 dwellings following approval of outline planning permission UTT/19/0573/OP.

Approved- 21/1/2022

6. CONSULTATION RESPONSES:

Great Chesterford Parish Council

6.1 Great Chesterford Parish Council ("GCPC") STRONGLY OBJECTS to this speculative Outline Application, which seeks permission to erect up to 134 dwellings on a site adjacent to London Road with all matters reserved except for access.

A Preliminary

1. These comments are to be read subject to the following over-riding considerations:

(a) The site subject to this Application lies within the Parish of Little Chesterford; GCPC understands from UDC that arrangements to change the present boundary between Great Chesterford and Little Chesterford

will be brought forward in mid 2021 when a Community Governance Review will initiate alteration of the respective boundary lines, following which the site will be transferred to the Parish of Great Chesterford. Pending such change in its favour, GCPC reserves all rights regarding the Application and its position in relation to it.

(b) GCPC previously objected to Application UTT/19/057/OP relating to development of 76 dwellings in London Road (“London Road West development”), and urges that the implications of this now consented development are considered and fully taken into account in assessment of the current Application. This is of particular importance given that the only access road available to both sites is the B1383.

(c) All comments below are to be read subject to the provisions of the current draft Neighbourhood Plan for the Parishes of Great Chesterford and Little Chesterford, 2019 - 2033 (published November 2020), now out for consultation. The draft states, regarding potential for possible development of the site, “Not selected: growth not proportional. Requires major reductions in scale and significant provision of community amenities and protection/enhancement of community, landscape and historic features”.

(d) There has been wholly inadequate consultation with the local community ahead of submission of the Application; at the very least, all households should have received a flier providing details of what is proposed, with full opportunity for everyone to submit comment to the developer before the matter is considered by UDC.

B Five key facts, and corrections required to the Application

2. Location. The site is within the A1 Cam River Valley category of UDC’s Landscape Character Assessment, having been identified following the 2015 Call for Sites by UDC as having “a relatively high sensitivity to change”; in the event, the site was not selected for possible inclusion in the now withdrawn draft 2019 Local Plan because it “would diminish the sense of place and distinctiveness” of Great Chesterford. The land to the north east of the site lies within flood zones 2 and 3.

3. B1383. The only pedestrian and vehicular access to Great Chesterford is via the B1383, an increasingly busy road that services M11 traffic when the motorway is blocked: GCPC understands that in the past Highways England and/or Essex Highways have previously raised objection to installation of traffic calming measures on the approach to Great Chesterford on account of the requirement that the road must not be impeded in view of its function as an alternative route.

4. Site link to Village. The Applicant’s claim (p 37, Design and Access Statement) that a link to the centre of Great Chesterford across the River Cam “is not required to facilitate the development, which benefits from other linkages to the Village that could be enhanced” is incorrect: there are currently no such “other linkages” except the B1383. The Applicant further misleadingly asserts (paragraph 2.2.1, *ibid*) that there is “an opportunity to create a direct pedestrian link from the site to the centre of Great Chesterford along the Granta Corridor subject to agreement with Great Chesterford Parish Council”; GCPC is incapable of providing any assistance or assurance regarding provision of any corridor, and it is unaware of any

opportunity to create such a link, or even whether landowners concerned would consent to its establishment.

5. Church Street and Carmen Street access. The only access from the B1383 to facilities available within Great Chesterford is via Church Street and Carmen Street, the former being the most likely entry point due its its closer proximity to the site. As is evident from the measurements shown in Attachment 1, both roads are very narrow in places (so necessitating single file traffic), without adequate pavements (in some places non-existent), and wholly incapable of any widening or expansion. The claim that Church Street is only “very lightly trafficked” (para 2.10, Traffic Survey), so leading to the assertion that an additional 134 houses will only have “negligible impact” on local traffic (para 7.8, *ibid*), is not supported by any validated assessment of actual traffic levels utilising this route, and takes no account whatever that Church Street in particular:

- provides the most direct connection between the B1383 and the B184, with the result that it provides a rat-run between the two;
- is the route of the twice hourly No 7 bus service, which can only navigate the road with care and which, on occasion, is blocked altogether by parked or delivery vehicles;
- is particularly congested when parents are dropping off/ collecting children from the school; and
- is used for parking of hearses and cars outside the Church (which has no dedicated off-street parking area).

6. Great Chesterford expansion 2015 - 2020. Since 2011, 156 additional dwellings have been built in Great Chesterford, representing an increase in housing stock of 24.9% in the past 8 years; the addition of 76 dwellings on the London Road West development and 134 now proposed will result in a further 17% increase. There has been no commensurate increase within the Village of additional facilities (single shop, two pubs, two surgeries etc) to service such growth, and the school is currently bursting to capacity (and children from the Village are being turned away by the nearest secondary school). Great Chesterford faces the risk of being overwhelmed as a result of unsustainable development.

C Summary of GCPC’s objections to the Application

7. It is in the context of these principal considerations that GCPC has the following objections to the proposed development of up to 134 dwellings in London Road:

8. Adverse environmental, flood risk and landscape impact. This site was dismissed as unsuitable from the original Call for Sites in 2015 due to the detrimental loss of agricultural land and diminished sense of place. The site was considered unsuitable for development as it would not contribute to sustainable patterns of development in the locality. GCPC agrees with the assessment made at the time by UDC as the Local Planning Authority, and does not consider that the basis of this conclusion has changed. The draft Neighbourhood Plan similarly rejects the site for substantial development. Such development will be highly visible from the B184 and, in particular, the public footpath between Great and Little Chesterford that runs along the River valley. There will be an inevitable detrimental effect on wildlife, and evidence of features of archaeological interest exists on part of the site.

9. Excessive loss of open space between Great Chesterford and Little Chesterford. Residents of both Great Chesterford and Little Chesterford, when consulted in connection with preparation of the draft Neighbourhood Plan, have overwhelmingly signalled that they wish the two Parishes to remain separate and distinct; the degree of suggested coalescence between the two Villages is excessive, and contrary to the NPPF. The extent of the site and wooded buffer area that is proposed will in any event not be contiguous with the boundary of the London Road West development, with the result that the claimed establishment of a coherent “gateway” for Great Chesterford is not achievable.

10. Increased use of local rat-runs to enable access from the site to B184. The most direct route to Saffron Walden etc from London Road is via the B1383 to the B184; this will be achieved either via Church Street/South Street/High Street in Great Chesterford, or through Little Chesterford or Littlebury. All these villages currently suffer from transient through-traffic, and yet more will merely increase local congestion within the narrow streets in these residential areas.

11. Absence of public transport serving London Road site. There is no viable public transport from either London Road site; many incoming residents will be local commuters unable to use the Railway Station at Great Chesterford, resorting to use of the car instead. In view of the distance of the site from facilities in Great Chesterford, the assumption made in the Traffic Survey that most residents will walk to them is simply wishful thinking; as likely as not, most primary school children will be transported by car, thereby adding to the already unacceptable level of congestion in roads around the school, in particular in Church Street, School Street and South Street.

Secondary school children bussed from the London Road sites will have to be collected/delivered back, and the suggestion made in relation to the London Road West development that pick-up should be from the bus shelter in Ickleton Road (opposite Plextek) will necessitate a walk along a busy, largely unlit, road with no dedicated crossing points.

12. B1383 unsafe for additional pedestrian and cycle users. GCPC has repeatedly drawn attention to the significant adverse traffic implications resulting from the London Road West development, both in its response to the planning Application and, most recently, in its letter dated 23rd March 2020 to UDC regarding Section 106 issues. The need for traffic calming measures to be introduced (immediate extension of the existing 30mph speed restriction at present located at the Ash Green entrance, change in position of the existing position of the active speed sign, introduction of a roundabout at the exit from the development onto the B1383 and, not least, provision of a pelican crossing in the proximity of Station Road) is clear - all being measures already necessary to accommodate increased vehicular and pedestrian traffic likely to be generated by the now approved 76 dwellings. The addition of a further 134 dwellings with the same access to the B1383 will materially exacerbate the impact of both developments for an already important arterial road which, in the absence of a coherent suite of such measures is unsafe, which is unacceptable as contrary to Policies S7 and H1. The sweeping assertion in the Traffic Survey that, since facilities within Great Chesterford are “within walking distance” (para 2.10) the development will have only “negligible impact” on local roads (para 7.8), is simply not realistic. The combination of both developments will result in car-based schemes because residents will in reality not be able to travel in safety by

foot or cycle to facilities in the Village.

13. Roads within Great Chesterford incapable of providing safe access. The evidence regarding both Church Street and Carmen Street - the only direct points of access from the B1383 to facilities within the Village - clearly demonstrates that neither route is capable of providing improved safe access to pedestrians, either by road or pavement widening. On-street car parking further exacerbates traffic movements within the Village, particularly in Church Street and surrounding roads at school delivery/collection times. The NPPF requires that permission for developments should be refused if an unacceptable impact on highway safety” is likely to result, with priority being given to consideration of pedestrian and cycle movements, and this is clearly the situation in this instance.

14. 134 dwellings will result in unsustainable development. The significant increase of additional housing within the Village in the past 8 years - 156 new dwellings, amounting to nearly 25% growth - demonstrates that Great Chesterford has not been backward in embracing development; whilst such increase has so far been successfully absorbed, there is only so much capacity to embrace further expansion. The addition of a further 210 dwellings on London Road will significantly contribute to already insufficient local school places, road congestion and the like, and collectively indicate that the suggested development is unsustainable.

15. Premature and opportunistic Application. The Applicant seeks to justify submission of the Application now on the ground that UDC currently has less than a 5 year land supply, with the result that development of the site will contribute up to 134 additional dwellings to satisfy need etc. It is clear from the documentation provided in support of the Application that problems associated with development of the site - all readily identifiable - have simply been brushed aside as insignificant, or ignored altogether.

16. Mitigation measures incapable of remedying detriments. The proposals if implemented are unsustainable in size and scope. No Section 106 contributions will be capable of mitigating the substantial and perpetual damage that a development of such magnitude will have on the local infrastructure and facilities. There are significant limitations on the nature and extent of road safety measures that can be introduced on the B1383, the roads within Great Chesterford are incapable of widening, and the school site cannot be expanded. The Applicant should not be permitted to substitute minimum mitigation via Section 106 proposals at the expense of providing safe, alternative, access to the Village which cannot be assured.

D Conclusion

17. GCPC submits that the proposed development will be unsustainable if permitted to proceed, and the Application should be rejected notwithstanding UDC's absence of a 5 year land supply.

Little Chesterford Parish Council

6.2 Little Chesterford Parish Council STRONGLY OBJECTS to this proposal.

Little Chesterford Parish Council has reviewed the amended application. Whilst some of the changes that have been made represent small improvements on the

original, they do not change the essential nature of the development, nor do they substantively mitigate its considerable adverse impacts. We have updated our comments to reflect the revised application.

The application represents disproportionate growth causing coalescence between the villages of Great and Little Chesterford which is not, and cannot become, sustainable given the constraints of the existing landscape and scale of the proposal. The application also has further negative impacts on the landscape and natural and historic environment.

This site was assessed as part of the emerging Great and Little Chesterford Neighbourhood Plan sponsored by the Parish Councils. This Plan has completed its Regulation 14 consultation period and is planned to start independent examination in August 2021. The rigorous process of site assessment and selection carried out as part of this plan did not select this site for development. The provisions of this emerging plan should be taken into account in determining this application.

This application must also be considered in light of the outline planning permission granted for 76 dwellings on land adjacent to this development on the opposite side of the London Road (UTT/19 /0573/OP). The cumulative impact of both these sites, which are now being promoted by the same developer, must be considered when assessing this application.

1. The application creates coalescence between Great and Little Chesterford which cannot be mitigated on this site given the number of proposed dwellings.

1.1 Both villages have distinct and separate identities, and maintaining a substantive physical separation between them has overwhelming public support as evidenced by public consultation exercises preceding and as part of the Neighbourhood Plan preparation.

1.2 The proposed development extends the settlement edge of Great Chesterford to the settlement edge of Little Chesterford.

1.3 The southern site boundary adjoins the boundary of Millfield House, which is the first house in Little Chesterford approaching from the north along the B1383 London Road.

1.4 The southern site boundary is approximately 300m from the next dwelling in the village, Little Bordeaux Farm.

1.5 Since this is an outline planning application with all matters reserved except access, no weight can be given to the revised design and access statement or indicative block plan which shows an increased, but still small green space and narrow green screening to the south of the site, and a distance of approximately 100m from the developable area to Millfield House.

1.6 Notwithstanding that the indicative plans have no standing, they still show that the advice given by Uttlesford District Council to avoid coalescence between the villages has been ignored. As recorded in the applicants documentation this advice was:

- i. The developable area of the site should not extend beyond the southern boundary of the proposed site across London Road (now consented scheme) -
- ii. Development could transition from a higher density stepping down to a lower density to the south

The indicative block plan shows:

- i. That the developable area of the site extends approximately 50 m beyond that of site across the London Road
- ii. No change in density is seen from North to South

1.8 It therefore is evident that development of 124 houses on this site will lead to coalescence between the villages which cannot be mitigated with this number of dwellings.

2. 124 dwellings represents disproportionate growth which cannot be justified

2.1 The proposed development of 124 dwellings represents a massive 134% growth for the Parish of Little Chesterford – another one and a quarter villages of the same size added to the existing one. When taken in conjunction with the 76 dwellings that have outline planning on the west of London Road, this represents 212% growth for this tiny village – more than two villages of the same size added to the existing one.

2.2 Should Parish Boundary changes come into effect that place these dwellings within Great Chesterford, these changes are still disproportionate, representing 16% growth singly and 25% cumulatively for this larger village.

2.3 This scale of growth cannot be solely justified by any projected lack of housing land supply within Uttlesford. The applicant has not, and cannot, demonstrate that this development is sustainable and will have an acceptable impact on the surrounding landscape and environment.

3. Not sustainable – no achievable safe and convenient pedestrian access to village centre

3.1 A key requirement for sustainable development is that of safe pedestrian access to the local village centre. The applicant asserts that the village centre is within walking distance.

3.2 In section 4.1 of their Transport Assessment, the applicant reminds us that the CHIT minimum distance requirement for pedestrian access to the town centre is <800m. Indeed, this is the criterion that Uttlesford District Council has used to assess housing sites selection for the Uttlesford Local Plan.

3.3 Using the revised indicative plans, the walking distance from the closest dwelling to the village shop is 1.1 km, that from the furthest 1.5 km. This remains greatly in excess of this minimum requirement. Further village amenities such as the Community Centre, Recreation Ground and Pre-school are further distant at 1.8 km walking distance.

3.4 These walking routes adjoin the busy B1383, which is a frequent relief road for the M11 when it is closed, a frequent occurrence. For example, Highways England records 147 instances of partial or full road closures on M11 from 1 Jan 2018 to 27 January 2019. We welcome the applicant's proposals to widen these footways, but note that these proposals have not been approved by Essex CC Highways, and therefore cannot be taken in to consideration for this application.

3.5 Onwards from the B1383, the routes to the village centre along Church Street and Carmen Street are narrow roads with very narrow footways. These footways cannot be widened, as the road abuts numerous listed buildings. School Street, which as its name implies, leads onto the primary school and to the village primary school has no footway along almost all of its length, and again cannot be widened as it abuts listed buildings.

3.6 The applicant has stated that an opportunity exists to provide a direct pedestrian link along the Granta Corridor. The required landowner has stated that they will not provide land for such a link therefore it must be discounted in assessment of this application.

3.7. The only pedestrian routes to village amenities are therefore a significantly long distance along a busy link road and village streets with narrow/no footways, and cannot be regarded as safe, especially for primary and preschool children.

3.8 Similarly, pedestrian access to the Station Road bus stop is a minimum of 450m/maximum of 1.1 km from the site, and users must cross the busy B1383 (M11 relief road). We welcome the proposed addition of a toucan crossing but note that this has not been approved by Highways. The railway station is 200m further from this route.

4. Not sustainable – will promote reliance on the car and impact on road safety of local routes

4.1. Given the distance from village facilities and the safety of this route, it cannot be assumed, as the applicants have done, that trips to the village centre amenities will be on foot and it is certain that many trips will be by car, exacerbating existing issues of safety and congestion.

4.2 The traffic information assumed by the applicant in its determination of impact is wrong and misleading. It assumes that only 1% of car trips from the development will use Church Street, Great Chesterford and characterises the existing traffic as “light”. Given that Church Street is the primary route to village amenities and the primary school this figure is patently incorrect, and does not reflect the impact of an additional 200 dwellings to the south of the Great Chesterford village on congestion and road safety of primary school children. No account has been taken of peak periods such as school pickup/drop off when congestion through the narrow streets often leads to delays for the public bus and other road users.

4.3. Similarly, the applicant assumes that only 2% of car trips will use High Street Little Chesterford. Again this is a narrow road abutting listed buildings, passing over a single track Grade II listed bridge and around a very sharp bend with very limited visibility, and has no/narrow footways. Nevertheless, it forms the closest route from the site into Saffron Walden and therefore the projected number of trips using this road is also patently incorrect. The impact of many additional car journeys from the 200 dwellings on road safety in Little Chesterford must be assessed more accurately, and mitigation measures identified.

4.4 We welcome the proposed addition of a toucan crossing and bus stop and shelter for the school bus but note that these have not been approved by Essex Highways and therefore cannot be considered as part of the application

4.5 Similarly we welcome provision of a cycleway, though again note that this has not been agreed by Highways. The cycleway provision should extend southwards to the junction with Little Chesterford High Street to promote safe sustainable travel between the two settlements.

4.6 The location of the proposed vehicle access to the development at the southern end of the indicative area gives rise to safety concerns, as it is as the

very start of the new proposed gateway to Great Chesterford, screened by the proposed woodland and at the start of the 30 mph zone. To extend the 30mph further south would increase the sense of coalescence between the two villages.

5. Not sustainable – will impact local health services and education which cannot be mitigated

5.1 An additional 200 households is over double the size of the existing village of Little Chesterford. Village children have attended primary school in Great Chesterford since the mid 1800s. The school site in the centre of the village is physically constrained and cannot add capacity, regardless of educational provision of moneys through s106 agreements. This means that Little Chesterford village children will be displaced from their school places by those living in the new development, destroying community cohesiveness.

5.2 Similarly, additional places at local doctors surgeries cannot be secured through s106 moneys and this scale of increase in population cannot be easily or quickly absorbed by existing facilities, degrading the access to medical help for existing residents.

6. Detrimental impact on landscape, views, wildlife habitats and historic features.

6.2 The site adjoins the River Cam, part of the site being its floodplain. The site lies within UDCs Cam River Valley Landscape character area, which has been defined as having a high sensitivity to change.

6.3. Lying as it does on gently rising ground in the river valley, the site is highly visible from the villages and the surrounding chalk uplands. In particular, it closely encroaches on the visible from the public footpaths and informal walking routes along the valley that many inhabitants from both villages use on a daily basis. The green screening outlined on the indicative plan is insufficient to mitigate this impact; and development would wholly change the open aspect, beauty and tranquillity of this area that is so highly valued by the communities.

6.4 Important views along the river valley from the northern edge of Little Chesterford will be impacted. Notwithstanding the proposed green screening, development would change the open nature of the views to one of enclosure and encroachment.

6.5 The visual impact assessments provided by the applicant contain many inaccuracies – for example Little Chesterford is misidentified repeatedly and variably eg as “Little Linton” and ”Little Chesterfield” and do not reflect the landscape impact. We do not believe that the visual impact on the views from the Conservation area at Horse River Green have been accurately reflected.

6.6 The Cam is a chalk stream, a rare and vulnerable internationally recognised habitat that in turn supports many vulnerable wildlife species. We welcome the ecological surveys provided by the applicant, but do not consider that the proposed mitigations are sufficient to improve biodiversity or protect existing wildlife which include many protected species. In particular the proximity of the developable area to the River Cam and associated ditch will cause unacceptable ongoing disturbance to this wildlife corridor from humans and their pets.

6.7 Similarly, we welcome the inclusion of a SUDS attenuation basin, but do not see any further evidence of the impact of surface water runoff on the watercourse, the treatment of foul water or the provision of water from the underlying chalk aquifer which is already suffering from over-extraction. We understand that the existing foul water drainage for the village would require substantive improvement should this application go ahead but cannot see any reference to this in the application. These costs should be taken into account in any assessment of site viability.

6.8 The site lies approximately 300m from the Scheduled Ancient Monument of the Moated site, Fishpond and Enclosure at Little Bordeaux Farm. The Chesterford Historic Environment Assessment 2016 (available on the UDC website) recommends that the unbroken agricultural use of the setting of this Scheduled Ancient Monument be preserved, but we continue to see no reference to the impact on this SAM in the applicant's documentation.

6.9 Similarly, we note that the impact of the site on the potential Iron age and Roman archaeology has not been fully described.

6.10 The small field between the woodland screening and Millfield house to the south of the site would not appear to be of a size that is viable for modern farming methods. We would suggest that that this instead be subject to a rewilding program to increase biodiversity.

7. Despite the limited public consultation, response to the planning application demonstrates the strength of local opposition

7.1 We would like to note that applicant restricted their public consultation efforts to online fora, disenfranchising a large part of the population who do not or cannot access to these channels. No alternatives have been offered.

7.2 They have relied heavily on the goodwill and voluntary resources of the Parish Councils to publicise materials for them and have spent negligible amounts of their own, well-funded resources on the additional options for publicity that are available and appropriate during a pandemic.

7.3 We welcome the withdrawal of statements that there is widespread support for their application. The number and content of comments from the public made to this application on UDCs planning website demonstrate the strength of opposition to this application.

8.0 Mitigation measures

8.1 Should planning permission be granted for this application, Little Chesterford Parish Council would like to request that they be included in determinations for planning obligations at the earliest possible stage through to the conclusions of s106 agreements.

8.2 At a minimum these should include:

- Provision of substantive green/wooded areas to protect and enhance existing wildlife and biodiversity, and to screen built development from Little Chesterford and the Cam River valley, together with provision for their ongoing maintenance (to include SUDs basins).
- Transfer of ownership of the area of the site between the southern green woodland screening and the southern boundary with Millfield to Little Chesterford

Parish Council, together with appropriate costs to enable rewilding/increased biodiversity and ongoing maintenance.

- Contributions to enable mitigation of impact of increased traffic cutting through Little Chesterford High Street.
- Creation of section of Chesterford -> Saffron Walden cycle path, to extend as far south as the junction of the B1383 with the junction of Little Chesterford High Street.

Ickleton Parish Council

6.3 Ickleton Parish Council OBJECTS to the proposals.

We fully support the comments and objections of Great Chesterford Parish Council submitted to you dated 18 November 2020. We do not intend to repeat those comments in full, but make the following remarks.

1. This is a purely opportunistic and speculative application, on a site that previously has been regarded by yourselves as unsuitable for development, and is currently not regarded as suitable for development in the draft (& out for consultation) Neighbourhood Plan for the Chesterfords. If permitted, it would amount to the tacking on of a car-based, urban built form to the edge of Great Chesterford village adjacent to a rare and stressed chalk stream. It would achieve detrimental loss of agricultural land and a damaged sense of place. The increase in dwellings proposed is out of proportion to the size of the existing settlement. It cannot be said to contribute to sustainable development in the locality.

2. If permitted in the form proposed, the development would hasten coalescence with Little Chesterford. The proposers even forego the opportunity of aligning the boundary of the built form with that of the plot to the west of London Road where outline permission has been granted, which would at least give some prospect of a coherent boundary to Great Chesterford, a prospect that would be removed by these proposals.

3. In the application, and particularly in the Transport Assessment, the accessibility of the intended estate to the services of the village are described so as to mislead anyone unfamiliar with the locality. It cannot be claimed that future residents will take to their feet out of choice, since the only route is via London Road – long and unattractive since it is heavily trafficked.

The Community Centre is right at the other extreme of the village. Car use will predominate. The developers refer to the prospect of a new crossing over the Cam to facilitate better access to the historic centre, but they clearly do not have the means or the intention of providing this. The reference to a nearby bus stop should also not be taken to indicate that this will be a transport means of common choice, given the infrequency and slow services – it takes more than an hour to gain central Cambridge.

4. It is completely false to refer to the village having convenience shops including a Post Office, There is no Post Office, and there is only one shop. Even this is not what is commonly understood by the term convenience shop, as it is a bakers and food hall selling a relatively limited range. Shopping for most will be at larger settlements, accessed overwhelmingly by car.

5. We object to Ickleton Road being portrayed in the Transport Assessment as the means by which future residents can access the A505 and Junction 10 of the M11. This route takes vehicles through the villages of Ickleton and Duxford and

the unclassified rural roads that connect the villages. The A505 and Junction 10 of the M11 can be accessed by leaving Great Chesterford northwards via London Road and the A1301. The prospect of additional rat running through the villages of Ickleton and Duxford, which is confirmed by the Assessment in this application, is not acceptable to our residents. We urge refusal of the application.

Littlebury Parish Council

- 6.4 The site is located 1.6km south of the centre of the Gt C village and has no transport links to the school, doctors, station, and other facilities apart from the busy B1383 road and a narrow roadside footpath. The last part of the route is a narrow village street with a very narrow pavement. With no direct, safe and adequate footpath or cycle routes away from the B1383 road all journeys are likely to be made by car. This is likely to increase car journeys in and out of Gt Chesterford by 100-300 per day, increasing air pollution, congestion and noise for all residents. The centre of Gt Chesterford already suffers from parking stress, and there is no capacity for additional cars.

The site is 7km north of Saffron Walden, the area's centre for shopping, secondary schooling, healthcare, and other services, and 8km north of Audley End station, the access point for fast rail services. There is no transport link other than a very fast section of the B1383 road, so walking and cycling are unsafe. There is no public transport. All journeys to these destinations are likely to be made by car, increasing air pollution, congestion, and noise for all residents, especially those of Littlebury. SW also suffers from parking stress.

The B1383 is a fast road with sweeping bends and slight undulations that produce unsafe blind spots. The amount of traffic is increasing. Residents of Littlebury concerned about the volume and speed of vehicles on the B1383 have frequently requested changes to the road to increase the safety of residents, pedestrians, and cyclists, but the Highways authorities have prevented any being implemented. Speed management measures, as it is the relief route for M11 traffic between J8 and J10 when that national trunk route is closed. Extending residential development along this road, with no other access of any kind, will increase the volume of traffic along it, endangering all residents.

The wholly inappropriate and inadequate transport links to the proposed development results in all prospective residents being very isolated. Car drivers do not have the same opportunity for engaging with neighbours as pedestrians. There is no real possibility for children and non-drivers to travel independently, even to Gt Chesterford centre, as the route is unattractive and unsafe.

The proposed site layout is a very poor-quality suburban grid street plan. Note also that there is no focal point, amenity or centre within the site that might provide scope for meeting neighbours. The housing mix does not meet that required by local housing needs.

Gt Chesterford school has a capacity of 210 pupils, with 203 currently on the roll and 21 on the waiting list for various years. There is no scope to increase the capacity of the school on the current site. Consequently, primary school children from this proposed development are likely to have to travel to schools in SW or further that have capacity. As a result friendship groups, extracurricular school and social activities all become fragmented, adding to the isolation of prospective residents, and removing any sense of place and community. This has already occurred in Littlebury as younger children now attend several different schools.

The lowland riverside location is undisturbed and provides a quiet habitat for wildlife. Much of the site has a high-water table in wet weather and is prone to flooding. The photo below shows the site for the proposed development and the close proximity to the river, which has had flood warnings recently, the risk will only increase with the adding more infrastructure to the area.

The site is in very open countryside between two existing settlements. Building in this location will destroy the rural character of the valley between existing settlements.

In summary, it is our view that this application will produce the very worst type of isolated, unsustainable, unattractive, residential ribbon development and planning consent should be refused.

The Highways Authority

6.5 No objections subject to the imposition of conditions regarding:

- Construction Management Plan
- Provision of visibility splays
- Provision of Highway improvements
- Provision of footway/ cycleway
- Residential travel plan

Place Services- Ecology

6.6 No objection subject to conditions, including;

- Development to be in accordance with ecology appraisal,
- Submission of construction environment management plan,
- Skylark mitigation strategy,
- Biodiversity enhancement strategy,
- Landscape and ecological management plan,
- Lighting scheme

UDC - Environmental Health

6.7 No objections subject to the imposition of conditions regarding:

- Noise mitigation measures,
- Air Quality Assessment requirement,
- Phase 2 contaminated land assessment,
- Construction management plan

Lead Local Flood Authority

6.8 No objections subject to conditions regarding;

Details of upstream SUDs e.g. permeable paving or swales to reduce the volume of surface water in the detention basin.

Environment Agency

6.9 No Objections objection to conditions regarding:

- The development shall be carried out in accordance with the submitted flood risk assessment (ref. 6100719-MLM-ZZ-XX-RP-C-0001, dated 28 October 2020)
- All built development will be located within Flood Zone 1 (i.e. within the part of the site where levels are higher than the 1 in 1000 year modelled flood level of 36.95m AOD,
- Prior to commencement details of assessment of the effects of climate change on flood levels and extents to be submitted,
- If, during development, contamination not previously suspected is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority)
- Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority
- Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority

Anglian Water

6.10 No objection

Wastewater Treatment

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

Surface Water Disposal

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.

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment and Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

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.

UDC Landscape Officer

- 6.11 No objections or further recommendation have made. It is noted the Landscape Officer has provided comments during the pre-application submission of which the applicant has made due consideration.

Highways England

- 6.12 No objections

Housing Enabling Officer

- 6.13 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 124 units. This amounts to 50 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 6 bungalows across the whole site delivered as 3 affordable units and 3 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards; 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

ECC Infrastructure Officer

- 6.14 Thank you for providing details of the above planning application for up to 124 new homes. From the information I have received, I have assessed the application on the basis of 124 houses.

It is estimated that the above will generate the following contribution requests:
EY&C: 11.16 pupils generated - £192,710.88;
Primary: 37.20 pupils generated - £642,369.60;
Libraries: £77.80 per unit

It is confirmed no request is made for secondary education placements.

Built Heritage Officer

- 6.15 The application site is located to the south of Great Chesterford, there are no designated heritage assets within the site. The proposals have the potential to affect the designated heritage assets of Manor Farmhouse, Grade II listed (list

entry number: 1112305), the Great Chesterford Conservation Area and the Grade I listed Church of All Saints (list entry number: 1171461).

A Heritage Statement has been submitted concluding no harm to the significance of the above-mentioned heritage assets however it also identifies that there would be an appreciable change in their setting, in particular for Manor Farmhouse and the Great Chesterford Conservation Area. I disagree with the conclusions of the submitted heritage statement. As established in previous advice and within the submitted Heritage Statement, the proposals will be visible from the Conservation Area and Manor Farmhouse, which has historically enjoyed views across the open and undulating rural landscape, positively contributing to the setting of both heritage assets.

The proposals would result in the urbanisation of the rural locality and fails to respond to local character or distinctiveness. In particular, the proposals would result in less than substantial harm to Manor Farmhouse and the Great Chesterford Conservation Area, through change in their setting, Paragraph 202 of the NPPF (2021) being relevant. From reviewing the new information submitted, I suggest that the level of harm for Manor Farmhouse is towards the middle of the spectrum and at the lower end of less than substantial harm for the Conservation Area. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BAA Aerodrome Safeguarding

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

Crime Prevention Officer

- 6.17 Whilst there are no apparent concerns with the layout however 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.

Archaeology Consultant

- 6.18 No objections subject to conditions,
Approval of programme of archaeological trail trenching and assessment.

Sports England

- 6.19 No objections or further recommendations

West Essex Clinical Commissioning Group.

- 6.20 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £63,780.

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.

7 REPRESENTATIONS

- 7.1 The application has been advertised on site and within the local press. 97 neighbouring residential occupiers have been consulted regarding the application. 83 letters of objection have been received, comments include:

- The scale, of the development will require significant local infrastructure,
- Loss of the open green space,
- Impact to biodiversity and wildlife,
- Impact to the highway safety,
- Unsustainable location,
- Lack of water supply,
- Impact to biologically area of the river,
- Significant increase in vehicle movements,
- No need for these dwellings,
- Coalescence between the two villages,
- Lack of local consultation,
- Loss of agricultural land,
- Increase in flood and impact to drainage,
- No provision of street lighting,
- Increase in pollution,
- Over development of the village,
- Light pollution,
- Harmful impact to the character of the site and landscape.
- Housing numbers in the village have already significantly increase,

7.2 All material planning merits will be considered in the following report, however please find the following case officer comments.

- The principle, location and appearance will be considered
- The accumulation of the development with the adjacent recently approved 76 dwelling will be considered.
- The layout of the proposed development is not a consideration in this outline planning application.
- Due consideration will be made to ecology and wildlife.
- The S106 agreement linked to planning application will include the following if approved;
 - Provision of open space,
 - Management of open space,
 - Affordable Housing provision,
 - Education contributions,
 - NHS contributions,
 - Highways Contributions.
- Sustainable transport provisions will be considered.
- Highway safety will be considered in the following report.
- Due consideration is made to the local consultation.

8. POLICIES

8.1 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.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.3 S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

8.4 National Policies

National Planning Framework (2021)

8.5 Uttlesford District Local Plan 2005

Policy S7 – The countryside

Policy GEN1- Access

Policy GEN2 – Design

Policy GEN3 -Flood Protection

Policy GEN4 - Good Neighbourliness

Policy GEN5 –Light Pollution

Policy GEN6 - Infrastructure Provision

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy H9 - Affordable Housing,

Policy H10 - Housing Mix

Policy ENV1 - Design of Development within Conservation Areas

Policy ENV2 - Development affecting Listed Buildings

Policy ENV3 - Open Space and Trees,

Policy ENV4 - Ancient monuments and Sites of Archaeological Importance

Policy ENV5 - Protection of Agricultural Land

Policy ENV10 -Noise Sensitive Development,

Policy ENV13 - Exposure to Poor Air Quality

Policy ENV14 - Contaminated Land

8.6 Supplementary Planning Document/Guidance

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space homes

Essex Design Guide Uttlesford Interim Climate Change Policy (2021)

8.7 Great and Little Chesterford Neighbourhood Plan

Post Regulation 14 Publication- limited weight to be applied

9 CONSIDERATION AND ASSESSMENT:

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

A Principle of development (ULP Policies S7, GEN1, ENV5, ENV3, ENV2, ENV3 and the NPPF).

B Character, appearance and heritage (ULP Policies S7, GEN2, ENV1, ENV2, ENV3, ENV4 and the NPPF)

C Mix of Housing and Affordable Housing (ULP Policies H9, H10, SHMA)

D Amenity (ULP Policies GEN2, GEN4)

E Highways and Transport (ULP Policies GEN1, GEN8 and the NPPF)

F Protected species and biodiversity (ULP Policy GEN7 and ENV8)

G Flood Risk and Drainage (ULP Policy GEN3 and the NPPF)

I Infrastructure provision to support the development (ULP Policy GEN6)

J Noise sensitive development and disturbance (ULP Policy ENV10)

K Contamination (ULP Policy ENV14)

L Air Quality (ULP Policy ENV13)

M Climate Change (UDC Interim Climate Change Policy 2021)

N Planning Balance (NPPF)

A Principle of development (ULP Policies S7, GEN1, ENV5, ENV3, ENV2, ENV3 and the NPPF).

- 9.2 The application site is located outside, but adjacent to the development limits of Great Chesterford and on the approach to Little Chesterford and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 9.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Whilst this compatibility report relates to the 2012 NPPF the thrust of the conclusions is still considered relevant. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.
- 9.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (Five Year Housing Land Supply update April 2021).
- 9.5 Nonetheless, the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable to ensure delivery in the future and to ensure that the level of housing supply is robust. Such sites which are quickly deliverable in the short term to maintain a 5 year land supply.
- 9.6 In terms of the location of then development site, notwithstanding the above, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing

settlements of almost any size due to the associated economic and social benefits. As such it is considered although the development is outside of the development limits it will in fact support the growth of existing settlement.

- 9.7 The grant of consent on the land south-west of the London Road (B1383) has also now established the principle of extending the settlement of Great Chesterford in a south easterly direction along London Road. Allowing a further similar extension on the north eastern side of the London road would complete this logical extension of the village between the defensible boundaries of the railway line to the south-east and the Cam River valley to the north-east. This is an approach supported by paragraph 7 of the NPPF which states:

'The supply of large numbers of first homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities'

- 9.8 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory, housing land supply is only able to demonstrate a supply of 3.52 years (Five Year Housing Land Supply update April 2021). For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land. Footnote 7 of this paragraph 11 advises the policies referred to are those in this Framework (rather than those in development plans) relating to designated heritage assets. That being said the impact to heritage assets is considered under section B of this report.
- 9.9 This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 9.10 **Economic role:**
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. Whilst the proposed development does not directly provide employment it is considered the development of residential dwellings would provide short term employment for locals during the construction of the site, however it would also support existing local services. The proposed development would assist in the economic vitality and viability of the village and surrounding local area. The site is near some commercial estates which could provide employment opportunities plus be economically supported by the proposed new dwellings.
- 9.11 The provision of up to 124 dwellings will have modest level of economic benefits, this includes; employment during the construction, an increase in local household expenditure and the potential of contribution to local services. These economic benefits weigh in favour of the scheme.

- 9.12 **Social role:**
The NPPF identifies this as to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, and housing designed to Part M Building Regulations.
- 9.13 The proposal includes introduce additional facilities required for health, social and cultural well-being, this includes; proposed open spaces; children play spaces, recreation, new footpaths and cycle routes. The application site is located in a sustainable location in terms of being close to the village, near employment and village facilities and services, including a main railway link to London. With the village a walkable distance away, this offers a further facilities and services. Financial contributions are proposed towards education provision as well as the provision towards affordable housing to mitigate the impact of the proposed development.
- 9.14 The provision of up to 124 dwellings will have significant level social benefits and would facilitate social cohesion as it would enable the provision of a mix of housing for local people near the village. This proposal would help to deliver a social role weighing significantly in favour of the proposed development. Furthermore a developer contribution of £25,000 is requested toward the extension of a recreation ground building that is used by local community groups. Due to the scale of the development the contribution is considered to be CIL compliant in this respect.
- 9.15 **Environmental Role:**
The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Whilst layout, scale, design and landscaping are to be reserved matters, there is some detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and be preserved.
- 9.16 The scheme would integrate the proposed development with the existing built form to the north of the site. There is easy access to bus services from the site encouraging non car based journeys. Habitats on site would be enhanced through improved meaningful landscaping schemes. A woodland area to the south of the application site which would create a buffer with Little Chesterford. This proposal would help to deliver an environmental role.
- 9.17 The proposals have been landscape-led and sensitive to the character and aesthetic of the built form in Great Chesterford. The proposal includes extensive green space and landscaping which includes provision for habitat creation which will improve and contribute towards biodiversity gain. The proposal will also result in the creation of extensive public open space, with improved permeability and access to the countryside.
- 9.18 The Council's Landscape Officer has not objected to the proposed development and as such the majority of the landscape details will be considered as part of the

reserved matters if this outline application is approved. It is noted the Council's Landscape Officers comment as part of the pre application have been considered. This includes:

- The need to carefully consider the boundary treatment of the site and how this relates to the wider landscape in terms of views into and across the site.
- The creation of roundabout at the access may have an urbanising impact,
- The development should include enhanced tree planting,
- The block of woodland may be an appropriate method to mitigate the impact to the rural site,

There would be few visual receptors from within the village, however likely to be visible from the east of the site however enhance landscaping will mitigate the impact.

- 9.19 The social, economic and environmental benefits demonstrably outweigh any harm to countryside character or through loss of agricultural land and as such, the proposal is considered to be in accordance with the suitability objectives of the National Planning Policy Framework. The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Significant weight is added to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 9.20 ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, this is consistent with the aims of the NPPF.
- 9.21 The agricultural classification of the land is partly Grade 2 (very good) and partly Grade 3 (good to moderate). If approved, the scheme would result in the permanent loss of the agricultural land. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply demonstrates that there is insufficient land available within settlement boundaries or brownfield sites. Some 80% of the agricultural land within the district is Grade 2 (very good) and the rest is Grade 3 (good to moderate).
- 9.22 ULP Policy ENV5 generally accords with the NPPF, while the loss of the best and most versatile land would be modest in the context of the general quality of agricultural land in the District, this would be a disbenefit of the proposal to be weighed in the overall balance in my decision. It is considered would carry only limited weight but would nonetheless conflict with the aims of ULP Policy ENV5. In consideration of the above and the fact that there is insufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs, it is therefore not considered that there is conflict with Policy ENV5.
- 9.23 In consideration of the above the development would not represent a significant breach of this policy because the land is smaller in agricultural terms and the high quality of land across the majority of the district means that some loss is inevitable. It is also noted previous Planning Inspectors assessing similar sites

have advised this scale of site is small in the context of the overall availability of agricultural land throughout the district context of Uttlesford and not viewed as 'significant'.

B Character, appearance and heritage (S7, GEN2, ENV1, ENV2, ENV3, ENV4 and the NPPF)

- 9.24 As part of the assessment of the character and appearance of the development a Landscape and Visual Impact Assessment has been submitted with the application and due consideration has been made to this. The proposed site lies next to the existing urban edge, while residential development has recently been approved on the opposite side of London Road at the Axis site. Considering the effect on site features, existing vegetation and historic features would largely be retained, and there would be a beneficial effect on vegetation and public access. There would, however, be inevitable adverse effects on soil and land use.
- 9.25 The site lies within the Cam River Valley, the residual effect on the Cam River Valley as a whole was assessed as Minor-moderate adverse. At a site level the magnitude of change would naturally be higher and the residual effect was assessed as Moderate adverse. The effects on neighbouring landscape character areas were found to be Minor.
- 9.26 The only visual receptors likely to experience residual significant changes were where houses would be visible in the foreground and there would be a loss of views into the valley. From many viewpoints in the vicinity of the site, the planting proposed would help filter or screen views of new built form, assimilate the development into the surrounding landscape, and create an edge to this portion of the village that would be greener and softer than that which currently exists.
- 9.27 There would be no significant effects on the landscape setting of the Great Chesterford Conservation Area, Listed Buildings, Scheduled Monuments or Protected Lanes in the vicinity of the site. It is considered the residual significant landscape or visual effects would be experienced only by visual receptors on London Road and that the extensive open space and planting proposed provided opportunities for enhancements to public access and the site's vegetation structure.
- 9.28 The illustrative plan shows:
- Proposed vehicle access at interface between character areas
 - Vehicle Access
 - Strong, positive frontage to London Road
 - Green connection from London Road and screening buffer for Granta Close properties
 - Potential location of play areas,
 - Proposed habitat area / ecological buffer including planting along the edge to boost wildlife and screen development from Walden Road and long views across
 - the Granta valley,
 - Informal planting on the floodplain meadow to create appropriate setting for the conservation area and strengthen the ecology of the river corridor,
 - Woodland block to screen development and create settlement's edge
 - Retained agricultural field
 - Potential location of attenuation basin

- 9.29 The proposal would see the extension of pedestrian footpath and cycle path to connect with the village and the nearby railway station. A circular footpath network is proposed around the edge of the site.
- 9.30 Within the application submission it is stated that the proposed dwellings would comprise a mix of 1 and 2 bedroom flats and 2, 3, 4 and 5 bedroom houses and bungalows, of a scale that is in keeping with its village edge location. The average density across the site would be 19 dwellings per hectare. Whilst this is low the site is on the edge of Great Chesterford in a countryside location the density reflects the character of the surrounding area and is considered to make efficient use of the site without compromising local distinctiveness.
- 9.31 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. Planting throughout the scheme will permit through visibility, making spaces feel open and safe.
- 9.32 In terms of heritage the Council's Built Heritage Consultant has advised there would be an appreciable change in their setting, in particular for Manor Farmhouse and the Great Chesterford Conservation Area. These have historically enjoyed views across the open and undulating rural landscape, positively contributing to the setting of both heritage assets. The proposal would result in the urbanisation of the rural locality and fails to respond to local character or distinctiveness. In particular, the proposals would result in less than substantial harm to Manor Farmhouse and the Great Chesterford Conservation Area, through change in their setting, Paragraph 202 of the NPPF (2021) being relevant.
- 9.33 The application includes a Heritage Statement advises the proposed scheme will have no impact on the physical structure of the nearby heritage assets or immediate setting. Any potential effect is therefore restricted to a potential change to the contribution of setting to the asset's significance from a change to the wider agricultural landscape beyond the asset. Although this will see a field in agricultural production changed to residential housing with associated landscaping and infrastructure, the application site does not form part of any key views to or from the heritage assets and is well screened by intervening planting and future landscaping mitigation.
- 9.34 The application site is, therefore, not considered to make a meaningful contribution to the significance of the heritage assets forming part of its immediate setting. In addition, the proposed scheme has sought to integrate itself within its setting and in terms of views from the wider environment. This includes setting development back from the river and retaining the meadow land along the southern side of the river. This will introduce further separation between this assets and the proposed scheme, while the proposed landscaping will introduce new contextual planting to help screen development even during the winter in potential filtered views.
- 9.35 Taking into consideration the comments by the Conservation Officer due consideration should be made to paragraph 202 of the NPPF and where the proposal results in less than substantial harm to the heritage asset the public should be weighed against the public benefits of the development.
- 9.36 The concerns raised by the Heritage Officer have been duly assessed in the context of the site and setting of the heritage assets, it is considered the significant public benefits of the development including the delivery of much

needed market and affordable housing would outweigh the harm caused by the development. Furthermore the reserved matters should include further mitigation. It should be concluded that the application is not in conflict with paragraph 202 of the NPPF.

- 9.37 In regards to the impact to the location of the site the development has the potential to affect archaeological remains, as recommended by the Council's Archaeological Consultant any planning permission should include conditions to conduct a field evaluation to establish the nature and complexity of the surviving archaeology assets. The work would enable due consideration to be given to the historic environment implication and would lead to the proposals for preservation in situ and/ or the need for further investigation.

C Mix of Housing and Affordable Housing (ULP Policies H9, H10, SHMA)

- 9.38 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. The proposed residential development of up to 124 dwellings with 40% affordable housing (up to 50 dwellings).
- 9.39 Policy H10 requires that small market housing comprises a significant proportion of the total number of units. The Council's Housing Enabling Officer has not made any objections or further recommendations to the proposed scheme. The applicant advises the development will include a mix of 1 and 2 bedroom flats and 2, 3, 4 and 5 bedroom houses and bungalows, The precise mix would be subject to further consideration at the reserved matters stage if outline planning permission is granted.

D Amenity (ULP Policies GEN2, GEN4)

- 9.40 The design layout shows an indicative illustration of how the scheme could be laid out. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide. Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, Sustainable Drainage (SUDs) features and play space areas. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted. Nonetheless, it is considered that the site is capable of accommodating the number of dwellings proposed.
- 9.41 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing. Noise and Vibration Assessment has been submitted with the application to assess the amenity levels of future residents of the development due to the site's proximity to the railway lines. The assessment concluded that the amenity within the development would be acceptable subject to insulation measures. Garden amenity could be improved through screening measures and layout of the dwellings. Details of lighting both in terms of ecological, countryside, design and amenity impact would be assessed at reserved matters stage should planning permission be approved, in accordance with Local Plan Policy GEN4.

E Highways and Transport (ULP Policies GEN1, GEN8 and the NPPF)

- 9.42 Local Plan Policy GEN1 states “development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
 - e) The development encourages movement by means other than driving a car.”
- 9.43 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 9.44 The site is in a sustainable location close to existing residential areas, employment and local facilities. Great Chesterford has access to a range of amenities. This include a convenience store, two doctors’ surgeries, and three pubs/restaurants.
- 9.45 Great Chesterford is a large village in the District and it is considered to be sustainable as there are bus routes which are located and going through Great Chesterford. Service 7 is an hourly service (Saffron Walden – Cambridge), with the nearest bus stop found approximately 700m from the potential access to the site. The closest bus stop to the site, however, is approximately 260m south of the site on London Road, serving the 101 (Tuesdays only Saffron Walden – Whittlesford) and 132 (Saffron Walden – Cambridge Two-hourly between 0900 and 1800) bus services.
- 9.46 The nearest railway station is Great Chesterford, approximately 700m walk from the site. The rail station is on the West Anglia Main Line, connecting London and Cambridge. Greater Anglia hourly services in each direction between Cambridge and London Liverpool Street. Additional services run in the peak periods. Travel time to Cambridge is approximately 15 minutes and travel to London Liverpool Street takes approximately 1hr 12 minutes.
- 9.47 Great Chesterford is served by the B184 and B1383. The M11 runs parallel to the west and north of Great Chesterford. It is accessible via Walden Road at Junction 9a. The proposals include an improved footway / cycle way on the London Road frontage. There are a number of Public Rights of Way (PRoW) in the surrounding area of the site. These connect Great Chesterford to surrounding conurbations Hadstock to the east and Little Chesterford and Saffron Walden to the south.
- 9.48 A Transport Report submitted with the application and was prepared in accordance with current national guidance and its scope, including the extent of the study area, has been agreed with ECC as local highway authority. The report advises the impact of the predicted traffic generated by the proposed development, derived from the TRICS database, using journey purpose data from the NTS and Census Travel to Work O-D data, has been assessed for both weekday peak periods in a future assessment year of 2025. This was undertaken for five off-site junctions within the study area agreed with ECC, in addition to the proposed site access. It takes account of projected background traffic growth plus

the traffic associated with various other committed developments in Great Chesterford.

- 9.49 It is found that the predicted development traffic would have a minimal impact on the operation of all the off-site junctions, and that the proposed site access would operate well within capacity with the predicted flows.
- 9.50 The derived the predicted weekday peak hour trip generation by mode of travel for the proposed development using the TRICS database. Census Travel to Work Origin-Destination (O-D) data for the existing resident population of the local area driving to work by car was used to derive an expected distribution for the predicted vehicle trips. The impact of the predicted weekday peak hour development traffic on the operation of the local highway network within a study agreed with ECC and National Highways (former Highways England) for a future assessment year of 2025, and also 2030 in the case of the two roundabouts at the A11/M11 J9A.
- 9.51 This allows for projected background traffic growth and also predicted traffic due to two other developments in and near Great Chesterford, as agreed with ECC. This has demonstrated that the traffic generated by the proposed development would have a negligible impact on their operation that could not be described as “severe”. In view of this it is considered that there are no grounds to object to the application on highways and transportation grounds. This is taking into account the cumulative impact from the approved 76 housing scheme opposite.
- 9.52 Off street parking for the development will be provided throughout the site. It is considered the application site can accommodate appropriate parking provision in accordance with both UDC Local Residential Parking Standards and the Essex County Council Parking Standards. That being said this is proposal is for outline planning permission and the submitted plans are indicative. The layout of the development including the parking layout is a reserved matter consideration.

F Protected species and biodiversity (ULP Policy GEN7 and ENV8)

- 9.53 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 9.54 The mitigation measures identified in the Preliminary Ecological Appraisal (MKA Ecology, May 2021), Protected Species Mitigation Strategy (MKA Ecology, October 2020), Bat Inspection and Barn Owl Survey (MKA Ecology, May 2021), Breeding Bird Survey (MKA Ecology, May 2021) and Otter and Water Vole Survey (MKA Ecology, May 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Barn Owl, nesting birds, reptiles, Hedgehog and Otter.
- 9.55 Presence of Otter was detected in the River Cam to the north of the site. The River Cam should be protected from impacts during the construction and operational phase including direct impacts from construction as well as indirect impacts such as lighting and run-off and disturbance from members of the public. To ensure the protection of the River Cam and Otter during the construction and operational phase, they should also be included within the CEMP: Biodiversity.

Aspects including noise and vibration reduction, timings of works, a suitable buffer of the River Cam (including no public access), run-off containment and sensitive lighting should all be covered in this CEMP.

- 9.56 Skylark were recorded breeding in the centre of the arable field on site. Given the open space available as part of the proposals for the site, off-site compensation will be required for the loss of the two Skylark territories recorded. Four Skylark plots will need to be provided off site and a bespoke Skylark Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for as part of this application.
- 9.57 Sensitive clearance of vegetation on site for reptiles should be outlined in a method statement as part of the CEMP. General precautionary measures such as covering trenches at night or providing a plank of wood leant against the side to allow animals that accidentally fall in a means of escape; storage of materials on pallets to prevent small animals seeking refuge; and the removal of rubbish and waste from site should also be included within the CEMP.
- 9.58 The Council's Ecology Consultant has reviewed the proposal relating to the likely impacts development on designated site, protected species, priority species and habitats. They raised no objection subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

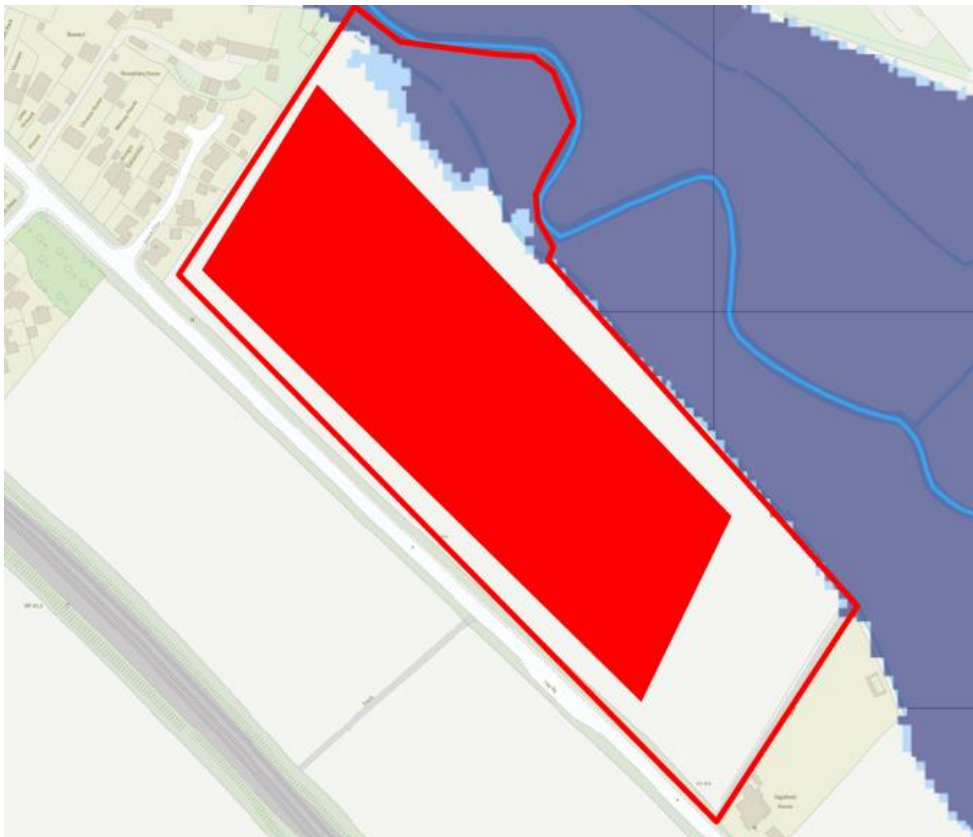
G Flood risk and Drainage (ULP Policy GEN3 and the NPPF)

- 9.59 Local Plan Policy GEN3 seeks the protection of functional floodplains and buildings would not be permitted unless there is an exceptional need. It goes on to state "Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.....Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance."
- 9.60 Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the application, in accordance with Policy requirements. The majority of the site lies within Flood Zone 1 (low risk). Flood zones 2 and 3 are shown to encroach onto the site from the east. No development is proposed in Flood Zones 2 or 3 (as demonstrated on plan 3). In regards to the sequential test process, this ensures that an approach is followed to steer new development to areas with the lowest probability of flooding. As the majority of the site is within Flood Zone 1 and no dwellings or built form is within flood zone 3 a sequential test has not been applied. The Council, with advice from the Environment Agency, are responsible for considering the extent of the sequential test requirements and will need to be satisfied that the proposed development would be safe and not lead to increased flood risk elsewhere. When development is proposed on a site where only a small part of the site lies within Flood Zone 2 or 3, the Sequential Test may not be required, if
- The area of Flood Zone 2 and/or 3 will be used only for soft landscaping/open space;

and safe access and egress during flooding can be achieved without having to use the area of Flood Zone 2 and/or 3.

- 9.61 There is a risk of surface water flooding and as such careful thought has been given to the design of the development in accordance with normal good practices to ensure that there is no likely flooding caused by overland flow And that the overland flow is directed around buildings in the event of a failure to the piped drainage system. Other forms of flooding have been assessed and it is considered the site is at low risk of flooding from other sources assuming mitigation measures are applied.

Plan 3- Extend of built form.



- 9.62 The surface water can be attenuated on site and disposed of at a controlled rate. Further incorporation of SuDs into the development where practical should be included. This will provide the benefits of slowing the discharge of surface water run-off and also ecological benefits.
- 9.63 Foul water can be discharged to the foul sewer via pumped regime, a pumping station will be required on site and will be considered as reserved matters.
- 9.64 The Lead Local Flood Authority have been consulted in regards to the proposed development and having reviewing the submitted details no objection have been

raised subject to the impositions of conditions. Furthermore the Environment agency have been consulted and advise further on development within flood zone 3 and provide a number of conditions.

- 9.65 Taking into consideration the details submitted with the application and comments received from the Lead Local Flood Authority it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk subject to the imposition of conditions and mitigation measures.

I Infrastructure provision to support the development (ULP Policy GEN6)

- 9.66 Local Plan Policy GEN6 states that “*Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.*” If the application was approved these contribution will be secured by S106 agreement.

- 9.67 Affordable Housing

40% affordable housing would be provided in accordance with Local Plan Policy H9. 5% wheelchair accessible housing.

- 9.68 NHS

A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £63,780.

- 9.69 Education

A payment of an education contribution relating to the number of school places generated by the application will be paid.

A developer contribution of £192,710.88; index linked to January 2021, is sought to mitigate its impact on local EY& C provision.

A developer contribution of £642,369.60; index linked to January 2021, is sought to mitigate its impact on local primary provision.

It is noted ECC have conformed they will not be seeking a Developer contribution for secondary education

- 9.70 Highways

Whilst the highway implication have been discussed above in Section E in terms of mitigating the proposed development, the following proposed works and contributions are proposed;

a)Highways improvements

b)Provision of land to the south east of the proposed site access along site frontage of B1383, land to be reserved for the highway authority to widen the proposed footway to a footway/cycleway

c)Monitoring fee for Residential Travel Pack

9.71 Open space

The details relating to public open space and woodland proposed as part of the development is a reserved matter however it is clear that such would be provided as part of the proposed development. This would need to be transferred to the Parish Council or management company or other body such as the Woodland Trust, together with any associated maintenance fees.

9.72 Community use/facility/building

A developer contribution of £25,000 is requested toward the extension of a recreation ground building that is used by local community groups. Due to the scale of the development the contribution is considered to be CIL compliant. This will be secured through the S106 agreement.

J Noise sensitive development and disturbance (ULP Policy ENV10)

9.73 Due to the location of the application site being in close proximity to the main highway to the west of the site due consideration should be made to the future occupiers of the development regarding noise and disturbance. No objections have been raised by the Environmental Health Officer subject to a sound insulation scheme being conditioned. Taking into consideration the comments from the Environmental Health Officer the development is not considered to be harmfully impacted from noise and disturbance to the detriment of the residential amenity of the future occupiers and is therefore in accordance with ULP Policy ENV10.

K Contamination (ULP Policy ENV14)

9.74 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and as such conditions are recommended for the submission of a Phase 2 Contamination Assessment shall be submitted and approved prior to the implementation of the development. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

L Air Quality (ULP Policy ENV13)

9.75 The site is outside a designated Air Quality Management Zone, however due to the scale of the development it is considered the proposal will give rise to impact to air quality. The Council's Environmental Health Officer has not objected to the proposal however has recommended a condition for the submission and approval of an air quality assessment and report. The assessment report should include dispersion modelling and include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment.

9.76 In view of the comment by the Environmental Health Officer the proposal subject to conditions is considered to accord with ULP Policy ENV13.

M Climate Change (UDC Interim Climate Change Policy 2021)

9.77 Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance.

9.78 The design and access statement include details of the energy efficient features of the development and the planning requirements of the Uttlesford Local Plan, which requires the reduction in predicted energy demand from the development to be achieved through incorporation of energy efficient building fabric, efficient services design and renewable energy technology.

9.79 The location of the site is part of a planned sustainable extension to Great Chesterford, the site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs.

9.80 The proposed development will be designed and constructed using environmentally friendly materials and construction techniques to reduce the environmental impact of the development where possible.

9.81 The majority of the design features which influence energy efficiency, such as building fabric specifications and the selection of heating, ventilation and air conditioning systems, will be determined during detailed design of the buildings.

9.82 Sustainable Design and Energy Supply Various factors need to be taken into account when deciding the energy strategy for the Site. These factors including policy, regulation, the techniques and technologies available and the economic context are all continually evolving and will be mainly set out as reserved matters if this outline planning application is approved. The energy strategy for the site will need to be flexible to adapt to potential future changes, ensuring that it remains viable and can be delivered alongside the development.

9.83 The widespread use of solar panels on roofs or other sustainable energy infrastructure to further contribute to reducing emissions and mitigating for climate change.

9.84 The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.

9.85 The drainage solution adopted for the site will make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

9.86 The proposed landscaping scheme includes extensive planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. This will also provide a significant gain in habitat creation.

- 9.87 The development will include the provision of electric vehicle charging points for all dwellings.
- 9.88 In promoting sustainable travel, the development will provide a cycle track along the western boundary of the site. The development is located within a sustainable location in terms of being close to local amenities and transport links.

N Planning Balance (NPPF)

- 9.89 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (Five Year Housing Land Supply update April 2021)
- 9.90 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the five year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). Footnote 7 of this paragraph 11 advises the policies referred to are those in this Framework (rather than those in development plans) relating to designated heritage assets. Due consideration has been made to the harm to the heritage asset.
- 9.91 The provision of 124 residential units represents a significant proportion of new houses for the district. In this respect the proposal would make a valuable contribution to the housing supply and it is considered that the harm on the countryside would not outweigh the many positive economic, environmental and social benefits of the scheme discussed within the body of this report.
- 9.92 It is considered when taking the Framework as a whole, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area.

10. EQUALITIES

- 10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 10.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

11. CONCLUSION

11.1 The National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. There is a shortfall of dwellings and as a result the Council remains without a deliverable 5 year land supply. It is important that the Council considers appropriate sites.

11.2 The proposed development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.

11.3 It is not considered to be sufficient lower grade agricultural land available that sustainably relates to the existing settlements. Therefore, the application accords with Local Plan Policy ENV5.

11.4 Whilst the design, including housing mix is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Part M of the Building Regulations. Issues surrounding amenity are capable of being designed out and mitigated. It is therefore in accordance with Local Plan Policy GEN2.

11.5 The submitted Transport Assessment demonstrates that the proposed development together with proposed highway works can be delivered without any adverse impact upon local highway conditions or road safety. No objection has been raised by the Highways Authority subject to conditions and appropriate highway works.

11.6 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and will be considered as part of reserved matters.

11.7 The scheme has been supported by a Landscape Visual Impact Assessment that demonstrates that the development would not give rise to unacceptable visual impact.

11.8 The proposal would provide 40% affordable housing with 5% provision of wheelchair accessible units in accordance with policy. In terms of local infrastructure the proposed development would contribute towards education provision. Open space for recreation purposes is proposed to be offered this would be supported with a financial contribution towards maintenance, also highway works. This is in accordance with Local Plan Policy GEN6 of the Local Plan

- 11.9 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- 11.10 The application site is mainly located in Flood Risk Zone 1 and has a low probability of the risk of flooding. The scheme would incorporate sustainable drainage systems, which will be subject to reserved matters and conditions should planning permission be granted. No objection has been raised by ECC SUDs subject to conditions. The scheme therefore accords with Local Plan Policy GEN3 of the adopted Local Plan and the NPPF.
- 11.11 No objection has been raised regarding contamination, minerals or archaeology subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14, ENV12 and ENV4 and the NPPF. Policy S8 of the Essex Minerals Local Plan.
- 11.12 **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106
LEGAL OBLIGATION**

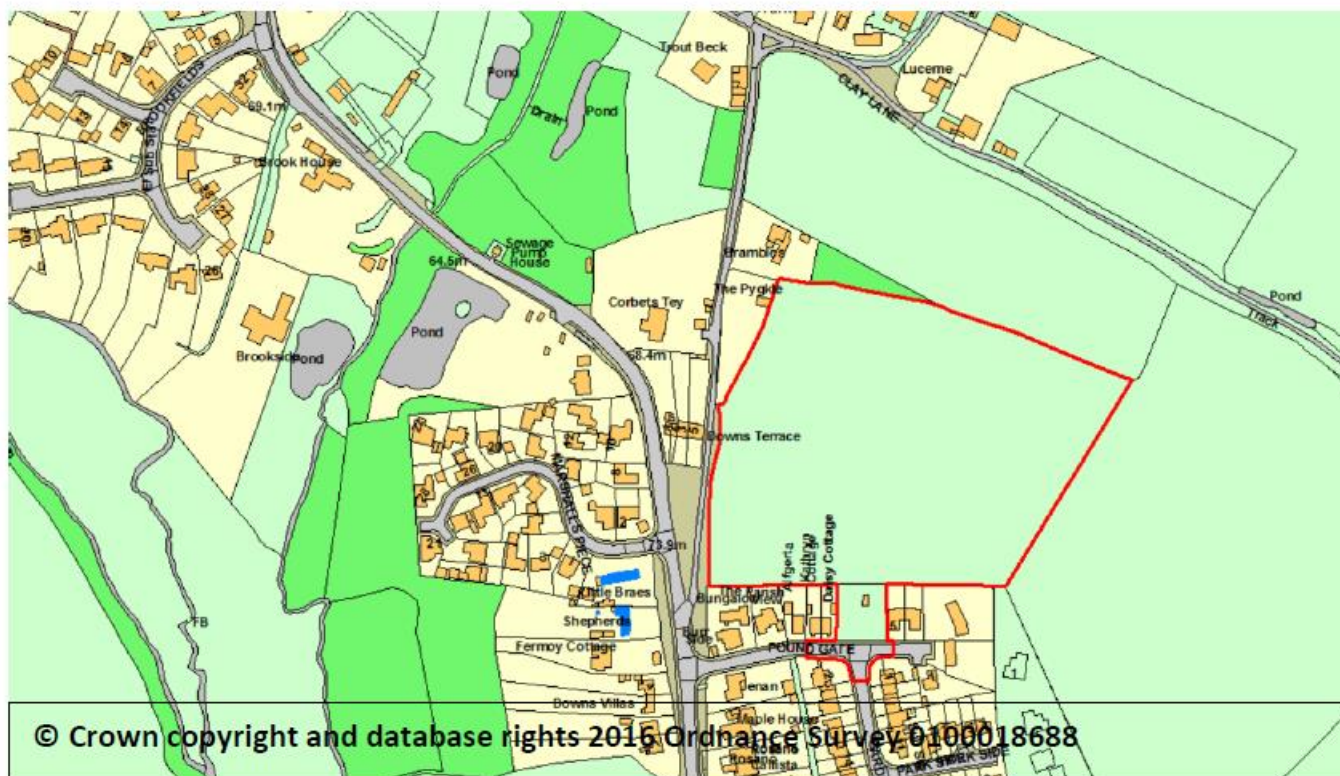
Agenda Item 7

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2082/FUL

**LOCATION: Land East Of Brick Kiln Lane /
North Of Pound Gate, Stebbing.**

SITE LOCATION PLAN:



Organisation:	Uttlesford District Council
Department:	Planning
Date:	16/02/22

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Organisation: Uttlesford District Council Date: 29 November 2021

PROPOSAL: Proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.

APPLICANT: Mrs L Eden c/o Richstone Procurement Ltd.

AGENT: Arcady Architects Ltd.

EXPIRY DATE: 05.10.2021 (extension of time agreed to 31.03.2022).

CASE OFFICER: Mr C Theobald.

NOTATION: Outside Development Limits.

1.0 RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT:

1.1 (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 16 April 2022 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:

- Provision of 40% affordable housing
- Management and maintenance of a SuDS drainage scheme
- Management and maintenance of public open space
- Provision of a Local Equipped Area for Play (LEAP) and arrangements for its management and maintenance
- Education and library financial contributions
- NHS healthcare financial contribution
- Provision of travel Information pack
- Bus service enhancement financial contribution towards public transport improvements relative to site
- Provision of community bus for Stebbing Parish with five year maintenance
- Hatfield Forest recreational mitigation strategy financial contribution
- Pay the Council's reasonable legal costs
- 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:

- **Failure to provide 40% affordable housing**
- **Failure to secure management and maintenance of a SuDS drainage scheme**
- **Failure to secure management and maintenance of public open space**
- **Failure to provide an equipped Local Equipped Area for Play (LEAP) and arrangements for its management and maintenance**
- **Failure to make education and library financial contributions**
- **Failure to make an NHS healthcare financial contribution**
- **Failure to provide a travel Information pack**
- **Failure to make a bus service enhancement financial contribution (relative to site) towards public transport improvements**
- **Failure to provide a community bus for Stebbing Parish with five year maintenance**
- **Failure to make a Hatfield Forest recreational mitigation strategy financial contribution**
- **Failure to pay the Council's reasonable legal costs**
- **Failure to pay the monitoring fee.**

1.2 Conditions:

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

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

2. Prior to commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels

- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of development, details of the materials to be used in the external finishes of the dwellings as approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the visual amenities of the area in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development has a satisfactory appearance.

5. Prior to commencement of development, a Stage 1/2 independent Road Safety Audit shall be undertaken for all highway works, including the access shown in principle on submitted drawing number 2011-505-278A and proposed bus stops on The Downs. Such designs shall be amended to the requirements of the safety audit and submitted to the highway authority for approval.

REASON: To ensure that highway safe infrastructure is provided in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the design and performance of the road infrastructure both within and off the site is in accordance with relevant highway standards.

6. Prior to occupation of the development, the approved access shown in principle on submitted drawing 2011-505-278A shall be provided, including necessary signing, road markings and lighting and clear to ground visibility splays which shall be retained free of any obstruction at all times thereafter.

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

Pre-commencement condition implementation: To ensure that the design and performance of the road infrastructure both within and off the site is in accordance with relevant highway standards.

7. Prior to first occupation, provision shall be made for a vehicle activated sign (VAS) indicating speeds on The Downs/High Street, the exact position which shall be agreed in advance with the Highway Authority.

REASON: In the interests of highway safety and amenity for pedestrians' safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Prior to first occupation, two bus stops with associated drop kerb crossings shall be provided on The Downs in the vicinity of Pound Gate. The bus stops shall comprise (but shall not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs and timetable casings in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority in consultation with ECC Highways Authority.

REASON: In the interests of reducing the need to travel by car and promoting sustainable forms of development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

9. Prior to occupation, the permissive paths linking the proposed development to PROWs 46/42 to the north and 46/17 to the south and the two pedestrian links from the development shown in principle in drawing number 18/25/02 rev B shall be provided and retained thereafter.

REASON: To provide pedestrian links for residents of the development in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

10. A cycleway of minimum width 2.5m shall be provided to access onto Brick Kiln Lane and shall link to the proposed access road and private drive to the north and be retained thereafter.

REASON: To provide cycle links for residents of the development in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

11. No dwellings shall be occupied until such time as their associated vehicle parking areas and turning areas indicated on the approved plans have been hard surfaced and sealed. The vehicle parking areas and turning areas shall be retained for their intended purpose at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. All dwellings shall be provided with secure, covered cycle parking arrangements in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

13. Prior to beneficial use of the LEAP as indicated to be provided for the development, secure cycle parking (such as Sheffield stands) shall be provided and retained for the LEAP at all times.

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

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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and Uttlesford District Council's adopted SPD entitled "Accessible Homes and Playspace".

15. All dwellings shall be provided with electric vehicle charging points. Prior to first occupation of each relevant dwelling, its individual charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Details of renewable energy and energy efficiency measures to be used for the

dwellings beyond those already required to be incorporated into the dwellings under the latest Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development (i.e. fabric first and not retrospective).

REASON: In the interests of sustainable construction in accordance with Policies GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

17. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Section 5 of the Preliminary Ecological Appraisal (Greengage, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, due diligence for nesting birds, consultation with a rabbit control specialist, general best practice during the construction phase; the installation of integrated bat and bird boxes on each property, tree mounted bird and bat boxes; retention of permeable boundaries; new native tree, hedgerow, copse, and meadow planting.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

18. Prior to commencement of development, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.
- j) Provision for new footpath/linkages to existing footpath network.

The approved BMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the bio-diversity measures as recommended for the approved development are implemented in accordance with recognised ecology best practice.

19. A Skylark mitigation strategy in line with Countryside stewardship AB4 (AB4: Skylark plots - GOV.UK (www.gov.uk)) shall be submitted to the Local Planning Authority for written approval detailing the location of proposed Skylark plots on adjacent farmland where such plots shall be at least 50m from any boundary (and not the 24/25m given in RSPB guidance and as shown on the revised Proposed Site Plan 18/25/02 B) to avoid natural predators.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

21. All exterior lighting for the public realm areas of the development shall be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN. in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

22. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development shall be occupied until all remedial and validation works are approved in writing.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

2.0 SITE DESCRIPTION

2.1. The site lies at the northern end of Stebbing village towards Bran End on the east side of Brick Kiln Lane, a single track rural lane, and on the north side of Pound Gate, a small housing estate, and comprises for the purposes of the land edged in red part of an arable field comprising 2.93 ha which slopes gently down from the east to Brick Kiln Lane. A long track comprising a public right of way (Clay Lane) lies to the north-east of the site which extends south-eastwards from Brick Kiln Lane to the east of the village settlement. A substantial tree line exists along the northern boundary of the site extending out eastwards from Brick Kiln Lane round to Clay Lane.

3.0 PROPOSAL

3.1 This full application comprises the proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow as shown on revised Proposed Site Layout Plan ref; 18/25/02/B.

4.0 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.

5.0 APPLICANTS CASE

5.1 The application is supported by the following reports and statements to inform the application proposal:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Drainage Strategy Layout
- Preliminary Ecological Assessment
- Tree Survey Report
- Landscape Visual Impact Assessment
- Phase 1 Geo-Environmental Assessment
- Transport Assessment

5.2 The applicant makes the case in the submission that the proposed development would represent an appropriate edge of settlement housing scheme at this location which would provide a balanced mix of dwellings with 40% affordable housing provision and which would include areas of public open space. The case is further made that the proposed scheme would represent a presumption in favour of sustainable development whereby any harms arising from the development would not be significant or demonstrable and which would be outweighed by the housing and social benefits of the proposal whereby the Council does not have a 5 year housing land supply. The scheme would be

mitigated by appropriate s106 contributions.

6.0 RELEVANT SITE HISTORY

6.1 There is no relevant planning history relating to this site. The application proposal as submitted has been subject to the preliminary enquiry process whereby the Council's response to a submitted enquiry has subsequently informed the proposed site layout, albeit that the site layout has been revised since application submission.

5.2 The Council in its response to that enquiry advised that the principle of residential development at this edge of village location could be acceptable were Stebbing to be able to receive further housing in terms of growth beyond committed/built developments where villages such as Stebbing may have to receive higher housing growth due to the District Council's lack of a 5 year housing supply. It further advised that any housing layout would need to be integrated with existing patterns of development whereby some elements of the preliminary scheme had merit, such as keeping 2 storey scale development to the centre and west of the site onto the enclosed western boundary with Brick Kiln Lane where the site was lower and single storey (bungalows) on the more exposed east side of the site where this land was higher and had an interface with wider agricultural land. It was considered without prejudice that the impact of the proposed development at the site would be less harmful than another 60 dwelling scheme proposed for land at Bran End.

7.0 CONSULTATION RESPONSES:

Natural England

7.1 This application site falls within the currently identified Zol for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

No objection subject to appropriate mitigation by way of a financial contribution being secured towards an agreed Hatfield Forest SAMMS recreational mitigation strategy by way of legal agreement.

Local Lead Flood Authority

7.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

ECC Highways

7.3 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112 and the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The scale of the development is modest and the traffic impact would be reduced

by promotion of sustainable transport options, including the provision of pedestrian and cycle links to the village and surrounding public right of way network and contributions to the public transport strategy and bus stops located close to the site. In addition a signal activated sign is required to help reduce speeds through the village making a more pleasant and safer environment for pedestrians. The access has been subject to a technical appraisal and swept path analysis and the developer has agreed to a pre-commencement condition of an independent safety audit.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to financial mitigation measures (s106) and highway conditions:

Place Services (Ecology)

7.4 (Revised comments received 23 February 2022)

I am happy with the bat scoping results and this issue is now resolved. In terms of the IACPC for Great Crested Newts, Place Services will not be able to lift its holding objection until this is counter-signed by Natural England as it needs certainty that Natural England would accept this site into the licence scheme.

In terms of Skylark, the post decision skylark mitigation measures submitted are acceptable if the applicant is seeking to provide mitigation in the neighbouring field. The field which would be impacted by the development may not be too suitable for Skylark as the surrounding vegetation, and what seems to be a pole in the middle, would act as perches for predators. The proposal could, however, impact on Skylark in the neighbouring field as the proposed dwellings and vegetation along the eastern site boundary would create new perches for predators. The neighbouring field appears limited in suitability for nesting Skylark, but provision of Skylark plots will benefit any local population. Please note that in line with Countryside stewardship AB4 ([AB4: Skylark plots - GOV.UK \(www.gov.uk\)](#)) any Skylark plots should be at least 50m from any boundary vegetation/potential predator perches (not the 24/25 m given in the RSPB guidance/shown in the revised Proposed Site Plan). We would want to secure a Skylark Mitigation Strategy and provision of the Skylark plots by a condition of any consent.

ECC Education

7.5 The education financial contributions arising from this 60 dwelling scheme are as follows:

EY&C: 4.95 pupils generated - £85,476.60;
Primary: 16.50 pupils generated - £284,922.00;
Secondary: 11 pupils generated - £ 261,525.00;
Libraries: £77.80 per unit
TOTAL Contributions: £632,001.40

NHS

7.6 1.0 Introduction 1.1 Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application. 1.2 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).

2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development.

2.2 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.

3.0 Review of Planning Application

3.1 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.

3.2 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. Dr Jane Halpin Peter Wightman Dr Rob Gerlis Accountable Officer Managing Director Chair

4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 150 residents and subsequently increase demand upon existing constrained services.

4.2 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 2km catchment (or closest to) the proposed development Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
John Tasker House Surgery	15,267	702.91	10,251	-343.97
Angel Lane Surgery	11,660	408.40	5,956	-391.14
Total	26,927	1,111.31	16,207	-735.11

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 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"

4. Based on existing weighted list size

4.3 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.

5.0 Healthcare Needs Arising From the Proposed Development

5.1 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.

5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and STP estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Angel Lane Surgery, a proportion of the cost of which would need to be met by the developer.

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

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals	Additional Population Growth (60 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
Premises				
Angel Lane Surgery	150	10.28	-391.14	30,840
Total	150	10.28	-391.14	30,840

Notes:

1. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
2. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Existing capacity within premises as shown in Table 1
4. 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 (£3,000/m²).

5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£30,840**. Payment should be made before the development commences.

5.5 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.

6.0 Conclusions

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

ECC Minerals and Waste

- 7.7 The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

MAG Stansted Airport

- 7.8 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to the following Condition:

- All exterior lighting to be capped at the horizontal with no upward light spill.
REASON: Flight safety - to prevent distraction or confusion to pilots using STN.

Anglian Water

- 7.9 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.

Planning Report

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy Layout. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they

should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE- Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. Please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

UK Power Networks

- 7.10 The Plan is an extract from our mains records of the proposed work area enclosed for your guidance. This plan only shows the cables and overhead lines owned by UK Power Networks. Please note that privately owned electricity cables or ones owned by other Independent Network. Operators may be present in this area and information regarding those cables needs to be requested from the owners.

Gigaclear Ltd

- 7.11 We acknowledge with thanks your request for information on the location of our assets. Please find enclosed plan(s) showing the approximate position of our apparatus known to be in the vicinity of this site.

HSE

- 7.12 The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Essex Police

- 7.13 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime". 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 demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

UDC Landscape Officer

- 7.14 I have reviewed the submitted Landscape Visual impact Assessment (LVIA) and the revised proposed site layout and consider that the proposed development by reason of its scale, its siting on sloping land falling towards Brick Kiln Lane behind Pound Gate and the proposed boundary landscaping measures shown for the site's eastern flank boundary would not have a significantly adverse impact on the local rural landscape at this greenfield location. I do not therefore have any landscaping objections to the proposal.

UDC Principal Urban Design Officer

- 7.15 (revised comments following revised site layout plan received)

Some of my original comments regarding Building for a Healthy Life still stand,

but the general principles of the housing layout have now been greatly improved. This is particularly the case for the public open space which is now overlooked by dwellings on most sides rather than being on the outside. There is an apparent logic in positioning the open space to the edge of the scheme as shown as it has greater potential to be used by existing communities as well as the new residents of the scheme. Contributions to greater pedestrian accessibility over the Stebbing High Street would improve this further. Overall, the layout revisions made have moved the scheme in the right direction in terms legibility and sense of place. The inclusion of a central 'boulevard' works well as this would make for a pleasant walking route and it also fits in with the 'boulevard' approach from the EDG.

UDC Housing Enabling Officer

- 7.16 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 60 units. This amounts to 24 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows. The application proposes 10 bungalows, including 2 affordable units, and this number of bungalows is welcomed.

The mix and tenure split of the affordable properties as proposed within the application is fine and would assist towards meeting the housing need of the district.

UDC Environmental Health Officer

- 7.17 Response Summary

Thank you for your consultation on the above planning application. I have reviewed the details and information provided and make the following comments.

Noise

The application site outside transportation noise significance contours, it is therefore considered that traditional construction design will offer suitable mitigation to control internal noise within guideline levels and that external amenity noise will be below maximum threshold guidance limits.

Air Quality

The site is outside the Air Quality Management Zone and the threshold unit numbers to require a AQ Assessment. I note that electric vehicle charging points are proposed and this can be secured through planning consent conditions.

Contaminated Land

The Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment submitted by Brown to Green ref 2545/Rpt 1v2 dated June 2021 concludes.

Based on the findings of the Phase 1 Desk Study and preliminary risk assessment, it is concluded that the redevelopment of the site as residential would not introduce active pollution pathways to the identified sources of contamination. From the assessment it is considered that contamination will not pose an unacceptable level of risk to the identified receptors.

Based on the findings of the Phase 1 Desk Study and Contaminated Land Assessment no recommendations have been made for further site investigation or remediation.

I have no objection to the methodology or the outcome of the assessment report as it is considered that the land contamination risk is low. A watching brief condition, however, is recommended to ensure any discovered land contamination is immediately reported to the LPA.

Construction

Noise and dust from the construction phase of the development has potential to cause adverse impacts and therefore a construction management plan condition is recommended.

I therefore have no objection to the application.

Stebbing Parish Council

7.18 **Object:**

History:

In October 2019 this Parish Council did not object to the applicant's plans for 2 residential dwellings (UTT/19/2342/FUL) on a site which is now proposed as the access to 60 dwellings. We previously voiced serious concern regarding entry/exit, it being directly opposite the narrow road to >50 houses in Garden Fields. The now proposed construction of a mini roundabout is too tight to accommodate the traffic flow servicing total 120+ houses. Further problems too numerous to list here will occur at the lower junction with The Downs.

UDC Local Plan & Stebbing Neighbourhood Plan:

It is accepted that the Uttlesford Local Plan is now considerably out-of-date, but it remains the current Development Plan and Stebbing's Neighbourhood Plan (SNP) has reached Regulation 16 stage. SNP's Vision, Core Objectives and Policies have been informed and shaped by national and local policy guidance and reflect the overwhelming and clear wishes of our Community. The key issues of major importance to residents are the need to protect and enhance the landscape and heritage of the Parish, and to acknowledge that some limited, small scale growth is required to meet local housing needs, with particular emphasis on organic growth, not large estates. The Plan allocates six housing sites with capacity for between 14 to 20 homes. In addition, there are existing committed sites of at least 60 homes, 30 of which are already built. Only a few months ago, UDC confirmed a requirement for Stebbing to be 25 dwellings between 2019 and 2033. The housing proposals in the SNP and the fact that it provides for a supply of housing which more than meets the indicative UDC housing requirements, paragraph 14b of the NPPF is satisfied.

Sustainability:

Traffic problems: Stebbing High Street and Village Centre already experience severe congestion and other safety issues due to traffic delivering goods,

passing through, visiting the community shop, church, public house and school, by car. Very few homes in the Conservation area & historic part of the village High St have on-site parking facilities and consequently residents have no choice but to park on-street. This would be exacerbated by additional traffic generated by the development.

Increasing traffic flow beyond sustainability.

Stebbing High Street, The Downs, Bran End, Church End and Stebbing Green cannot cope with this level of traffic. We have asked for approval of a traffic calming scheme on the High Street and we wait to learn of the feasibility and costings from Essex Highways. We consider our proposed traffic calming scheme to be an essential priority before any building could commence. *Section 106*1*

Local economy: This application does nothing to enhance the local economy. No local jobs will be created. Instead, traffic flow will be markedly increased as the residents would need to commute to their employment, doing nothing to improve carbon emissions etc. There are no proposals to improve the infrastructure of Stebbing other than an offer of land directly behind the school for parking. This parcel of land has no direct access from the street and is no use unless the landowner builds still more houses at a future date and creates such an access!

Social support: The village school has total capacity of 220 pupils. It currently has 180 approx. and cannot accommodate a further 100 odd children. The nearest GP surgeries are 4 miles away and both practice lists are currently closed. It is impossible to attend GP, dental, optician, pharmaceutical, legal, banking, and other services without using a car. There are no support services for Mental Health issues at hand. The village has one pub and the church. The community shop is forced to close intermittently when volunteers are not available and is unable to carry stock to support family shopping needs.

Social Housing: Letter from UDC Housing Enabling Officer

The application promises 40% affordable/social housing. How can car ownership be guaranteed for these residents? We have experienced the sad plight of a young parent 'stranded' here, unable to access medical help or other services, shops, etc and it fell to the community to support her. Whilst we lend a hand willingly, it is not the Community's role, nor duty to support 'dumped' tenants to fill Developers' pockets and satisfy Local Government figures. We take serious issue with the Housing Enabling & Development Officer's words "*The mix and tenure split of the affordable properties is fine and would assist towards meeting the housing need of the district*"

Facilities : Children's play area

The plan shows a Children's Play Area. It is woefully inadequate to serve an estate of 60 houses when there could be around 100 children in residence. Families will naturally, use the play equipment at the Mill Lane Field, where most of the apparatus is over 60yrs old. To cope with the reasonable needs of families moving into Stebbing and those already here, this would need to be replaced. *Section 106*2*

Travel:

From the application, we refer to INGENT Consulting Engineers Transport Assessment for Land to the East of Brick Kiln Lane and North of Pound Gate, Stebbing, Essex, CM6 3RH

Quote from report: Pedestrian Provision:

2.8 Walking offers a realistic option for the journey to work or study for many and is generally considered a viable travel.

2.11 A Public Rights of Way PROW ID 46/42 and ID 46/14 are designated by ECC through Garden Fields and east of the Site along Clay Lane providing alternate pedestrian routes around the Stebbing area and surrounding villages.

2.14 Cycle use is considered a feasible means of transport over short to medium distances, typically for journeys less than five kilometres

2.16 NCN route 16 is accessible via mainly unclassified country roads north of the village Felstead, 5km (18-minute cycle ride) south of the Site and traverses between Bishop Stortford and Braintree providing further links to NCN routes 1 and 13.

2.17 NCN route 16 commences at the intersection with Route 13 at Birchanger near Stansted and heads south-east along bridle paths to join an off-road disused railway path known as the 'Flitch Way'. 2.18 The Flitch Way navigates along the northern edge of the ancient royal hunting ground

2.21 The Site has connectivity to the local and national cycle network and although a dedicated on-road cycle lane is not present, it is foreseen cycle traffic will use the existing highway network, with its low-traffic environment.

This assessment is complete nonsense and totally unrealistic. Journeys in and out of Stebbing are made by car. The vast majority carrying one person.

Quote from report: Local Services and Facilities

2.28 To minimise car journeys and promote sustainable travel, key services and facilities should exist within walking/cycling distance of a residential development site. According to guidelines issued by the Institute of Highways and Transportation, around 800 metres is within a sensible walking distance to local amenities and offers the greatest potential to replace car trips less than 2km. With regards to cycling, the relevant guidance states that cycling has the potential to substitute car journeys under 5km. For this assessment, distances of 800m, 2km and 5km have been used for walking and cycling accessibility, respectively. 2.29 Services within walking and/or cycling distance of a residential development.

2.32 Table 2 demonstrates shows whilst a small number of facilities in the village are accessible by walking or cycling, services over 5 km from the Site reachable by bus. With two bus services available in the morning and afternoon weekday and Saturday, it is likely Site residents will use bus travel as a mode of transport to visit facilities in neighbouring towns if a private car is not an available option.

2.33 With most facilities available outside Stebbing and limited direct bus services available, it is expected the higher end of trips generated by the proposed Site will be by private car.

The only realistic sentence in this section is the last one. All trips will be by private car. Stebbing's bus services are limited. There is no direct bus service to Dunmow, nor Braintree. During term time, school buses operate early morning and late afternoon, otherwise there is a twice daily service to Chelmsford/Wethersfield, but we would add that as the bus meanders in a very indirect route from Weathersfield to Chelmsford covering the same ground twice in some cases, it is not the sort of service someone would use if they had an alternative. It also takes an inordinate amount of time.

This assessment was obviously done by someone who has not experienced the

roads around Stebbing. Cycling on any of the roads into the village is excessively dangerous. There are no pavements and the sides of the road are worn away so there is no refuge.

Much is made of the Fitch Way It is 2 miles at the nearest joining point and can be impassable with ruts and water in wet weather it is wholly ridiculous to suggest this as a solution for Stebbing. All services are outside the suggested 5k cycling distance. The scheme offers no solutions in terms of mitigating the development regarding transport issues it is unsustainable in every sense which proves unhelpful for almost all journeys.

Stebbing village operates its own mini-bus service once a week. Run by volunteers to assist those who do not have a car. The bus is old and needs replacing. Greater demand from increased numbers of residents, would mean we could not rely on volunteers and a paid driver would need to be employed.
*Section 106*3*

NPPF:

Quote from report: National Planning Policy Framework - February 2019 (NPPF)
3.2 The Ministry of Housing, Communities & Local Government formed the National Planning Policy Framework (NPPF) and advises the Government's planning policies for England and their application. The document provides a framework within which locally-prepared plans for housing and other development can be produced.

3.3 Paragraph 102 states: - 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.'

3.4 Paragraph 103 states: - 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

3.7 Paragraph 111 also states: - 'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

Stebbing Parish Council considers the above Transport Assessment to be severely lacking in practical, common sense. It is clear all 60 houses will depend heavily for all transport needs on car use, as do current residents. This development, should it be approved, will increase traffic by min 120 -180 domestic cars, approximately 50 – 90 other traffic deliveries of supermarket shopping, internet purchases, takeaway deliveries, social visiting etc per day.

Increasing traffic flow beyond sustainability. Stebbing High Street, The Downs, Bran End, Church End, Stebbing Green cannot cope with this level of traffic. We have asked for approval of a traffic calming scheme through the High St and we await costings from Essex Highways. We consider our proposed traffic calming scheme to be an essential priority.

8.0 REPRESENTATIONS

8.1 Representations have been received from neighbouring residents and the following observations have been made:

- Proposed development would have a detrimental impact on the local rural setting
- Loss of greenfield site
- Loss of agricultural land
- Impact on wildlife
- Development of 60 dwellings would be incompatible with the size of the existing settlement.
- Contrary to emerging Stebbing Neighbourhood Plan
- Stebbing is not a sustainable settlement
- Infrequent bus service through the village
- Stebbing Primary School is already over subscribed
- Impact on existing healthcare provision
- The proposal would cause traffic problems at entrance of Pound Gate at The Downs
- Drainage issues

9. POLICIES

9.1 National Policies

National Planning Policy Framework (NPPF) (rev. July 2021)

9.2 Uttlesford District Local Plan (adopted 2005)

Policy S7 – The Countryside

Policy ENV5 – Protection of agricultural land

Policy H1 – Housing development

Policy H9 – Affordable Housing

Policy H10 – Housing Mix

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 – Infrastructure Provision to Support Development

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

9.3 Supplementary Planning Guidance

UDC Supplementary Planning Guidance – ‘Accessible Homes and Playspace’

9.4 Other material planning considerations

10 CONSIDERATION AND ASSESSMENT

The issues to consider in the determination of this detailed application are as follows:

- A Principle of development (sustainability, farmland protection, countryside protection, drainage, 5YHLS, S106 infrastructure provision, Stebbing Neighbourhood Plan status) NPPF, Policies S7, ENV5, H1, GEN3 and GEN6 – ULP);**
 - B Access considerations (Policies GEN1, GEN6 – ULP);**
 - C Design (Policy GEN2 – ULP);**
 - D Housing mix (SMHA, Policy H10 – ULP);**
 - E Affordable Housing (Policy H9 – ULP);**
 - F Impact on residential amenity (Policy GEN2 – ULP);**
 - G Impact upon protected/priority species (Policy GEN7 – ULP).**
- A Principle of development (NPPF, Policies S7, ENV5, H1, GEN3 and GEN6 – ULP)**

- 10.1 The site lies outside development limits as shown on the Proposals Map for the adopted Local Plan. As such, the proposed development would be contrary to Policy S7 of the adopted LP which states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. This includes 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. Policy S7 has been found to be partially consistent with the provisions of the NPPF following an independent review of the adopted Local Plan's consistency with the NPPF in terms of its policies (Ann Skippers) where the NPPF adopts a more proactive stance towards housebuilding in the rural areas to promote housing growth providing that a presumption in favour of sustainable development can be demonstrated compared to Policy S7 which takes a more protectionist stance towards development in the countryside.
- 10.2 The NPPF as revised (July 2021) has a presumption in favour of sustainable development and identifies three key objectives in achieving this aim, namely economic, social and environmental. Paragraph 11 of the NPPF (as revised) advises that planning permission should be granted for development proposals without delay unless 11.(i) the application of policies contained within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 11.(ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the framework taken as a whole.
- 10.3 The site is not designated as a SSSI or comprises one of the other assets of particular importance as listed under paragraph 11(i). The site comprises an arable field comprising 2.93 ha and would though involve the loss of Grade 2 arable agricultural land. Whilst the loss of this arable farmland from active food

production would be regrettable in terms of food security, it is considered nonetheless that what is a comparatively small area of arable farmland compared to the wider surrounding arable agricultural landscape would not be significant and no objections are therefore raised to the removal of the site from farming under Policy ENV5 of the adopted LP.

- 10.4 The economic benefits of providing 60 dwellings as a single freestanding mid-sized development scheme within Stebbing village would help sustain the future local economy of the village, albeit it is recognised that at present there is only a community village shop and a public house, whilst at the same time it would provide temporary employment during the construction process. For these reasons, the economic objective of the NPPF would be met.
- 10.5 The proposed development as a 60 dwelling scheme would undoubtedly have an impact on local services and facilities, most notably on matters such as the Stebbing Primary School pupil roll and local healthcare provision. However, the applicant has agreed to make s106 financial contributions to help offset the social impacts of the proposal, including making contributions to education and healthcare and also to public transport improvements for the village (see further commentary below). It is therefore considered that these measures would help to meet the social objective of the NPPF.
- 10.6 The site can be viewed from higher ground to the north along Clay Lane, which is a public right of way, whilst the site is framed along its northern and western boundaries by substantial vegetation/tree lines. The existing Pound Gate development stands to the immediate south, whilst the new development comprises Ploughmans Way and Ploughmans Reach stand onto the eastern flank of Garden Fields. The effect of these opposing boundaries is such that the proposal site is contained in terms of its localised landscape setting. A Landscape Visual Impact Assessment has been submitted for the application which concludes that the visual impacts of the development would not be significant or demonstrable given the site's protected localised setting at the lowest end of the field, the emphasis of bungalows for the eastern end of the site which would reduce the visual impact and also the soft boundary treatment which would be proposed along the eastern boundary of the development site. The Council's Landscape Officer has viewed the submitted LVIA and has commented that he is unable to object to the proposal on landscape impact grounds. It is considered from this assessment therefore that the environmental objective of the NPPF is met.
- 10.7 In light of the aforementioned analysis, it is considered that the proposal would amount to a presumption in favour of sustainable development when assessed against the NPPF in terms of its economic, social and environmental objectives whereby the tilted planning balance is engaged in accordance with paragraph 11 of the NPPF.
- 10.8 The site is shown to be located within Flood Zone 1 of the Environment Agency's flood risk map which represents the lowest risk of fluvial flooding whereupon there are no rivers within the immediate vicinity of the site. The application is supported by a Flood Risk Assessment and proposed drainage strategy which has assessed the level of surface water flood risk from the proposed development at the site itself and to surrounding land. The site has been found to have good filtration and as such the private soakaways and underground attenuation crates proposed for the proposed SuDS scheme would be able to discharge the surface water generated from the development safely

into the ground whereby the underground crates would provide the opportunity for proposed swales as a site layout feature to be landscaped rather than to be deep engineered basins, notwithstanding that these should not be included within any direct public open space areas. In this respect the extracted wording from the submitted FRA states that, *“Surface water is contained and mitigated entirely within the site. Significant reduction in the rate and volume of surface water runoff in storm events up to and including the 1 in 100 year + 40% event is achieved by the development.”*

- 10.9 The submitted FRA and proposed drainage strategy have been examined by the Local Lead Flood Authority who have stated that they have found the scheme to be acceptable from a drainage perspective with advisories. As such, no drainage objections are raised under Policy GEN3 of the adopted LP.
- 10.10 Consideration has been given to the emerging and now advanced status of the Stebbing Neighbourhood Plan and the weight which should be applied to it both in terms of the allocation of housing sites within the plan identified as being suitable for housing development and the submitted proposal the subject of the current housing application. The Plan allocates a small number of houses for the Plan area in mainly linear/infill form than the 60 dwellings proposed for the current application which is intended to provide for additional housing for the village for the neighbourhood plan period over and above housing developments which have already been either committed to or recently been built within the village such as at Ploughmans Reach. The greenfield site the subject of the current planning application is not included within these housing allocated sites. The proposal is therefore contrary to the Plan in its advanced stage whereby the Plan has been subject to external examination and found to be fit for purpose in terms of its identified housing aims and objectives.
- 10.11 It is understood that if the Examiner’s Report recommends that the Plan should proceed to a local Referendum subject to minor modifications that Officers would recommend on 29 March 2022 that the plan proceeds to Referendum whereby the Plan with this recommendation would be reported to Full Council Meeting scheduled for 20 April 2022 when it would be anticipated that Full Council would ‘make’ the Neighbourhood Plan and set the local Referendum date for June 2022. The fact that the draft Neighbourhood Plan has now been a) through an examination recommending a Referendum and b) the LPA Cabinet are shortly to be asked to ‘make’ the Neighbourhood Plan and for it to proceed to Referendum are material considerations in the planning assessment of the submitted application proposal and appropriate weight must therefore be afforded to it where this weight is considered to be substantial. However, as it stands, the Plan cannot be afforded full weight as it has yet to be reported to Full Council to be ratified and has yet to be subject to a local referendum which, as previously stated, is scheduled for June 2022. Added to this, the proposal would provide 60 further dwellings against the District Council’s current housing supply deficit, which currently stands at 3.52 years, albeit up from 3.11 years from the previous year’s Housing Trajectory figure whereby this upwardly adjusted figure still remains below the 5 year housing land supply threshold with a 5% buffer as required by the NPPF and this also has to be seen as a material consideration to the proposal taken in the balance. It is therefore considered that the application proposal should be considered on its planning merits whereby detailed considerations are now discussed.

B Access considerations (Policies GEN1, GEN6 – ULP)

- 10.12 The proposed development would require a new vehicular access to be taken from Pound Gate on its north side where planning permission has previously been granted for two dwellings. The development would require a new mini-roundabout to be constructed at the junction of Pound Gate and Garden Fields whereby a 'boulevard' type estate road would lead off the roundabout into the proposed development. The housing layout would also include connecting permissive footpaths into the development from The Downs and from the east side of Ploughmans Way to connect to an existing public footpath network.
- 10.13 ECC highways have examined the highways aspect of this scheme in terms of highway safety and performance and have been involved in discussions with the applicant's highway engineers regarding the various technical aspects of the proposal, including safety audits for the proposed roundabout, and also discussions with the Council's Principal Urban Designer. Following this exercise, ECC Highways have advised in their formal consultation response that they do not have any highway objections to the scheme subject to appropriate highway conditions, including traffic calming measures (VAS), the provision of new bus stops on land within the highway verge along The Downs outside Pound Gate to improve public transport sustainability and also a S106 financial contribution to improve the bus service through Stebbing to link with Dunmow also in the interests of sustainability and also in the interest of modal shift whereby the current service is recognised as being deficient. The permissive footpaths shown traversing the southern end of the proposal site would help increase connectivity and permeability from/to the development from the west and south ends of the development.
- 10.14 The applicant has agreed to enter into a s106 agreement relating to the payment of a commuted sum for the aforementioned public transport improvements within the local area and connected to the site (£156,000 index linked) and also to the Parish Council's specific request for a dedicated community bus with bus driver for the parish to the sum of £110,000 where the following request has been made by Stebbing Parish Council in their representations to the current application:
- "Stebbing village runs its own mini-bus service manned by volunteers to assist those who do not have a car. The bus is old and needs replacing. Greater demand would mean we could not rely on volunteers and a paid driver would be employed. We wish to purchase a new bus at £40,000 plus £4,000 a year running costs for 5 years. **£60,000 in total.** As the bus is regulated by the local Traffic Commissioner on a non-profit making basis, a paid driver would have to be a professional with a PSA license. Using a self-employed professional driver for one day per week, is estimated @ £200 a day. £10,00 per year for 5 years **£50,000 in total. £110,000 total cost"***
- 10.15 This volunteered s106 local infrastructure offer by the applicant is seen as welcomed in terms of meeting this requirement and therefore maintaining an essential local community service and should be taken into account when considering the s106 contributions agreed by the applicant in the round for this application proposal. No access objections are therefore raised to the proposal under Policies GEN1 and GEN6 of the adopted LP.

C Design (Policy GEN2 – ULP)

- 10.16 The proposed layout comprises essentially a grid scheme with roads feeding to the side of a central spine road, including informal shared drives leading along

the flanks of the development. The accommodation schedule for the proposed development is set out below where proposed private amenity areas and proposed number of parking spaces are shown against recommended/adopted standards.

Plot No.	No. of bedrooms B=Bungalow M=Maisonette	EDG compliant private amenity area (sqm)	Proposed private amenity area (sqm)	ECC minimum Parking Standards	Proposed parking spaces
1	4	100	180	2	4
2	3	100	118	2	2
3	4	100	210	2	4
4	3	100	130	2	2
5	4	100	240	2	4
6	4	100	240	2	4
7	3	100	146	2	2
8	2	50	129	2	2
9	2	50	103	2	2
10	1=B	50	143	1	2
11	2	50	119	2	2
12	2	50	122	2	2
13	1=M	25	61	1	1
14	1=M	25	138	1	1
15	3	100	160	2	2
16	2	50	126	2	2
17	2	50	140	2	2
18	3	100	150	2	2
19	3	100	151	2	2
20	2	50	151	2	2
21	3	100	161	2	2
22	3	100	142	2	2
23	2	50	147	2	2
24	2	50	147	2	2
25	3	100	141	2	2
26	1=M	25	58	1	1
27	1=M	25	121	1	1
28	3	100	101	2	2
29	2	50	103	2	2
30	2	50	103	2	2
31	3	100	105	2	2
32	3	100	105	2	2
33	2	50	115	2	2
34	4	100	127	2	2
35	4	100	248	2	4
36	3	100	136	2	2
37	4	100	159	2	3
38	4	100	159	2	3
39	3	100	203	2	2
40	2	50	106	2	2
41	3	100	105	2	2

42	4	100	121	2	3
43	4	100	113	2	3
44	3	100	116	2	2
45	4	100	198	2	4
46	2=B	50	197	2	2
47	2=B	50	213	2	2
48	2=B	50	164	2	2
49	2=B	50	101	2	2
50	3	100	108	2	2
51	2	50	94	2	2
52	2	50	92	2	2
53	2	50	92	2	2
54	2	50	94	2	2
55	3	100	101	2	2
56	2=B	50	150	2	2
57	2=B	50	135	2	2
58	2=B	50	140	2	2
59	2=B	50	163	2	2
60	3=B	100	195	2	2

10.17 Subsequent to application submission, the scheme layout has been revised following discussions with the Council's Principal Urban Design Officer and the applicant which has resulted in the following design revisions as now shown on revised Proposed Site Layout drawing ref; 18/25/02 Rev B received on 11 February 2022:

- new dwellings are now pushed to the boundaries and where appropriate new gardens now back onto existing properties to frame the development;
- A communal green now sits within the development rather than wrapping round the boundaries and is passed through when entering the site;
- The green now includes a central LEAP, an area of wildflower meadow and a swale system in the form of a grassed depression in the ground and useable when the weather is dry (note: this would not be feasible under Health and Safety grounds);
- The swales remain located in the lowest part of the site, but has stretched out into the green;
- An active street frontage is maintained onto the green and throughout the development;
- Included memorable feature nodes throughout the scheme, including large feature trees (can be planted as mature rather than a sapling) and feature buildings to end avenue views;
- Retained bungalows to the east of the site and a new hedgerow within the public realm;
- The main access drive has been broken up so that the pathways split from the road to allow for tree lined avenues, possibly with a road side swale/French drain system if needed
- The road system is less reliant on 'engineered' adoptable roads and places more emphasis now on smaller private driveways.

10.18 The Council's Principal Design Officer is satisfied from his assessment that the revisions which have now been made to the scheme promote a stronger sense of place against Building for a Healthy Life metrics and as a result overcome the design deficiencies which were identified in the original application submission,

namely the public open space was not sufficiently integrated within the scheme and the layout as a whole did not sufficiently reflect the linear characteristics of the existing village settlement. Additionally, the more exposed eastern edge of the development with existing arable farmland has now been softened with the introduction of a looser, more informal 'farm courtyard' arrangement with a stronger planting belt along this boundary. As a result, the development is now considered to be more appropriate for its semi-rural setting.

- 10.19 Both private garden amenity areas for all plots and on-plot parking provision for all plots for the proposed development as shown on the accommodation schedule above meet and often exceed the EDG recommended standards / ECC adopted standards where this surplus in provision is welcomed. Visitor parking for the development at 15 no. spaces would be compliant under ECC adopted parking standards (60 / 0.25 = 15 spaces).
- 10.20 In terms of scale, the development purposely contains an emphasis on two storey dwellings in the centre and on the west side of the site onto its enclosed western boundary with Brick Kiln Lane where the site is at its lowest, whilst the development contains a stronger emphasis on bungalows on the more exposed east side of the site where the site is at its highest. This would have the effect of making the development 'sit' within the site better and would as a consequence have a lessening urban visual impact within the site's rural setting when viewed from medium and long views such as from the public right of way along Clay Lane. Additionally, the development would be screened by a good planting belt (which should be conditioned) to soften its impact further on rural amenity whereby this would be in sharp contrast to the hard closeboarded fence line which runs along the outside of Ploughmans Way.
- 10.21 The development incorporates a good mix of housing types and styles which closely follow the Essex Design vernacular, including good pitched roofs and good architectural detailing whereby it is intended that the appearance of the development would echo the development now built at Ploughmans Reach and Ploughmans Way to the immediate south-east of the site in terms of continuity.
- 10.22 Overall, it is considered that the various layout revisions made to this housing scheme responding positively to the Council's design requests are such that the scheme now represents an appropriate form of development in terms of layout and design at this location and no design objections are therefore raised to the scheme under Policies GEN2 and GEN8 of the adopted LP.

D Housing Mix (SMHA, Policy H10 – ULP)

10.23 The housing mix for the development is proposed as follows:

1 bed	2 bed	3 bed	4 bed
6	26	16	12

The above stated housing mix for the scheme between 1 bed, 2 bed, 3 bed and 4 bed dwellings provides a good varied housing mix where there is an intention by the applicant to provide more 2 bed and 3 bed more affordable / family dwellings for the scheme than 4 bed dwellings at this village location. This housing mix is considered both acceptable and welcomed for the development whereby it broadly aligns with the findings of the latest SMHA assessment which has identified there being more of a need for family dwellings across the district. No objections are therefore raised under Policy H10 of the adopted Local Plan.

E Affordable housing (Policy H9 – ULP)

- 10.24 The affordable housing provision on this site would attract the normal 40% policy requirement as the site is for 60 proposed units which would equate to 24 affordable units. The tenure split would be 17 no. social rent units (71%) and 7 no. shared ownership units (29%) (70-30 split). The applicant has agreed to provide this level of affordable housing for the scheme as part of a s106 agreement. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (Building Regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows. The application proposes 10 no. bungalows, including 2 affordable, and this number of bungalows is welcomed for the site.
- 10.25 The percentage and tenure split of the affordable properties as proposed within the scheme is considered acceptable to the District Council (see Housing Enabling Officer's comments) whereby this provision would assist towards meeting the affordable housing needs of the district. No policy objections are therefore raised under Policy H9 of the adopted Local Plan. The Parish Council's comments are noted regarding the level of bus services currently provided through Stebbing and how tenants of the properties would be able to access local services further afield, i.e. in Dunmow or Braintree, if they did not have use of a car. It is the case through this application that it is proposed for a bus service enhancement strategy through the payment of a commuted sum to be included within a s106 agreement to provide for an enhanced bus service through Stebbing as well as the offer by the applicant to provide a dedicated community bus as requested by the Parish Council again through a S106 Agreement to enhance community travel to nearby towns for residents of the village (as previously discussed) and it is asserted that this s106 infrastructure provision would improve on the current situation were it to be subsequently implemented.

F Impact on residential amenity (Policy GEN2 – ULP)

- 10.26 The proposal site is located on a greenfield site and the only existing dwellings which would be materially impacted by the development would be those residential properties fronting onto the north side of Pound Gate and a few properties along the east side of Brick Kiln Lane, including a recently approved small infill development. There would be a good separation distance between the proposed dwellings for the scheme in its revised form and those existing dwellings fronting onto the north side of Pound Gate whereby there would not be any significant loss of residential amenity to these properties by reason of overlooking, loss of privacy, overshadowing or overbearing effect. No residential amenity objections are therefore raised under Policy GEN2.

G Impact upon protected/priority species (Policy GEN7 – ULP)

- 10.27 The proposal site has been scoped out for its potential to contain natural habitats for protected species, including bats, owls, GCN's, badgers and skylarks whereby specific species surveys have been conducted.
- 10.28 ECC Place Services have advised in their revised consultation response dated 23 February 2022 that they are satisfied with the bat scoping results and that this issue is resolved. They have advised, however, that they are presently unable to lift their previous holding objection until Natural England has confirmed

that the site can be entered into the GCN licence mitigation scheme in terms of the IACPC for Great Crested Newts. However, they have further advised that they would be able to do so when confirmation is received. The applicant has advised the LPA that it is currently awaiting confirmation from Natural England of the licence grant. Place Services' comments are noted, although it is understood that the licence is granted on a tariff payment basis which the applicant has the responsibility to pay and understood to have paid.

- 10.29 In terms of Skylarks, Place Services Ecology have advised that the post-decision skylark compensatory measures as outlined in the submitted Skylark report and as indicated on the submitted revised Proposed Site Layout Plan ref; 18/25/02/ Rev B are acceptable, but with a Countryside stewardship advisory to the applicant that any Skylark plots should be at least 50m from any boundary vegetation/potential predator perches and not the 24/25m given in RSPB guidance and as shown on the revised proposed site plan and further that a Skylark Mitigation Strategy and provision of the Skylark plots should be conditioned on any grant of planning permission. It is therefore considered that no ecology objections can be reasonably made under Policy GEN7 of the adopted LP.

11. CONCLUSION

- 11.1 It is considered that the principle of building 60 dwellings at this greenfield site is acceptable against adopted Local Plan policy and against the provisions of the NPPF where the tilted planning balance is engaged in favour of the presumption of sustainable development subject to the applicant entering into a Section 106 Agreement. Matters of detail are also considered acceptable. The current status of the Stebbing Neighbourhood Plan has been taken into account for this application where it is at an advanced stage following external examination prior to being reported to Cabinet and then being subject to a local Referendum and is therefore a material consideration. As such, the Plan now carries substantial weight, although not full weight where the stated benefits of the submitted proposal as set out in this report are also material considerations in the weighted planning balance in terms of the planning merits.
- 11.2 It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement for the Heads of Terms as referenced at the beginning of this report.

12. EQUALITIES

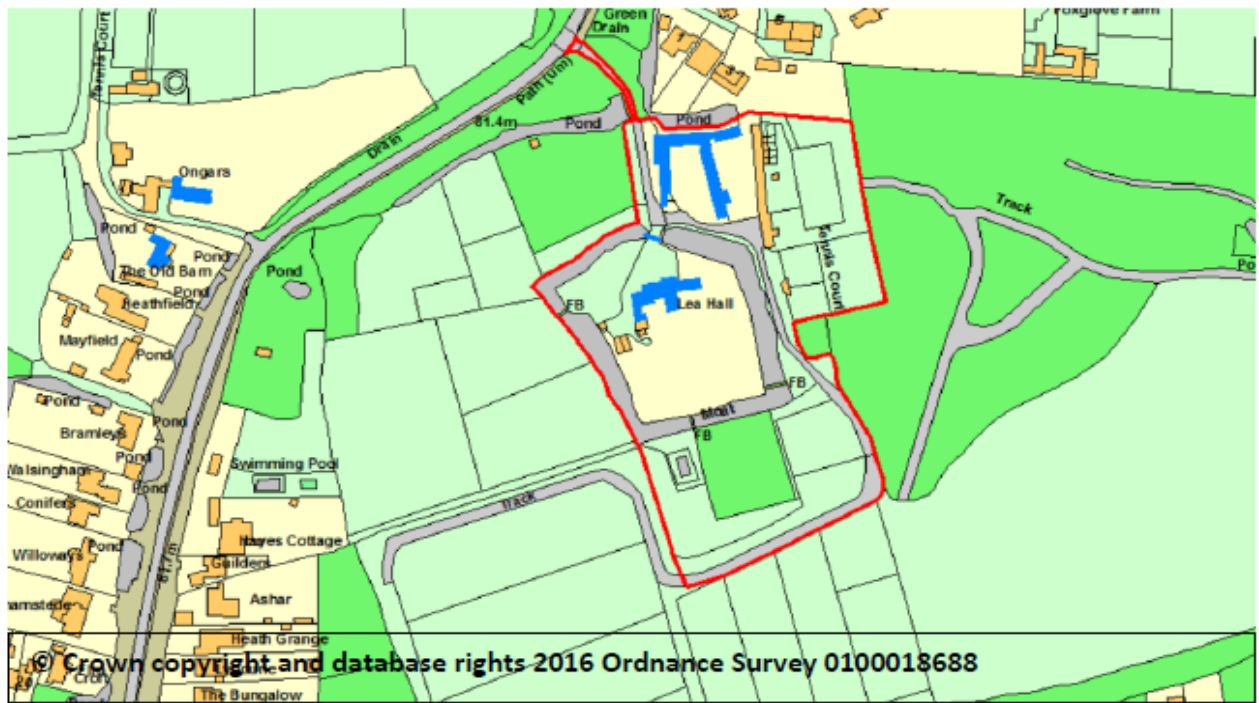
- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

ITEM NUMBER:

REFERENCE NUMBER: UTT/19/3164/LB

LOCATION: Lea Hall, Hatfield Heath, Essex,
CM22 7BL

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 24 JANUARY 2022

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Organisation: Uttlesford District Council Date:

PROPOSAL: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing.

APPLICANT: Mark Jones

AGENT: Stuart Wighton

EXPIRY DATE: Extension of time:25.03.2022

CASE OFFICER: Madeleine jones

NOTATION: Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

1. RECOMMENDATION: GRANT LISTED BUILDING CONSENT

CONDITIONS:

- 1** The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.
- Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2** A full specification of works and a repairs methodology, to include repairs to the timber frames, external finishes and structural interventions, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any repair or refurbishment works
- Reason: In the interests of preserving the historic character and appearance of the Listed Buildings and its setting in accordance with policy ENV2 of the Adopted Local Plan and The National Planning Policy Framework.
- 3** Samples of external materials shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use on site.
- Reason: In the interests of the character and setting of the Listed buildings in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

4 Section drawings showing the build-up of walls, floors and ceilings, to show insulation and external and internal finishes, shall be submitted to and agreed in writing by the Local Planning Authority prior to the installation of any insulation or finishes.

Reason: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

5 Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Buildings and its setting in accordance with policy ENV2 of the Adopted Local Plan and The National Planning Policy Framework.

6 No external lighting, meter boxes, alarm boxes, satellite dishes, ventilation grilles or other external fixtures, other than those shown on the approved drawings, shall be fitted without the prior written approval of the Local Planning Authority

Reason: In the interests of the character and setting of the Listed buildings in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

7 Any asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion.

Reason: To protect human health and the environment in accordance with the adopted Uttlesford Local Plan 2005 – Policy ENV14

2. DESCRIPTION OF THE SITE :

2.1 The site is located to the east of Dunmow Road in Hatfield Heath. It is approximately 2.7 hectares in size and is bound to the south and west by agricultural fields and grassland. The surrounding area is predominately rural; however, the site is bounded by housing to the north and linear development along the main roads that lead into Hatfield Heath to the south and west of the site.

2.2 Access to the site is to the east Dunmow Road.

2.3 Lea Hall itself is a Grade II* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea

Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

- 2.4** Within the grounds of Lea Hall (39m north) is an arch which is located over the carriageway of a small bridge over the moat of Lea Hall. This is Grade II Listed. There is a further archway to the rear of Lea Hall that is also Grade II listed. In addition, there is an ornament (former window tracery of the church of St Augustine) which again is Grade II listed
- 2.5** To the north of Lea Hall are a group of Grade II Listed derelict barns.
- 2.6** The farmyard to the north of the moat is split into two distinct areas. The first incorporates the historical buildings in a U-shape arrangement with a low flint wall forming the enclosure to the south. To the east of these buildings are a collection of twentieth century structures
- 2.7** The farmyard comprises five barns, four of which are attached and the fifth is separated due to the collapse of a building.

Building 1: is located on the south-west side of the yard. The single-storey, hipped-roof building was constructed as a stable. The two bays are accessed from a single stable door and double stable door. The structure is half weather boarded with upper exposed timber frame.

Building 2: is the central building on the west side. The narrow range was likely constructed in the nineteenth century and used as a stable. This single-storey building, of three bays, has two entrances in the east elevation and a single door in the west elevation. The building is half weatherboarded on its east elevation, with timber framing above. The west elevation is timber framed throughout. In line with the adjacent building to the south the roof is tiled. The building is in a very poor state of repair, with a significant lean on both the east and west elevations. Stabilisation works have previously been undertaken

Building 3: This is located in the north west corner of the yard. The listing description suggests that the building was constructed in the eighteenth century as a granary barn. The building is two storeys in height with a painted brick lower level and a timber framed upper level. The full height central double doors on the east and west elevations have both been bricked-up internally. On the south-west corner, at the first floor, is a chamfered corner with a door, balcony and pent roof. The barn is adorned with detailed pargetting throughout the plastered in-fill of the timber frame with five distinct patterns. Internally the building has been subject to extensive alteration. An east-west dividing wall has been inserted within the building, dividing a full height squash court in the north bay and a first floor viewing gallery in the south bay.

Building 4: Encloses the north side of the yard. This building was originally constructed, in at least the nineteenth century, as a cart lodge. The individual bays of the lodge are discernible and identified by the external posts. The building was enclosed in the twentieth century and the open south side weather boarded.

Building 5: This is located in the south east corner of the yard. This seventeenth century barn is believed to be the earliest agricultural building within the Site. The structure has a weatherboarded lower half with render above on the east elevation and is timber framed on the west elevation. The barn incorporates a gabled midstrey in the centre of the east elevation. The north and south elevations ends are weather boarded. The barn has a peg tiled, steep pitched roof with single roof light on the western elevation.

2.7 There are further outbuildings including stables and storage buildings.

3 PROPOSAL

3.1 Proposed renovation of barns including change of use to 7 no. Dwellings, including the construction of new internal partitions, reconstruction of collapsed barn, replacement of timber weatherboarding, new external openings and repairs to maintain structural integrity.

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. APPLICANTS CASE

5.1 Design and Access Statement
Environmental Statement
Flood Risk Assessment
Heritage Statement
Historic England Pre- application advice
Land contamination Assessment
Non – Technical Ecological Summary
Protected Species survey Report
Place Services Survey Report
Structural survey
Suds Checklist
Surface Water Drainage Strategy
Transport Assessment
Arboricultural Implication Report
Enabling Assessment (updated 20th January 2022)
Built Heritage Statement
Planning Statement
Tree Survey
Phase 1 Habitat Survey
Phase 1 Preliminary Risk Assessment
Herpetofauna Assessment

Bat survey
Great Crested Newt survey
Water vole Survey

6. RELEVANT SITE HISTORY

- 6.1** DUN/0268/61: Additions and alterations. Permitted Development
- 6.2** UTT/0230/84: Outline application for erection of an agricultural dwelling. Refused.
- 6.3** UTT/0700/93/FUL: Renewal of erection of agricultural dwelling and garage (previously approved under UTT/1506/89) Approved with conditions.
- 6.4** UTT/0876/89: Outline application for erection of an agricultural dwelling. Approved with conditions.
- 6.5** UTT/1321/88: Proposed reconstruction of chimney stacks. Approved with conditions.
- 6.6** UTT/1504/88: Proposed conversion and alterations of tack room and cottage. Approved with conditions
- 6.7** UTT/1505/88/LB: Proposed conversion and alterations of tack room and cottage. Approved with conditions.
- 6.8** UTT/1765/87: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.9** UTT/1766/87/LB: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.10** UTT/19/3164/LB: Proposed renovation of barns including change of use to 7 no. Dwellings, including the construction of new internal partitions, reconstruction of collapsed barn, replacement of timber weatherboarding, new external openings and repairs to maintain structural integrity. Pending
- 6.11** UTT/18/3379/PA: Refurbishment of Lea Hall and farm cottage. Conversion of existing barns and stables into 7no new dwellings. Construction of 5n new dwellings.
- 6.12** UTT/19/3173/FUL: Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 no. Dwellings. Demolition of existing stables to be replaced by 3 no. Dwellings with cart lodges and associated landscaping. Pending.

7. CONSULTATION RESPONSES:

Hatfield Heath Parish Council

- 7.1 The Parish Council objects to the change of use from agricultural as part of UTT/19/3173/FUL.
- Historic England**
- 7.2 No comment.
- Place services- ECC- Built Heritage**
- 7.3 Lea Hall is a Grade II* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventeenth through to the nineteenth centuries) which are Grade II listed.
- 7.4 The proposals have been subject to pre-application advice including a site meeting with Historic England and a letter dated 22/05/2019. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported
- 7.5 The Structural Report provides a thorough assessment of the existing buildings and concludes that the timber frames are in reasonable condition allowing for the retention of the majority of the timber frame elements. Some repair and replacement is required but this is limited to approximately 10-15%. The report notes that the structures have distorted and are no longer vertical, particularly Barn 1, but this can be addressed with the insertion of internal walls. Barn 1, however, requires straightening or rebuilding due to the extent of distortion to the timber frame. There are no objections to the general proposals within the Structural Report and further detail (including a full specification of works) can be reserved by condition
- 7.6 The proposed conversion, as noted within the Heritage Statement, will result in some 'less than substantial' harm as the buildings will take on a more domestic appearance and will lose some of their intrinsic agricultural character. However, the heritage benefits of the scheme include providing the redundant farm buildings with a long-term, viable future use ensuring their future maintenance and conservation.
- 7.7 The proposed conversion scheme is largely sympathetic to the existing buildings. An approach of minimal intervention is proposed: reusing existing openings where possible; using existing

divisions within the buildings; retaining historic finishes where they survive; and retaining the internal farmyard as an open space.

- 7.8** Considering the scheme as a whole (application nos. UTT/19/3173/FUL, UTT/19/3164/LB & UTT/19/3163/LB), the proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). Paragraph 196 of the NPPF should therefore be considered. However, there are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for five new houses is only considered acceptable if they are required to off-set the conservation deficit, however, efforts have been made to mitigate harm through design. Paragraph 193 of the NPPF should also be considered as this affords great weight to the conservation of heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

Council for British Archaeology

- 7.9** Many aspects of the proposals within these 3 separate applications at Lea Hall will undoubtedly cause harm to the significance and the significance of the setting of Lea Hall and the other designated heritage assets within and adjacent to the proposal site. It is therefore a matter of clear and convincing justification for the degree of harm to significance, which rests on an accurate assessment of the conservation deficit and a reasonable quantum, and no more, of enabling development. The CBA urge your Authority, with the expert support of Historic England, to fully scrutinise and assess whether the quantum of works proposed is indeed justified, as required by paragraph 194 of the NPPF.
- 7.10** Lea Hall itself is a Grade II* Listed building (List number (1334062), dating from the 15th century. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- 7.11** The time depth and continued evolution of Lea Hall and its setting creates complex layers of historical and evidential value and inter-relationships between the different buildings that all contribute to the significance of the overall site. Weighing the harm to significance against conservation works on site, as required by these 3 applications, will be a fine balance
- 7.12** Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF) require that a comprehensive assessment and understanding of the significance of the site must inform any proposals for change.

Beyond this paragraph 194 states that “clear and convincing justification” for any harm to, or loss of significance must be evidenced. Given the enabling development component of this application, much of the justification for development within the sensitive setting of Lea Hall, and its designated agricultural building range, rests on a viability assessment which The Council for British Archaeology are not in a position to scrutinise. We therefore advise your Local Planning Authority to work closely with Historic England to assess whether the number of new domestic units and subdivision and conversion of the Grade II barns is justified by the conservation deficit on site. The CBA defer to the specialist expertise of Historic England on these applications at Lea Hall in order to ensure that the requirements of section 16 of the NPPF are met.

Society for the Protection of Ancient Buildings

7.16 In considering the impact of the proposals we have focussed on those buildings that fall within our date remit (pre-1720). We note that the applications have been the subject of detailed pre-application advice by Historic England and your Conservation Officer and support the advice offered by them. We also note that, for the most part, the proposals have evolved positively in response to pre-application advice

7.17 Nevertheless, we remain extremely concerned about one aspect of the proposals, namely to remove one of the three bays in the entrance hall ceiling to create a double height space at the main entrance. It is clear from the application documentation that this is the original C15 ceiling ‘a double height space ceiling is unlikely to have previously formed part of the entrance hall’. We would therefore **STRONGLY OBJECT** to its removal as this would adversely affect the character and special architectural and historic interest of the listed building.

The applicant has not provided a robust justification for this aspect of the proposals. This is currently limited to a brief reference to the benefit to the occupant in terms of letting in more light, which we would not consider to be sufficient justification for an intervention that would result in the destruction of a significant portion of the historic fabric. It would also compromise both the legibility of the building’s primary 15th century phase and the understanding of the building’s historic plan form, adding to the level of harm caused. In this context we would bring to your attention paragraph 194 of the NPPF which states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification

7.18 The proposed works by virtue of their detrimental impact and the loss of historic fabric would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 of the National Planning Policy Framework 2019.

8. REPRESENTATIONS

Two representations have been received from neighbouring residents:

(Summary)

I write with utter dismay at the prospect of yet another development which will alter not only the character of our village but also irrevocably alter the character and historic value of a group of listed buildings and destroy another swathe of protected environment. My concerns are as follows:

- This proposed development is situated outside the village development area and is in green belt.
- The number of homes proposed is clearly a serious over development of a rural site.
- The impact on what is already a dangerous rural road will be significant
- Lee Hall itself as clearly everyone is aware is a 2* star listed building. Apart from Down Hall which is some way from the village it is the ONLY 2* listed building in Hatfield Heath. The moat surrounding the house is a scheduled ancient monument.
- The group of farm buildings form yet another important listing.
- and in addition some very interesting monuments within the grounds have their own listings.
- This site therefore contains 5 separate listings in a village which in total has a mere 43 .
- Noise issues on site

9. POLICIES

9.1 National Policies

National Planning Policy Framework 2021

9.2 Uttlesford District Local Plan 2005

ULP Policy ENV2 – Listed Buildings

9.3 Supplementary Planning Document/Guidance

9.4 National Planning Policy Guidance (NPPG)

10 CONSIDERATION AND ASSESSMENT:

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

In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.2** The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.
- 10.3** The NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). In this instance Paragraph 202 of the NPPF is relevant, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use
- 10.4** The moated site is a scheduled monument, the Hall is listed grade II* and the farm buildings listed grade II. A separate Scheduled monument application has been submitted and two further applications for Listed building consent have been submitted for the works to the Listed buildings.
- 10.5** Lea Hall is a Grade II* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventeenth through to the nineteenth centuries).
- Policy ENV2 seeks to protect the fabric, character and the setting of listed buildings from development which would adversely affect them. The listed buildings subject of this proposal are redundant and in a poor state of despair. It is clear that because of the historic and architectural importance of this site a new economical viable use has to be found for these structures so their survival is assured.
- This application is supported by an Heritage statement, a detailed analysis and report on the farm buildings and been the subject of pre- application consultation with the specialist conservation officer, Historic England and Planning Officers
- 10.6** The application submitted reflects the advice given and would secure the long term viable future of the listed buildings.
- 10.7** The Structural Report provides a thorough assessment of the existing buildings and concludes that the timber frames are in reasonable condition allowing for the retention of the majority of

the timber frame elements. Some repair and replacement is required but this is limited to approximately 10-15%. The report notes that the structures have distorted and are no longer vertical, particularly Barn 1, but this can be addressed with the insertion of internal walls. Barn 1, however, requires straightening or rebuilding due to the extent of distortion to the timber frame. There are no objections to the general proposals within the Structural Report and further detail (including a full specification of works) can be reserved by condition.

- 10.8** the overall details of the design and proposed repair would be beneficial to the integrity and longevity of the historic buildings.
- 10.9** The proposed conversion, as noted within the Heritage Statement, will result in some 'less than substantial' harm as the buildings will take on a more domestic appearance and will lose some of their intrinsic agricultural character. However, the heritage benefits of the scheme include providing the redundant farm buildings with a long-term, viable future use ensuring their future maintenance and conservation.
- 10.10** The proposed conversion scheme is largely sympathetic to the existing buildings. An approach of minimal intervention is proposed: reusing existing openings where possible; using existing divisions within the buildings; retaining historic finishes where they survive; and retaining the internal farmyard as an open space
- 10.11** As such the proposal subject to appropriate conditions, is considered to meet the aims of ULP policy ENV2 and the aims of the NPPF and considered to be acceptable.

11 EQUALITIES

- 11.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:
- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.[]

12. CONCLUSION

12.1 The proposals have been well designed in order to mitigate their impacts on the listed buildings and their setting and is consistent with policy ENV2 of the ULP and in line with the aims of the NPPF

RECOMMENDATION

12.2 It is therefore recommended that Listed building consent is granted.

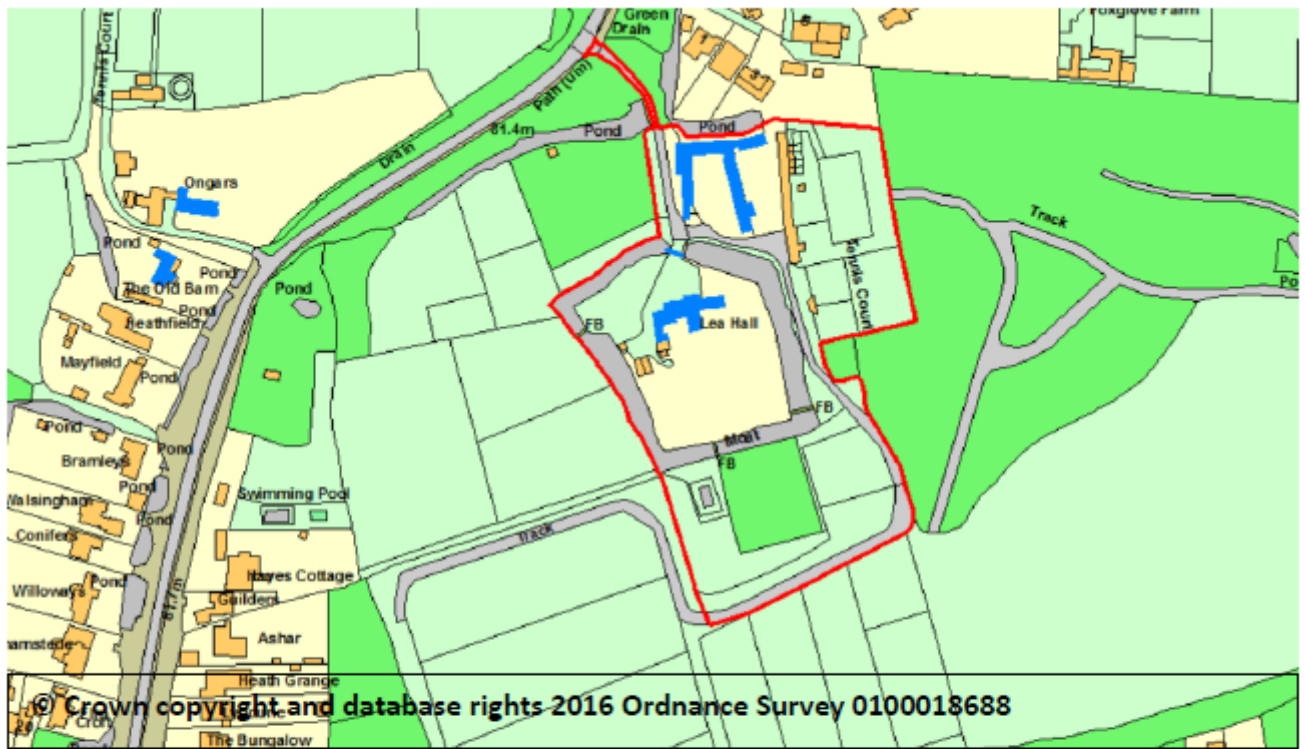
Agenda Item 9

ITEM NUMBER:

REFERENCE NUMBER: UTT/19/3163/LB

LOCATION: Lea Hall, Hatfield Heath, Essex,
CM22 7BL

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 24 JANUARY 2022

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Organisation: Uttlesford District Council Date:

PROPOSAL: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing.

APPLICANT: Mark Jones

AGENT: Stuart Wighton

EXPIRY DATE: Extension of time:25.03.2022

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

1. RECOMMENDATION: GRANT LISTED BUILDING CONSENT

CONDITIONS:

- 1** The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2** A full specification of works and a repairs methodology, to include repairs to the timber frame, windows, external works and internal finishes, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any repair or refurbishment works.

Reason: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2
- 3** Section drawings showing the build-up of walls, floors and ceilings, to show insulation and external and internal finishes, shall be submitted to and agreed in writing by the Local Planning Authority prior to the installation of any insulation or finishes.

Reason: the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2
- 4** Samples of external materials shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use on site.

Reason: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 5 No external lighting, meter boxes, alarm boxes, satellite dishes, ventilation grilles or other external fixtures, other than those shown on the approved drawings, shall be fitted without the prior written approval of the Local Planning Authority

Reason: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 6 Any asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion.

Reason: To protect human health and the environment in accordance with the adopted Uttlesford Local Plan 2005 – Policy ENV14

2. DESCRIPTION OF THE SITE :

- 2.1 The site is located to the east of Dunmow Road in Hatfield Heath. It is approximately 2.7 hectares in size and is bound to the south and west by agricultural fields and grassland. The surrounding area is predominately rural; however, the site is bounded by housing to the north and linear development along the main roads that lead into Hatfield Heath to the south and west of the site.
- 2.2 Access to the site is to the east Dunmow Road.
- 2.3 Lea Hall itself is a Grade II* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- 2.4 Within the grounds of Lea Hall (39m north) is an arch which is located over the carriageway of a small bridge over the moat of Lea Hall. This is Grade II Listed. There is a further archway to the rear of Lea Hall that is also Grade II listed. In addition, there is an ornament (former window tracery of the church of St Augustine) which again is Grade II listed
- 2.5 To the north of Lea Hall are a group of Grade II Listed derelict barns.
- 2.6 There is a menage and tennis courts to the east of the site, to the south of Lea Hall in an adjoining field is an open-air swimming pool. There are further outbuildings including stables and storage buildings.

3 PROPOSAL

- 3.1** Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing.

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. APPLICANTS CASE

- 5.1** Design and Access Statement
Environmental Statement
Flood Risk Assessment
Heritage Statement
Historic England Pre- application advice
Land contamination Assessment
Non – Technical Ecological Summary
Protected Species survey Report
Place Services Survey Report
Structural survey
Suds Checklist
Surface Water Drainage Strategy
Transport Assessment
Arboricultural Implication Report
Enabling Assessment (updated 20th January 2022)
Built Heritage Statement
Planning Statement
Tree Survey
Phase 1 Habitat Survey
Phase 1 Preliminary Risk Assessment
Herpetofauna Assessment
Bat survey
Great Crested Newt survey
Water vole Survey

6. RELEVANT SITE HISTORY

- 6.1** DUN/0268/61: Additions and alterations. Permitted Development
- 6.2** UTT/0230/84: Outline application for erection of an agricultural dwelling. Refused.
- 6.3** UTT/0700/93/FUL: Renewal of erection of agricultural dwelling and garage (previously approved under UTT/1506/89) Approved with conditions.
- 6.4** UTT/0876/89: Outline application for erection of an agricultural dwelling. Approved with conditions.
- 6.5** UTT/1321/88: Proposed reconstruction of chimney stacks. Approved with conditions.

- 6.6 UTT/1504/88: Proposed conversion and alterations of tack room and cottage. Approved with conditions
- 6.7 UTT/1505/88/LB: Proposed conversion and alterations of tack room and cottage. Approved with conditions.
- 6.8 UTT/1765/87: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.9 UTT/1766/87/LB: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.10 UTT/19/3164/LB: Proposed renovation of barns including change of use to 7 no. Dwellings, including the construction of new internal partitions, reconstruction of collapsed barn, replacement of timber weatherboarding, new external openings and repairs to maintain structural integrity. Pending
- 6.11 UTT/18/3379/PA: Refurbishment of Lea Hall and farm cottage. Conversion of existing barns and stables into 7no new dwellings. Construction of 5n new dwellings.
- 6.12 UTT/19/3173/FUL: Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 no. Dwellings. Demolition of existing stables to be replaced by 3 no. Dwellings with cart lodges and associated landscaping. Pending.

7. CONSULTATION RESPONSES:

Hatfield Heath Parish Council

- 7.1 The Parish Council appreciates and supports any works done to renovate Lea Hall so long as it is within the established rules for this listed building and meets the standards and guidelines of English Heritage

Historic England

- 7.2 The application seeks consent for various renovation works to Lea Hall, a site with a long history and an important group of highly designated heritage assets: the moated site, later medieval timber framed hall and its later farm buildings. While much of the work would have a limited impact on the significance of the building, the removal of part of the entrance hall ceiling would result in harm to the significance of the grade II* building for which there does not appear to be a justification or a public benefit as required by the National Planning Policy Framework.
- 7.3 Lea Hall is a historic site with a well preserved double moat, which is relatively rare within Essex, on which sits a fifteenth century timber framed house which was subsequently altered in the seventeenth century. To the north of the house lie a collection of farm buildings dating from the seventeenth century with later alterations. The moated site is a scheduled monument, the Hall is listed grade II* and the farm buildings listed grade II.
- 7.4 The application is one of three live applications. There is another listed building consent application for the conversion of the farm buildings to

residential use and a planning application for the works including the construction of 5 new dwellings. Historic England visited the site and provided pre application advice in a letter dated 19 September 2019.

- .5** Much of the proposed work to Lea Hall would be uncontroversial. Externally it is proposed to demolish part of the garage and service wing which is of little interest. The application also seeks consent for the rendering of the timber frame. Evidence suggests this was rendered and, although it would change the appearance of the building, we have no objection to this approach. We recommend your authority approve the detail of any repairs to the timber frame prior to the rendering and the specification and a sample panel of the new render. Internally much of the work comprises the removal of modern partitions.
- 7.6** There is, however, one aspect of the work about which we have particular concern. It is proposed to remove the part of the ceiling in the entrance hall to create a double height entrance. The entrance hall lies within the fifteenth century cross wing. The ground floor is lined with full height panelling while the room above has exposed stud work. A double height space of this nature would not normally be found in a building of this period and there does not appear to be any evidence of this here. The removal of the ceiling would result in the loss of historic fabric. The formation of a double height space would erode the legibility and appreciation of Lea Hall as a building of this period. The survival of panelling at a lower level and exposed stud walls above would also result in a peculiar juxtaposition. This would result in harm to the significance of the listed building.
- 7.7** The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 193. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 193 and 194. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 196.
- 7.8** The removal of the ceiling in the entrance hall would result in harm to the significance of the Hall through the loss of historic fabric and the erosion of the legibility and appreciation of this fifteenth century phase of the building. In view of the grade II* listed of the Hall, great weight should be given to its conservation. There does not appear to be a clear and convincing justification for the harm, nor would it seem to deliver any public benefit. We therefore recommend this element of the proposal is omitted from the application.
- 7.9** If your authority is minded to grant consent for the application in its current form, please treat this letter as an objection and notify the Secretary of State of this application, in accordance with the above Direction.
- 7.10** June 2020
The application has been revised in line with our advice and the proposal to remove the entrance hall ceiling has been omitted. We welcome this amendment. It is now proposed to renovate the existing ensuite on the first floor and create a new, adjacent ensuite by subdividing the landing. This would appear to have a modest impact, although your authority may wish to clarify the routing of the pipework and any extract required.

Historic England have no objections.

Place services- ECC- Built Heritage

7.11

The refurbishment of Lea Hall is fully supported. Although not in a poor state of repair, it is in need of modernisation and maintenance as its last major refit appears to have taken place in the 1970s/1980s.

Overall, an approach of minimal intervention has been taken in order to best preserve the special interest of the house and leave historic fabric intact. Most of the alterations proposed are uncontentious and will not be harmful to significance. The initial proposal to remove the ceiling in the hallway has been omitted from the scheme; this proposal was harmful and would not have been supported. As noted within the Heritage Statement, the works will disturb some elements of historic fabric but, through design revisions, this has been minimised.

The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest.

The replacement single storey garage extension is uncontentious.

It is evident that the refurbishment will be extensive. The Building Survey Report highlights many areas requiring repair, refurbishment or replacement. One of the most visually dramatic alterations will be the re-rendering of the elevations to conceal the exposed timber frame, however, this is based on evidence from historic photos (and archaeological evidence in the building fabric itself) showing the once fully rendered elevations. It will also better preserve the historic timber frame.

Further detailed information is required regarding the works to the house and this can be reserved by condition. If listed building consent is granted, it is recommended that conditions are attached:

Considering the scheme as a whole (application nos. UTT/19/3173/FUL, UTT/19/3164/LB & UTT/19/3163/LB), the proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their

special interest). Paragraph 196 of the NPPF should therefore be considered. However, there are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for five new houses is only considered acceptable if they are required to off-set the conservation deficit, however, efforts have been made to mitigate harm through design. Paragraph 193 of the NPPF should also be considered as this affords great weight to the conservation of heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

Council for British Archaeology

7.12

Many aspects of the proposals within these 3 separate applications at Lea Hall will undoubtedly cause harm to the significance and the significance of the setting of Lea Hall and the other designated heritage assets within and adjacent to the proposal site. It is therefore a matter of clear and convincing justification for the degree of harm to significance, which rests on an accurate assessment of the conservation deficit and a reasonable quantum, and no more, of enabling development. The CBA urge your

Authority, with the expert support of Historic England, to fully scrutinise and assess whether the quantum of works proposed is indeed justified, as required by paragraph 194 of the NPPF.

- 7.13** Lea Hall itself is a Grade II* Listed building (List number (1334062), dating from the 15th century. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- 7.14** The time depth and continued evolution of Lea Hall and its setting creates complex layers of historical and evidential value and inter-relationships between the different buildings that all contribute to the significance of the overall site. Weighing the harm to significance against conservation works on site, as required by these 3 applications, will be a fine balance
- 7.15** Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF) require that a comprehensive assessment and understanding of the significance of the site must inform any proposals for change. Beyond this paragraph 194 states that “clear and convincing justification” for any harm to, or loss of significance must be evidenced. Given the enabling development component of this application, much of the justification for development within the sensitive setting of Lea Hall, and its designated agricultural building range, rests on a viability assessment which The Council for British Archaeology are not in a position to scrutinise. We therefore advise your Local Planning Authority to work closely with Historic England to assess whether the number of new domestic units and subdivision and conversion of the Grade II barns is justified by the conservation deficit on site. The CBA defer to the specialist expertise of Historic England on these applications at Lea Hall in order to ensure that the requirements of section 16 of the NPPF are met.

Society for the Protection of Ancient Buildings

- 7.16** In considering the impact of the proposals we have focussed on those buildings that fall within our date remit (pre-1720). We note that the applications have been the subject of detailed pre-application advice by Historic England and your Conservation Officer and support the advice offered by them. We also note that, for the most part, the proposals have evolved positively in response to pre-application advice
- 7.17** Nevertheless, we remain extremely concerned about one aspect of the proposals, namely to remove one of the three bays in the entrance hall ceiling to create a double height space at the main entrance. It is clear from the application documentation that this is the original C15 ceiling ‘a double height space ceiling is unlikely to have previously formed part of the entrance hall’. We would therefore **STRONGLY OBJECT** to its removal as this would adversely affect the character and special architectural and historic interest of the listed building.

The applicant has not provided a robust justification for this aspect of the proposals. This is currently limited to a brief reference to the benefit to the occupant in terms of letting in more light, which we would not consider to be sufficient justification for an intervention that would result in the destruction of a significant portion of the historic fabric. It would also compromise both the legibility of the building's primary 15th century phase and the understanding of the building's historic plan form, adding to the level of harm caused. In this context we would bring to your attention paragraph 194 of the NPPF which states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification

- 7.18** The proposed works by virtue of their detrimental impact and the loss of historic fabric would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 of the National Planning Policy Framework 2019.

8. REPRESENTATIONS

Two representations have been received from neighbouring residents:

Raised concern in respect of use of paddock land.
Unacceptable noise from site.

9. POLICIES

9.1 National Policies

National Planning Policy Framework 2021

9.2 Uttlesford District Local Plan 2005

ULP Policy ENV2 – Listed Buildings

9.3 Supplementary Planning Document/Guidance

9.4 National Planning Policy Guidance (NPPG)

10 CONSIDERATION AND ASSESSMENT:

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

In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.2 The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation

and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

- 10.3** The NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). In this instance Paragraph 202 of the NPPF is relevant, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use
- 10.4** The moated site is a scheduled monument, the Hall is listed grade II* and the farm buildings listed grade II. A separate Scheduled monument application has been submitted and two further applications for Listed building consent have been submitted for the works to the Listed buildings.
- 10.5** Lea Hall is a Grade II* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventieth through to the nineteenth centuries).
- 10.6** The application has been the subject of pre-application advice with Historic England, Conservation Officers and Planning Officers.
- 10.7** The application submitted broadly reflects the advice given
- 10.8** The attached garage is being replaced with a new timber framed garage to be located on the footprint of the existing structure. The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest
- 10.9** The refurbishment of Lea Hall is fully supported. Overall, an approach of minimal intervention has been taken in order to best preserve the special interest of the house and leave historic fabric intact. The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest
- 10.10** The initial proposal to remove the ceiling in the hallway has been omitted from the scheme; this proposal was harmful and would not have been supported. As noted within the Heritage Statement, the works will disturb some elements of historic fabric but, through design revisions, this has been minimised.
It is evident that the refurbishment will be extensive. The Building Survey Report highlights many areas requiring repair, refurbishment or replacement. One of the most visually dramatic alterations will be the re-rendering of the elevations to conceal the exposed timber frame, however,

this is based on evidence from historic photos (and archaeological evidence in the building fabric itself) showing the once fully rendered elevations. It will also better preserve the historic timber frame

10.11 The scheme would secure the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling).

10.12 The proposal would comply with the aims of the NPPF and Uttlesford Local Plan Policy ENV2.

11 EQUALITIES

11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.[]

12. CONCLUSION

12.1 The submitted would comply with the aims of the NPPF and Uttlesford Local Plan Policy ENV2.

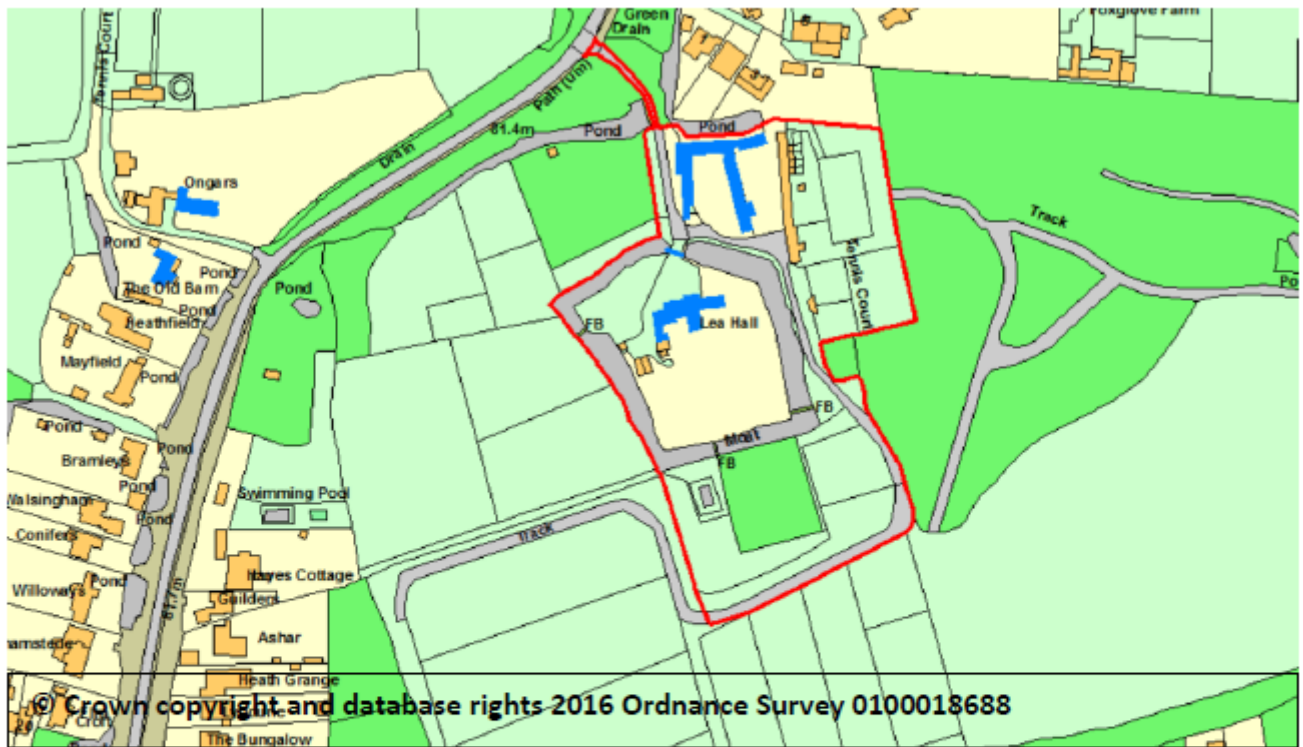
12.2 It is therefore recommended that Listed building consent is granted.

ITEM NUMBER:

REFERENCE NUMBER: UTT/19/3173/FUL

**LOCATION: Lea Hall, Hatfield Heath, Essex,
CM22 7BL**

SITE LOCATION PLAN:



Organisation:	Uttlesford District Council
Department:	Planning
Date:	24 JANUARY 2022

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Organisation: Uttlesford District Council Date:

PROPOSAL: Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 no. Dwellings. Demolition of existing stables to be replaced by 3 no. Dwellings with cart lodges and associated landscaping.

APPLICANT: Mark Jones

AGENT: Stuart Wighton

EXPIRY DATE: EOT: 5th March 2022

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

1 RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS;

- (i) Secure enabling works
- (ii) Monitoring Cost

1.2 The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 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) Secure enabling works
- (ii)** Monitoring cost

1.3 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

1.4 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

Failure to secure enabling works

CONDITIONS:

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

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

- 2 No development shall take place, including any ground works or demolition, until such time as the visibility splays shown on DWG no. 1176-01-CIV-XX-00-DR-T-1009 Rev. P01 (Titled - Junction Visibility Splays) and 1176-01-CIV-CC-00-DR-T-1007 REV. P02 (Titled - Forwards Visibility Splays) have been physically provided and an associated maintenance regime secured in perpetuity. Such vehicular visibility splays shall be provided clear to ground and retained free of any obstruction for the life of the development.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

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

- i. Safe access into the site.
- ii. The parking of vehicles of site operatives and visitors.
- iii. Loading and unloading of plant and materials.
- iv. Storage of plant and materials used in constructing the development.
- v. Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 4 Prior to the occupation of the development, the improvement of the existing access as shown on DWG no. 1176-01-CIV-XX-00-DR-T-1008 REV. P02 to include but not limited to, resurfacing, kerbing, any associated drainage works. Details to be agreed with the Local Planning Authority and implemented.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 5** No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.
- Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1
- 6** Prior to occupation of the development, a dropped kerb pedestrian crossing point both sides of the site access, including appropriate tactile paving, reconstruction/resurfacing, kerbing, drainage (as required), shall be provided.
- Reason: In the interest of highway safety and accessibility, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1
- 7** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.
- Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1
- 8.** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
- Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1
- 9** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1
- 10** All mitigation measures and/or works shall be carried out in accordance with the details contained in Herpetofauna Assessment (Herpetologic, Sept

2017) Great Crested Newt HSI & eDNA Survey, Bat Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, including but not limited to a pre-commencement survey for badgers and Barn Owls.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 11** Prior to commencement, the following works to Lea Hall, its barns, cottage and other outbuildings shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998) and in accordance with Uttlesford Local Plan Policy GEN7

- 12** Prior to commencement, the proposals shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance with Uttlesford Local Plan Policy GEN7

- 13** Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site (Variegated Archangel).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 14** Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey, Great Crested Newt HIS & eDNA Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019, shall be submitted to and approved in writing by the local planning authority.
- The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 15** Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.
- The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

16

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

17

If the development hereby approved does not commence within 12 months from the date of the survey results in Bat Survey, Great Crested Newt HSI & eDNA Survey, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 18** Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

Reason: In the interest of the historical importance of the site in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

- 19** Building Record
No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority

Reason: In the interests of the historical importance of the building in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

- 20** Phased programme of archaeological investigation
No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

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

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

- 22** 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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

- 23** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting

that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place in respect of the proposed dwellings, without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the National Planning Policy Framework 2021 and the adopted Uttlesford Local Plan 2005 - Policy GEN2.

- 24** Petrol / oil interceptors shall be fitted in all car parking/washing/repair facilities.

Reason: Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses to accord with Uttlesford Local Plan Policy ENV12

- 25** Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 26** Details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 27** No development other than that required as part of further investigation or that required to be carried out as part of an approved scheme of remediation should be undertaken without prior approval from the Local planning Authority. Further site investigation should be undertaken to quantify the risk outlined within the Preliminary Risk Assessment contained in the Stanstead Environmental Service report ref. CON21-HATF-003 which is outlined in their annex F.

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

- 28** If found to be necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 29** The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be to and approved in writing by the Local Planning Authority.

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

- 30** If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

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

- 31** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Reason: to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated in accordance with ULP Policy GEN4

2. DESCRIPTION OF THE SITE :

2.1 The site is located to the east of Dunmow Road in Hatfield Heath. It is approximately 2.7 hectares in size and is bound to the south and west by agricultural fields and grassland. The surrounding area is predominately rural; however, the site is bounded by housing to the north and linear development along the main roads that lead into Hatfield Heath to the south and west of the site.

2.2 Access to the site is to the east Dunmow Road.

The site is located to the north east of the village of Hatfield Heath which in turn is located approximately 5 miles south east of Bishop's Stortford. The M11 is approximately 5 miles away, providing access to Stansted Airport and Cambridge to the north, and London to the south. The nearest train station is located in Sawbridgeworth and provides direct train links to London Liverpool Street within 1 hour, and the north. The site is also served by bus routes with stops on Chelmsford Road (A1060), approximately an 8 minute walk from the site.

2.3 Lea Hall itself is a Grade II* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

2.4 There is a menage and tennis courts to the east of the site, to the south of Lea Hall in an adjoining field is an open-air swimming pool. There are further outbuildings including stables and storage buildings.

2.5 To the north of Lea Hall are a group of Grade II Listed derelict barns.

2.6 Within the grounds of Lea Hall (39m north) is an arch which is located over the carriageway of a small bridge over the moat of Lea Hall. This is Grade II Listed. There is a further archway to the rear of Lea Hall that is also Grade II listed. In addition, there is an ornament (former window tracery of the church of St Augustine) which again is Grade II listed

3 PROPOSAL

3.1 The proposal has been revised and is now for the refurbishment of Lea Hall including the addition of a new detached garage and detached swimming pool building and for conversion of barns to 8 no. dwellings. The

refurbishment of the single storey cottage and demolition of existing stables and farm stores. Erection of 3 no. new dwellings (This has been reduced from 5) and associated landscaping.

- 3.2 The development would create 2 x 1 bedroom, 5 x two bedroom, 3x four bedroom and 1x 5-bedroom dwellings.
- 3.3 Of these, three would be new build within the Metropolitan Green Belt.
- 3.4 Access would be using the existing access onto the Dunmow Road.
- 3.5 The development would include the erection of a new replacement swimming pool to be located south of Lea Hall in the adjacent field beyond the moat. A new footpath would connect the main house to the swimming pool. The existing timber pump house would be demolished.
- 3.6 The existing detached garaging serving Lea Hall would be demolished and a new two bay cart lodge erected on the footprint of the existing garages .A car port block would be built to serve the converted barns.
- 3.7 A further garage would be constructed to the south of Lea Hall on the footprint of the existing garage.
- 3.8 The existing tennis courts and associated fences would be retained.
- 3.9 All new dwellings would have private amenity space.

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. APPLICANTS CASE

- 5.1 The application is supported by the following documents:
 - Design and Access Statement
 - Environmental Statement
 - Flood Risk Assessment
 - Heritage Statement
 - Historic England Pre- application advice
 - Land contamination Assessment
 - Non – Technical Ecological Summary
 - Protected Species survey Report
 - Place Services Survey Report
 - Structural survey
 - Suds Checklist
 - Surface Water Drainage Strategy
 - Transport Assessment
 - Arboricultural Implication Report
 - Enabling Assessment (updated 20th January 2022)
 - Built Heritage Statement
 - Planning Statement
 - Tree Survey
 - Phase 1 Habitat Survey

Phase 1 Preliminary Risk Assessment
Herpetofauna Assessment
Bat survey
Great Crested Newt survey
Water vole Survey

6. RELEVANT SITE HISTORY

- 6.1** DUN/0268/61: Additions and alterations. Permitted Development
- 6.2** UTT/0230/84: Outline application for erection of an agricultural dwelling. Refused.
- 6.3** UTT/0700/93/FUL: Renewal of erection of agricultural dwelling and garage (previously approved under UTT/1506/89) Approved with conditions.
- 6.4** UTT/0876/89: Outline application for erection of an agricultural dwelling. Approved with conditions.
- 6.5** UTT/1321/88: Proposed reconstruction of chimney stacks. Approved with conditions.
- 6.6** UTT/1504/88: Proposed conversion and alterations of tack room and cottage. Approved with conditions
- 6.7** UTT/1505/88/LB: Proposed conversion and alterations of tack room and cottage. Approved with conditions.
- 6.8** UTT/1765/87: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.9** UTT/1766/87/LB: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.10** UTT/19/3163/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending
- 6.11** UTT/19/3164/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending
- 6.12** UTT/18/3379/PA: Refurbishment of Lea Hall and farm cottage. Conversion of existing barns and stables into 7no new dwellings. Construction of 5n new dwellings.

7. CONSULTATION RESPONSES:

Hatfield Heath Parish Council

7.1 The Parish Council object strongly to this application on the grounds that it is within the Metropolitan Green Belt, outside the village envelope, includes a designated ancient monument, is a designated site of architectural importance, in a minerals safeguarding area which is ecologically sensitive. Further, it is a clear attempt to build a full estate of houses in an inappropriate and remote location, with limited/dangerous access on a dangerous bend in the Dunmow Road and with a clear detrimental effect on an historical site presently designated as farmland. The development including Lea Hall itself would comprise 14 dwellings none of which appear to be designated as affordable, with only Lea Hall and the cottage being present dwellings (to which it does not object).

ECC Place Services - Ecology

7.2 No objection subject to securing biodiversity enhancement measures
Summary
We have reviewed the new documents provided with this application including, the Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Water Vole Survey, and Badger Survey (The Ecology Consultancy, July 2020), Herpetofauna Assessment (Herpetologic, Sept 2017) and reviewed the Updated Ecological Conditions Report (Geosphere Environmental, September 2019); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.
We are satisfied that there is sufficient ecological information available for determination.
We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation Licence for the development will be required. The trees with potential roosting features that are due to be felled did not hold active roosts at the time of the surveys, but due to their potential, soft felling under the supervision of a suitably qualified ecologist is required. The report also states that all works should be undertaken outside the bird nesting season (March to August inclusive) or within 48 hours of a nesting bird check undertaken by an ecologist. We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.
The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site. Due to the time of year and the timescale for development it was not possible to establish a population size assessment of GCN. We note that habitats on-site which are to be affected by the work include the moat, short semi-improved

grassland (mown and rabbit grazed), small areas of longer semi-improved grassland, garden shrubs (unmaintained) and stored materials such as rubble piles which offer a range of breeding, foraging and refuge opportunities for great crested newts.

At the time of writing the reports, confirmation of the extent of works affecting the moat and surrounding habitats was also not determined and further information about the works would be required to inform the licensing application with suitable mitigation and enhancements required.

We note that, given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended). We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.

We have reviewed the outline GCN mitigation strategy (Herpetologic, Sept 2017) and supported by which includes;

- Ecological supervision of works – to rescue any amphibians or reptiles prior to destructive activities
- Habitat management, pond creation and enhancements
- Follow up monitoring of water bodies

We therefore consider that, as indicated in the Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020), the LPA has certainty on likely impacts on GCN and that the initial mitigation strategy is appropriate and will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of GCN in line with Natural England's licencing Policy 4. Given the varied habitats present and the complex nature of the site, the applicant's ecologists also consider that attempting a trapping and translocation programme on site would be inefficient and largely ineffective.

We agree that use of Natural England's new licencing Policy 1 would be reasonable in this situation. Use of Policy 1 would require a significant and demonstrable enhancement to the current habitats on site and would include measures such as creation of refugia and hibernacula, creation of new ponds, improvements to existing ponds and management / creation of beneficial terrestrial habitats such as hedgerows, woodland and grassland habitats.

These habitat enhancement measures need to substantially outweigh any losses in order to satisfy Natural England that the proposals demonstrate a significant enhancement otherwise trapping and translocation would have to be considered.

Further details regarding the works to the moat will be required to inform the final GCN mitigation strategy which will need to be approved by Natural England. If Natural England are not satisfied that the three licencing tests can be met, it may be necessary to undertake further surveys to determine population size of newts within the ponds. The Reptile Survey (The Ecology Consultancy, July 2020) followed previous surveys including those undertaken as part of the Updated Ecological Conditions Report (Geosphere Environmental, September 2019). The surveys undertaken for both reports were in the sub-optimal period for reptile surveys (June and July) and found only one grass snake on site. However, the mitigation and enhancement measures outlined for Great Crested Newts were felt to provide suitable protection for reptiles during the construction phase and enhancements post development, including the timing of works, phased

habitat clearance under an Ecological Clerk of Works. The Badger Survey (The Ecology Consultancy, July 2020) did not confirm the existence of setts on site or within 30m of the site, in contrast to a previous survey. However, it does recommend a further pre-commencement survey a maximum of 3 months prior to the start of any works. The dense scrub on the western side of the moat was not surveyed and an ecologist needs to be present during the clearance of this area. Other mammals are using the site, including rabbits, foxes and moles, and precautionary measures are required during construction to avoid breaching the Wild Mammals (Protection) Act (1996).

The Water Vole Survey (The Ecology Consultancy, July 2020) found no evidence of Water Voles on site and that the waterbody is isolated from any other potential populations and unlikely to benefit from enhancements for this species.

The Updated Ecological Conditions Report (Geosphere Environmental, September 2019) recommended a precautionary Barn Owl survey before works commence as some of the barns held roosting potential, although no evidence of current activity was found.

All the reports highlight the need for boundary habitats to be retained, enhanced and protected as part of this development, including the retention of wide grassland boundaries. Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, a Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommended that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions above based on BS42020:2013.

Specialist Archaeological advice

7.3

Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

A) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.

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

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

D) 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 for Archaeological condition

The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double moated site occupied by the seventeenth century Grade II* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds.

Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936). The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. It is recommended that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings

All archaeological work and development within the Scheduled Monument can only take be undertaken following approved Scheduled Monument Consent.

UKPN

- 7.4 Should the excavation affect our Extra high voltage equipment, the applicant should obtain a copy of the primary route drawings and associated cross sections.

Thames Water

- 7.5 No objection

Environmental Health

- 7.6 No objections subject to conditions in respect of contamination and construction noise.

National Amenity Society

- 7.7 Summary :
- Many aspects of the proposals within these 3 separate applications at Lea Hall will undoubtedly cause harm to the significance and the significance of the setting of Lea Hall and the other designated heritage assets within and adjacent to the proposal site. It is therefore a matter of clear and convincing justification for the degree of harm to significance, which rests on an accurate assessment of the conservation deficit and a reasonable quantum, and no more, of enabling development. The CBA urge your Authority, with the expert support of Historic England, to fully scrutinise and assess whether the quantum of works proposed is indeed justified, as required by paragraph 194 of the NPPF.
- Significance:
- Lea Hall itself is a Grade II* Listed building (List number (1334062), dating from the 15th century. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- The time depth and continued evolution of Lea Hall and its setting creates complex layers of historical and evidential value and inter-relationships between the different buildings that all contribute to the significance of the overall site. Weighing the harm to significance against conservation works on site, as required by these 3 applications, will be a fine balance.
- Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF) require that a comprehensive assessment and understanding of the significance of the site must inform any proposals for change. Beyond this paragraph 194 states that “clear and convincing justification” for any harm to, or loss of significance must be evidenced. Given the enabling development component of this application, much of the justification for development within the sensitive setting of Lea Hall, and its designated agricultural building range, rests on a viability assessment which The Council for British Archaeology are not in a position to scrutinise. We therefore advise your Local Planning Authority to work closely with Historic England to assess whether the number of new domestic units and subdivision and conversion of the Grade II barns is justified by the conservation deficit on site. The CBA defer to the specialist expertise of

Historic England on these applications at Lea Hall in order to ensure that the requirements of section 16 of the NPPF are met.

Aerodrome Safeguarding

7.8 No aerodrome safeguarding objections to the proposal

SPAB (Society for the Protection of Ancient Buildings)

7.9 In considering the impact of the proposals we have focussed on those buildings that fall within our date remit (pre-1720). We note that the applications have been the subject of detailed pre-application advice by Historic England and your Conservation Officer and support the advice offered by them. We also note that, for the most part, the proposals have evolved positively in response to pre-application advice. Nevertheless, we remain extremely concerned about one aspect of the proposals, namely, to remove one of the three bays in the entrance hall ceiling to create a double height space at the main entrance. It is clear from the application documentation that this is the original C15 ceiling 'a double height space ceiling is unlikely to have previously formed part of the entrance hall'. We would therefore **STRONGLY OBJECT** to its removal as this would adversely affect the character and special architectural and historic interest of the listed building.

The applicant has not provided a robust justification for this aspect of the proposals. This is currently limited to a brief reference to the benefit to the occupant in terms of letting in more light, which we would not consider to be sufficient justification for an intervention that would result in the destruction of a significant portion of the historic fabric. It would also compromise both the legibility of the building's primary 15th century phase and the understanding of the building's historic plan form, adding to the level of harm caused. In this context we would bring to your attention paragraph 194 of the NPPF which states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

The proposed works by virtue of their detrimental impact and the loss of historic fabric would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 of the National Planning Policy Framework 2019. In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result, consent should not be given until the above point has been adequately addressed.

Essex Police

7.10 Whilst there are no apparent concerns with the layout however 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.

Historic England

7.11

Summary:

The application seeks consent for the refurbishment of Lea Hall and the addition of a detached garage and swimming pool together with the demolition of barns and stables and their replacement with 13 dwellings. It is a site with a long history and an important group of highly designated heritage assets: the moated site, later medieval timber framed hall and its later farm buildings. We have already provided advice on the associated listed building consent applications and do not wish to offer advice on the demolition of the farm buildings and new dwellings. We have concerns regarding the impact of the new pool building and garage and recommend amendments are made to address these.

Lea Hall is a historic site with a well-preserved double moat, which is relatively rare within Essex, on which stands a fifteenth century timber framed house which was subsequently altered in the seventeenth century. To the north of the house lie a collection of farm buildings dating from the seventeenth century with later alterations. The site is located on the edge of Hatfield Heath with a landscape setting to the south and west. The moated site is a scheduled monument, the Hall is listed grade II* and the farm buildings listed grade II.

Historic England visited the site and provided pre application advice in a letter dated 19 September 2019. We wish to offer advice on the proposals for the new garage and swimming pool building.

As we identified at the pre application stage, the moated site clearly has considerable archaeological potential. There is an existing double garage to the southwest of the Hall. It is proposed to demolish this and replace it with a larger, triple garage in the same area but on a different alignment. The construction of the new garage would cause some disturbance to the ground and, although we have no objection to the replacement of the garage, we recommend this is on the same footprint as the existing. Any works to the scheduled monument will of course require scheduled monument consent. The applicant should be advised that the granting of planning permission does not constitute Scheduled Monument Consent. In light of the archaeological potential of the moat island, we advised that the swimming pool was relocated away from the scheduled area, potentially on the site of the existing pool. We therefore welcome the decision to locate the pool off the moat island. However, it is proposed directly on the opposite side of the moat on axis with the formal garden layout to the south of the hall. The existing pool is uncovered whereas in contrast the new pool is enclosed in a large structure. While the weather boarded design seems appropriate and the glazed elements face south away from the moat and the Hall, it remains a large building, set apart from the former farm buildings and proposed new dwellings and we have concerns this would detract from the landscape setting to the south and west of the moat island. This would cause harm to the setting and significance of the moat and Hall.

The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 193. It continues that great weight should be given to their conservation

and that any harm requires clear and convincing justification, paragraphs 193 and 194. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 196.

Historic England has concerns regarding the construction of a larger garage on the moated site and the potential harm to the archaeology here. We also have concerns regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy. This also requires that any harm must be clearly and convincingly justified. There are a number of existing buildings outside of the moat and we suggest that any additional parking is provided in the area of these farm buildings. We recommend the garage on the moat island is replaced on the same footprint. With regard to the swimming pool, we suggest this is re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings), this would reduce the visual impact and mass of the building in views from the moated site and Hall.

Recommendation

Historic England has concerns regarding the application on heritage grounds due to the disturbance to the moat and the impact of the swimming pool on the significance of the Hall and moat. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193 and 194 of the NPPF.

June2020

7.12

The moated site clearly has considerable archaeological potential. We therefore advised the existing garage was replaced on the same footprint. The proposal has been amended in line with our advice to replace the existing garage with a cart lodge garage. It is also proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures and we welcome this approach.

Our earlier advice explained our concerns that the new swimming pool building would detract from the landscape setting to the south and west of the moat island resulting in harm to the setting and significance of the moat and Hall. We advised the building was re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings). Again, the proposal has been amended in response to this with the re-orientation of the building to a north – south alignment. This would help to reduce the visual impact and mass of the building in views from the moated site and Hall.

Recommendation

Historic England has no objection to the application on heritage grounds

ECC Highways

7.13

The Highway Authority has reviewed the application and a key element is securing improved forward visibility and visibility from the site access, given the proposed intensification of use of the access.

The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway

Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

The applicant must be fully aware that should the proposal receive consent from the planning authority and the visibility splays are not secured in perpetuity by the development, then the Highway Authority would not support the proposal.

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

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

Place Services Conservation

7.14

The applications pertain to the refurbishment of Lea Hall, the conversion of the associated farm buildings to 8 no. residential units and the erection of 5 no. new dwellings.

Lea Hall is a Grade II* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventeenth through to the nineteenth centuries).

The proposals have been subject to pre-application advice including a site meeting with Historic England and a letter dated 22/05/2019. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this.

The proposals concerning the refurbishment of Lea Hall and the conversion of the farm buildings are addressed below in reference to the applications for Listed Building Consent.

With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. The proposed swimming pool building is located to the south of the moated site in the position of a pre-existing pool. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it

into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.

The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.

The proposed new builds were discussed at pre-application stage and are intended to off-set the conservation deficit of refurbishing Lea Hall and converting the farm buildings. An Enabling Development Assessment has been provided and this should be properly scrutinised by a relevant expert. If five new dwellings are required to eliminate the conservation deficit, as concluded by the Enabling Development Assessment, then the heritage benefits of refurbishing Lea Hall and the farm buildings (some of which are in a particularly poor structural condition) is considered to go some way to outweighing the less than substantial harm caused by five new dwellings within the settings of the listed buildings and scheduled monument.

The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. Plots 12 and 13 are one and a half storey L-shaped houses of a modest scale and simple form. The use of simple, modern details and traditional materials is a sympathetic approach and the uninterrupted roof planes (other than rooflights) lessen their visual impact when viewed from Lea Hall.

The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. The proposed houses are modern in design but reference elements of Essex vernacular architecture. Comments made during pre-application discussions have been taken into account. These three houses are large in scale (two four bed and one 5 bed) so this also needs to be considered in reference to the Enabling Development Assessment as smaller houses would be preferable and have less of an impact.

The proposed new dwellings are considered to result 'less than substantial harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme. There are some heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. It is suggested that the Enabling Development Assessment is scrutinised to ensure five new dwellings is the minimum required to off-set any conservation deficit.

If planning permission is granted, it is recommended that the following conditions are attached:

Samples of all external materials shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use on site.

Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Additional details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

Summary

Considering the scheme as a whole (application nos. UTT/19/3173/FUL, UTT/19/3164/LB & UTT/19/3163/LB), the proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). Paragraph 196 of the NPPF should therefore be considered. However, there are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for five (now reduced to three) new houses is only considered acceptable if they are required to off-set the conservation deficit, however, efforts have been made to mitigate harm through design. Paragraph 193 of the NPPF should also be considered as this affords great weight to the conservation of heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

SUDS

7.15

Holding objection, based on the following

- A detailed drainage plan is required which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features
- Drainage modelling is required for all events up to 1 in 100 years plus 40% climate change.
- Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Indices tables should be provided.
- Engineering drawings should be provided detailing the SuDS components used within the drainage system
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this

advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

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

Sequential Test in relation to fluvial flood risk.

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

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

8. REPRESENTATIONS.

Two representations were received from neighbouring residents, (Expiry date 14th February 2020 and the following objections have been made:

-This proposed development is situated outside the village development area and is in green belt.

- The number of homes proposed (additional 13) is clearly a serious over development of a rural site.

- The impact on what is already a dangerous rural road will be significant

- Lee Hall itself as clearly everyone is aware is a 2* star listed building.

Apart from Down Hall which is some way from the village it is the only 2* listed building in Hatfield Heath. The moat surrounding the house is a scheduled ancient monument.

- The group of farm buildings form yet another important listing.

- and in addition, some very interesting monuments within the grounds have their own listings.

This site therefore contains 5 separate listings in a village which in total has a mere 43.

Much loud work ongoing for last few weeks incl. with large 'digger'. Also, noise from frequent motorsport on what was paddocks on agricultural land.

9. POLICIES

9.1 National Policies

National Planning Policy Framework 2021

9.2 Uttlesford District Local Plan 2005

ULP Policy S7 - The Countryside
 ULP Policy S6 - Metropolitan Green Belt
 ULP Policy GEN2 - Design
 ULP Policy GEN8 - Vehicle Parking Standards
 ULP Policy GEN7 – Nature Conservation
 ULP Policy GEN1 - Access
 ULP Policy GEN4 - Good Neighbourliness
 ULP Policy GEN6 - Infrastructure Provision
 ULP Policy ENV5 – Protection of Agricultural Land
 ULP Policy GEN10 - Housing Mix
 ULP Policy GEN3 – Flood Protection
 ULP Policy H9 – Affordable Housing
 ULP Policy ENV4 – Ancient Monuments/sites of Archaeological Importance.
 ULP Policy ENV3 – Open Spaces and Trees
 ULP Policy ENV14 – Contaminated Land
 ULP Policy ENV2 – Listed Buildings
 ULP policy ENV12- Groundwater Protection

9.3 Supplementary Planning Document/Guidance

Essex County Council Parking Standards (2009).
 Accessible homes and Playspace
 Uttlesford Local Residential Parking Standards (Feb2013)
 Interim Climate Change Policy
 National Planning Policy Guidance (NPPG)
 Essex Design Guide

10 CONSIDERATION AND ASSESSMENT:

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

- A. Principle of the development (ULP policies S7, S6, H6, E5) and NPPF)
- B. Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP policies GEN2, GEN4, S6 & NPPF)
- C. Impact on Listed buildings and their setting (ULP policies ENV2 ENV4 & NPPF)
- D. Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)
- E. Access/Parking and highway safety (Uttlesford Local Plan policies GEN1 and GEN8 and NPPF)
- F. Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF,)
- G. Drainage and Flood Risk (ULP policies GEN3, GEN6 and NPPF)
- H. Climate change (Interim Climate Change Planning Policy)

A Principle of the development (ULP policies S7, S6, H6, E5 and NPPF)

10.2 The site is located outside the development limits for Hatfield Heath and is therefore located with the Countryside where Uttlesford Local Plan policy S7 applies.

Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there

- 10.3** The development would be contrary to the aims of Uttlesford Local Plan Policy S7 as the development would include three new dwellings in the countryside, however there are special reasons why the development in the form proposed needs to be there (please see below).
- 10.4** The site is located within the Metropolitan Green Belt where Uttlesford Local Plan Policy S6 applies. This states: Infilling, limited development compatible with the character of the settlement and its setting will be permitted within Hatfield Heath village. This development is not within the settlement limits of Hatfield Heath.
- 10.5** The National Planning Policy Framework (2021) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence (Paragraph 137). Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances
The proposed erection of dwellings in this location is by definition harmful to the Green Belt.
The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.
The proposed erection of dwellings in this location is by definition harmful to the Green Belt.
Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are.
- o Buildings for agriculture and forestry.
 - o Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
 - o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 - o the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
 - o Limited infilling in villages
- Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and

o Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm on the openness of the Green Belt, where the development would re- use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 10.6** The development would result in three new dwellings within the Metropolitan Green Belt which would have a detrimental harm to the character and appearance of the area by urbanising the site and its setting and by detracting from the visual openness of Metropolitan Green Belt land. The proposal is not one of the criteria above to be considered as very special circumstances.
- 10.7** This development would not comply with the aims of the NPPF or Uttlesford Local Plan policy S6 in respect of impact on the Metropolitan Green Belt..
- 10.8** The proposed works to refurbish Lea Hall and the adjacent barns and cottage would result in a conservation deficit.
As such an element of new development would be required in order to reduce the conservation deficit.
As such this application is for Enabling Development.
- 10.9** Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.
- 10.10** Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 10.11** Heritage assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance. When considering the impacts of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and any harm to, or loss of, the significance of a designated heritage asset should requires clear and convincing justification.
- 10.12** The case for enabling development rests on there being a conservation deficit, i.e, the amount by which the cost of repair (and conversion to optimum viable use) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.
- 10.13** Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured

- 10.14** The harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible.
- 10.15** The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.
- 10.16** Lea Hall itself is a Grade II* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- 10.17** In view of the above an Enabling Development Assessment has been submitted in support of the application.
- 10.18** The Enabling Development Assessment has been the subject of an Independent Assessment and subsequently revised.
- 10.19** The assessments all found that the proposed rehabilitation works to Lea Hall, including the barns and the cottage resulted in a Conservation Deficit. The estimated costs for the proposed development have been agreed by the independent assessor.
Following the independent assessment, the swimming pool/leisure building has been excluded from the Enabling Development Assessment and the proposal has been revised to reduce the number of newbuilds in the green belt to three. (Two of the new builds have been removed from the scheme),
It has been agreed that to enable the repair and alterations to both the listed main house and the listed barns, the new buildings in plots 9,10,11 are required which will give a return to the applicant of 12 %
It is considered that the minimum level of development required to bring the viability of the scheme up to a deliverable level and to eliminate the conservation deficit, are three new dwellings.
Any development below the level proposed would result in a conservation deficit and lead to the site being commercially unattractive to prospective developers.
- 10.20** The benefits of the proposals are considered sufficient to outweigh the significant and demonstrable harm arising from the proposals.
- 10.21** As such the principle of the proposal is now on balance acceptable and the three new dwellings within the Metropolitan Green Belt are considered to be acceptable in these exceptional circumstances.

B Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP Policies GEN2, GEN4, S6 & NPPF)

- 10.22** Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on neighbour's amenity by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide.
- 10.23** The new dwellings have been designed to minimise the visual impact on the Metropolitan Green belt by their location, close to the existing built form and screened by mature trees and shrubs from the wider open fields. The new dwellings would, however, be out of keeping with the form and layout of surrounding properties. Following pre- application advice, efforts have been made to mitigate harm through design. The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. This location is considered to be the most appropriate in terms of minimising their impact on the setting of Lea Hall, its scheduled moat and the three garden follies. The proposed houses are modern in design but reference elements of Essex vernacular architecture. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. The new dwellings are positioned adjacent to the small cluster of dwellings to the north of the site. Views of the houses from the barns are shielded by the proposed cart lodge that is to be built in the location of the existing modern stable block.
- 10.24** All the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100m² and dwellings with 2 bedrooms should have private amenity space of 50m². The gardens shown in the plans show that each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.25** Local Plan policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.
- 10.26** The proposal has been the subject of pre- application advice and the design reflects the advice given.
- 10.27** The three new houses share a common vernacular. All roofs are peg tiled and generally have a 47° pitch: this matches existing roofs to the barns. All three houses have an articulated gabled feature to entrance midstreys and rear jetty on Plots 9 & 10, and to the gable ends of Plot 11.

The inner returns of these features are to be timber clad, with large areas of glazing to the main walls, especially above entrances. Window openings set in render will have an angled reveal to one side; adding visual interest to the elevations and emphasising the horizontality of the buildings. In plan, Plots 9 & 10 are simple rectangles, with midstreys to the front entrances; this is similar to many agricultural buildings in the area. They have brick to the ground floor, with white render to the first floor and the gable ends. Brickwork chimneys provide a solid end to each of these houses.

The front façade of Plot 10 has a small overhang to the first floor. Plot 11 comprises two masses: the north part is brick and the south is white render. The roof to the north part is a parallel range, similar to the principle façade of Lea Hall. To the rear of all three of these houses, window openings are large and there is a triple sliding door to all living spaces, to create a good link with the gardens and permit plenty of daylight to enter the rooms. The ridge of the highest house is at the same level as the highest barn.

The proposed location of these new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.

The aim when designing the dwellings was to give the overall appearance of a dispersed group of former farm buildings that are traditional in form and materials, but with a contemporary approach to design.

10.28 The scale and design of the proposed dwellings are considered to be appropriate for this site and that the proposal would comply with the aims of ULP policy GEN2

C Impact on Listed buildings and their setting (ULP policies ENV2, ENV4 & NPPF)

10.29 In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.30 The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

10.31 The NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). In this instance Paragraph 202 of the NPPF is relevant, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.32 The moated site is a scheduled monument, the Hall is listed grade II* and the farm buildings listed grade II. A separate Scheduled monument

application has been submitted and two further applications for Listed building consent have been submitted for the works to the Listed buildings..

- 10.33** Lea Hall is a Grade II* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventieth through to the nineteenth centuries).
- 10.34** The application has been the subject of pre-application advice with Historic England and Conservation Officers. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The application submitted broadly reflected the advice given. Concerns were raised regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy
- 10.35** With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. Parking for the dwellings are provided outside the moat and the swimming pool is located on the site of the existing swimming pool and has been re-orientated to north-south in order to reduce the visual impact and mass of the building in views from the moated site and Lea Hall. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.
- 10.36** The proposal has also been amended to replace the existing garage with a cart lodge garage, it is also now proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures. The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.
- 10.37** Specialist conservation officers state that “The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this”
- 10.38** As stated above an independent assessment of the submitted Enabling Development Assessment has been carried out and the number of new

dwellings to off set the conservation deficit has been carried out and as a result the scheme revised and the new dwellings reduced to three. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting.

The proposed new dwellings are considered to result 'less than substantial harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme.

There are heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. The independent assessment advised that three dwellings is the minimum required to off- set the conservation deficit.

10.39 With regards to the renovation of the barns to 7 dwellings specialist conservation advice is that it will result in some 'less than substantial' harm as the buildings will take on a more domestic appearance and will lose some of their intrinsic agricultural character. However, the heritage benefits of the scheme include providing the redundant farm buildings with a long-term, viable future use ensuring their future maintenance and conservation. The proposed conversion scheme is largely sympathetic to the existing buildings. An approach of minimal intervention is proposed: reusing existing openings where possible; using existing divisions within the buildings; retaining historic finishes where they survive; and retaining the internal farmyard as an open space.

10.40 The refurbishment of Lea Hall is fully supported. Overall, an approach of minimal intervention has been taken in order to best preserve the special interest of the house and leave historic fabric intact. Most of the alterations proposed are uncontentious and will not be harmful to significance. The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest. The initial proposal to remove the ceiling in the hallway has been omitted from the scheme; this proposal was harmful and would not have been supported. As noted within the Heritage Statement, the works will disturb some elements of historic fabric but, through design revisions, this has been minimised.

It is evident that the refurbishment will be extensive. The Building Survey Report highlights many areas requiring repair, refurbishment or replacement. One of the most visually dramatic alterations will be the re-rendering of the elevations to conceal the exposed timber frame, however, this is based on evidence from historic photos (and archaeological evidence in the building fabric itself) showing the once fully rendered elevations. It will also better preserve the historic timber frame.

10.41 The proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). There are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for three new houses is considered

acceptable to off-set the conservation deficit, however, efforts have been made to mitigate harm through design.

10.42

The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double moated site occupied by the seventeenth century Grade II* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds.

Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

10.43

The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936). The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. Specialist archaeological advice is that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings. This can be secured by a suitably worded condition.

10.44

Further conditions should be secured in relation to trial trenching and open area excavation.

10.45

Subject to conditions, the proposal would comply with Uttlesford Local Plan policies ENV2 and ENV4.

D

Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)

10.46

Uttlesford Local plan Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

The housing mix is considered to comply with the aims of policy H10.

10.47

Uttlesford Local Plan Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing

10.48 The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more. The proposal does not include any affordable housing provision and is therefore contrary to Uttlesford Local plan policy H9.

10.49 This application is for enabling development for which Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies, as such in view of the enabling viability assessment, it is considered to be acceptable that no affordable housing is provided.

E Access/Parking and highway safety (Uttlesford Local Plan Polices GEN1 and GEN8 and NPPF)

10.50 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

10.51 The proposal would use the existing access onto Dunmow Road. The proposal would intensify the use of this access and therefore Highway officers require the visibility through the existing access point should be improved to meet current standards. The area required for the forward visibility splay is common land, not highway , therefore an appropriate legal agreement is required to ensure that the applicant has control over the land and can provide the required visibility splays in perpetuity.

10.52 The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

10.53 In view of the above it is considered that the proposal, subject to conditions and a legal agreement, would comply with the aims of Policy GEN1.

10.54 The proposed properties are a mixture of one, two, and four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

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

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

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

10.57 Each property would be able to meet or exceed the required parking standards. Two visitor parking spaces would also be provided. Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

F Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF)

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

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. A Bat Survey, Great Crested Newt Survey, Reptile Survey, Water Vole Survey, Badger Survey, a Herpetofauna survey, have been submitted with the application.

Essex County Council, Place Services, Ecology have been consulted and has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition.

10.59 The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation Licence for the development will be required.

10.60 The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site

10.61 Given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended).

10.62 Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, an Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommend that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level. These measures can be secured by a suitably worded condition.

10.63 As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

G Drainage and Flood Risk (ULP policies GEN3 and GEN6 and NPPF)

10.64 Policy GEN3 requires development outside risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within flood zone 1, therefore it is a site with the lowest risk of flooding (more than 1 in 1000 years).

A flood risk assessment has been submitted with the application and the Local Lead flood Authority has been consulted.

10.65 A holding objection has been received requiring further information to be submitted.

H Contamination (ULP policy ENV14)

10.66 The site will involve the conversion of existing barns to residential purposes, which have a history of agricultural use including livestock

husbandry and storage. The existing stables will be demolished to make way for 3 new detached dwellings. There are areas of made ground on site (including the tennis courts and ménage) that may be given over to amenity space and soft landscaping for the proposed residential dwellings, together with a number of watercourses which may be vulnerable to any contamination that may be present on site.

A land contamination assessment has been submitted in support of the application.

In view of the above considerations and the contamination-sensitive proposed end residential use with gardens over the whole site, it is essential to ensure that any contamination risks (both on-site and off-site) are identified and assessed, and where necessary remediated, to render the site suitable for its intended use. At the very least, a Phase I Desk Study to identify any potential contamination risks, and the need or otherwise for further site investigations, needs to be undertaken. If the application is approved these can be achieved by suitably worded conditions.

It is recommended that a Construction Environmental Management Plan is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated.

I Climate Change (Interim Climate Change Planning Policy)

- 10.67** In order to comply with the Interim Climate Change Policy, a minimum of 23% of all the car parking spaces are to be provided with electric vehicle fast charging points. The remaining parking spaces will all have ducting provided for future installation of fast charging points.
- 10.68** The refurbishment of Lea Hall itself would use minimal new materials. Where new materials are to be used, such as the garage and swimming pool sustainable materials are to be used. The proposed swimming pool is to use locally sourced natural clay bricks and timber boarding sourced from sustainable forests
- 10.69** The conversion of the existing barns looks to also retain as much existing historic fabric with any new materials being locally sourced due to the historic nature of the buildings and the need for any remedial work to be sympathetic and contextual and looks to work within the existing footprint minimising excessive increases in built footprint
The three new dwellings are to be highly insulated dwellings which also look to reference the immediate context through the use of traditional sustainable materials where possible but in a contemporary form. Due to their location adjacent a Scheduled Ancient Monument care has been taken to use materials which sit comfortably with the existing and are contextual. This will mean materials are sustainable without the need for excessive placement or unsustainable maintenance
- 10.70** local materials such as clay bricks, native timber, lime render, plaster and mortar, flint and local gravel /hoggin are to be used throughout the development. Although the site is listed and a Scheduled Ancient Monument where possible the applicant will look to source materials in line with such schemes as the BRE BES 6001:2008 Responsible Sourcing Standard.

- 10.71** The new dwellings are to be constructed using timber frame. This will result in significant construction works being completed within a factory with panels delivered to site for erection. This will reduce waste on site, reduces construction time on site minimising pollution, HGV movements, travel for employees who are likely to be located near factories and overall better quality due to factory conditions.
- 10.72** All new dwellings are to be highly insulated in order to produce favourable internal temperatures. The new dwellings have been designed with study areas to promote home working reducing the need for travel by car
- 10.73** Energy efficiency is to be introduced in the form of LED's, low water usage fittings, low ambient UFH
All new dwellings are to benefit from ground source heat pumps reducing the requirement for fossil fuels and have a low environmental impact
Emissions are to be kept to a minimum through well insulated and airtight properties

11. EQUALITIES

- 10.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:
- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. CONCLUSION

- A** The submitted proposal would constitute enabling development and is therefore on balance considered to be acceptable.
- B** The design and scale of the proposals is acceptable. The proposal would have a detrimental impact on the openness of the Metropolitan Green Belt.
- C** The proposed location of the new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.
The proposal represents the minimum amount of enabling development that can be justified necessary in order to address the conservation deficit and to secure the long-term future of the assets.
- D** The housing mix is acceptable and lack of affordable housing justified.
- E** The access subject to compliance with a Grampian condition requiring an unilateral undertaking is acceptable. Sufficient parking provision would be accommodated on the site to comply with ULP policy GEN8
- F** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition and licences being obtained) would not adversely affect protected species, subject to planning conditions. As such the proposal complies with policy GEN7
- G** The site is at low risk of flooding

H The proposal would comply with the aims of the Councils Interim Climate Change Policy

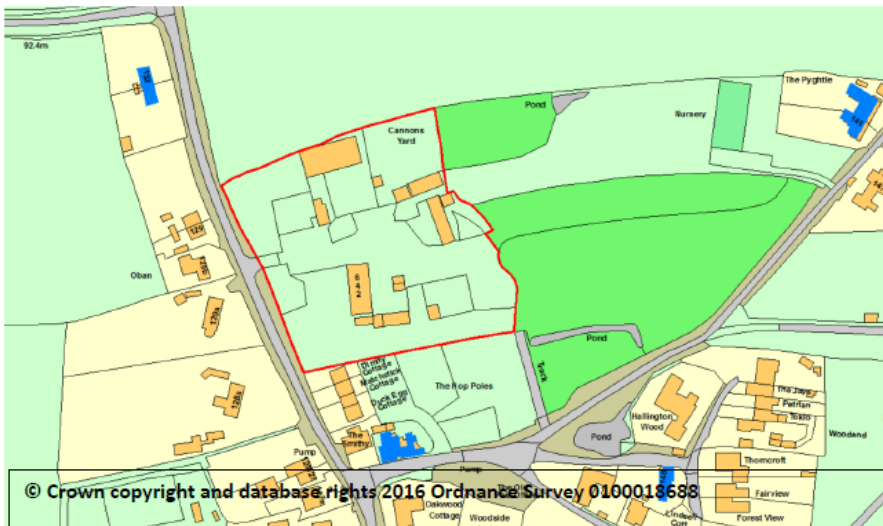
13. It is therefore recommended that the application be approved subject to conditions and a S106 .

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2755/OP

**LOCATION: Cannons Yard, Bedlars Green,
Bedlars Green, Great Hallingbury, CM22 7UZ**

SITE LOCATION PLAN:



Organisation:	Uttlesford District Council
Department:	Planning
Date:	21 February 2022

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Organisation: Uttlesford District Council Date:

PROPOSAL: Outline application with all matters reserved for 14 no. dwellings (Class C3), parking, landscaping and all associated development

APPLICANT: Mr Lee Kirtland

AGENT: Mr Olivier Spencer

EXPIRY DATE: EOT: 25.02.2022

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits. Contaminated Land. site within 2KM of SSSI. Tree Preservation Order. Within 6km of Stansted Airport. Within Stansted Airport 57dB 16 hr LEQ. Countryside Protection Zone.

1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS -

Provision of 42% affordable housing
Monitoring Cost

1.2 The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 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) Provision of affordable housing
- (ii) Monitoring cost

1.3 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

1.4 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

Lack of provision of affordable housing

CONDITIONS:

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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 must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with 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 must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with 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 provision of an access formed at right angles to Tilekiln Green, to include but not limited to: minimum 6 metre carriageway width with appropriate radii (minimum of 8 metres), and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 5 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 6** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
- i. Safe access into the site.
 - ii. The parking of vehicles of site operatives and visitors.
 - iii. Loading and unloading of plant and materials.
 - iv. Storage of plant and materials used in constructing the development.
 - v. Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

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

- 8** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport and to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

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

We would expect to see further testing undertaken in winter to reflect the most conservative management. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Designing for infiltration should also take into consideration
Ground water levels

- Where infiltration is not viable the scheme should be limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. 10% should be included for urban creep.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason;

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with Uttlesford Local Plan Policy GEN3

10

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Uttlesford Local Plan Policy GEN3

11

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

Reason; To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they

continue to function as intended to ensure mitigation against flood risk in accordance with Uttlesford Local Plan Policy GEN3.

- 12** During demolition & construction, robust measures must be taken to control dust and smoke clouds.
- Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Uttlesford Local Plan Policy GEN2
- 13** During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.
The landscaping scheme should minimise the use of berry-bearing species.
- Reason: Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Bird strike to aircraft using STN in accordance with Uttlesford Local Plan Policy GEN2
- 14** All exterior lighting to be capped at the horizontal with no upward light spill.
- Reason: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 15** No reflective materials to be used in the construction of these buildings.
- Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 16** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. A Glint & Glare assessment may be necessary.
- Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 17** No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination.
 - (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters.
- Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.
- 18** No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 19** The remediation scheme shall be implemented in accordance with the approved timetable of works and prior to the commencement of development other than that required to carry out the remediation, unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out, including photos as proof of works undertaken) must be submitted to the Local Planning Authority.

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

- 20** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

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

- 21** Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

- 22** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented

Reason: To protect amenity in accordance with Uttlesford Local Plan Policy GEN4

- 23** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the local planning authority.

Reason: The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 24** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 23 above.

Reason: The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 25** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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 shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick

and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October, 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 26** No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact /cause failure of local underground sewerage utility infrastructure in accordance with Uttlesford Local plan Policy ENV12

- 27** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Sweco, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan policy GEN7

- 28** Any works which will impact suitable terrestrial or aquatic habitat for Great Crested Newts shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or

c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan policy GEN7

29

Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.
b) Identification of “biodiversity protection zones”.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including for Hazel Dormouse, common reptile species, Badger and nesting birds.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 in accordance with Uttlesford Local Plan policy GEN7

30

Prior to works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

a) Purpose and conservation objectives for the proposed enhancement measures including those recommended in the Ecological Impact Assessment (Sweco, November 2021) and additional integrated bird and bat boxes;

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

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan policy GEN7

31 Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including planting of new species-rich hedgerows.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan policy GEN7

32 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive

for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan policy GEN7

2. DESCRIPTION OF THE SITE :

- 2.1** The site is located to the north of Bedlar's Green and is currently a brownfield site used for industrial and commercial use. The site is located on the eastern side of Tilekiln Road and is approximately 1 hectare in size. The site is relatively flat.
- 2.2** The site was a former brick and tile works in the hamlet of Bedlars Green.
- 2.3** To the south of the site is the Grade II listed public house, the Hop Poles, a nineteenth – century pub built of brick and a grey slate roof. To the north – west of the site are grade II listed 131 and 132 Harps Farm Lane, a pair of C17 timber framed and plastered cottages with a hipped thatched roof.
- 2.4** The characteristic pattern of development of the area is linear development along the main roads, with houses facing towards the principal streets.
- 2.5** To the north of the site are agricultural fields and there is woodland to the east. There are residential dwellings to the south which run along the road and detached properties immediately opposite the site.
- 2.6** The site has trees that are subject to Tree Preservation Orders and there are mature trees and hedging on the site, especially to the site's boundaries.
- 2.7** Bedlar's Green is a small hamlet adjacent to the village of Great Hallingbury and is outside the development limits.
- 2.8** Hatfield Forest located to the east of the site is a SSSI. The M11 motorway is located 1500km to the west and Stansted Airport is located 1500m to the north. Bishops Stortford rail services are approximately 2.5 miles from the site. Bus services are available from Start hill which is approximately 1 mile to the north of the site.

3. PROPOSAL

- 3.1** The proposal is for outline planning permission for the erection of 14 dwellings with all matters reserved

- 3.2 The proposal would use the existing access to the site.
- 3.3 An indicative plan has been submitted showing a mix of 2,3 and 4 bedroomed, detached and semi-detached dwellings.
- 3.4 The proposal would include the provision of 42% of Affordable Housing units.
- 3.5 All dwellings would have on plot parking and the indicative plans show 4 additional visitor parking spaces.
- 3.6 The indicative plans show that there is adequate space on the site for all properties to have in excess of 100M2 private amenity space.
- 3.7 The proposal would include additional new boundary planting.
- 3.8 The proposal would include the demolition of the existing industrial units

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. **APPLICANTS CASE**

- 5.1 The application is supported by the following documents:

Tree Survey
 Arboricultural Impact Assessment
 Transport Statement
 Surface Water Drainage Strategy
 Planning Statement
 Phase 1 Desktop Study Report
 Landscape and Visual Appraisal
 Ecological Impact Assessment
 Design and Access Statement
 Biodiversity Checklist.
 Noise Assessment
 SUDS Checklist
 Sustainable Construction Checklist

6. **RELEVANT SITE HISTORY:**

DUN/0198/52: Six bungalows. Refused
 DUN/0057/66: Site for residential development. Refused
 DUN/0281/56: Site for residential. Refused
 DUN/0580/67: Erection of storage building. Refused
 DUN/0580/72; Site for 10 no new dwellings with garages. Refused.
 UTT/0115/93/FUL: Retention of liquid petroleum gas storage compound. Unconditional approval
 UTT/0478/93/FUL: Retrospective application for the retention of office and store within builder's compound. Unconditional approval
 UTT/0623/06/FUL: Erection of single storey extension to workshop/office building. Approved with conditions.

UTT/0668/93/FUL: Renewal of permission for the erection of warehouse and store (UTT/1337/88). Approved with conditions.

UTT/0725/87: Proposed chapel of rest and change of use to funeral directors and builders' workshop and yard. Approved with conditions

UTT/0731/83: Proposed workshop store and mess room to replace existing building. Approved with conditions

UTT/0792/98/REN: Renewal of permission for erection of warehouse and store. Refused

UTT/0956/96/FUL: Retention of hardstanding and use for parking of minibus, trailer and cars. Approved with conditions.

UTT/1216/80; Outline application for erection of 7 detached houses and replacement of builders' store. Change of use of part of site from builders' yard to residential. Refused

UTT/1337/88: Proposed warehouse and store. Approved with conditions

UTT/2178/89: Change of use for part of site from builders' yard to open storage compound. Refused.

UTT/20/2863/PA: Redevelopment of site for demolition of existing buildings and residential development of the site for 12 dwellings

UTT/16/3669/OP: Outline application with all matters reserved for 35 dwellings. Conditionally approved. (This is in relation to a site to the north)

UTT/20/0336/DFO: Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access. Approved with conditions. (Site to the north)

PRE-APPLICATION DISCUSSIONS

UTT/20/2863/PA: Re-development of site for demolition of existing buildings and residential development of the site for 12 dwellings.

7. CONSULTATION RESPONSES:

Great Hallingbury Parish Council

7.1 No objections

Place Services Built Heritage

7.2 The site affected by the application is a former brick and tile works located in the hamlet of Bedlar's Green. To the south of the site is the Grade II listed public house, the Hop Poles (list entry no: 1112039), a nineteenth-century pub built of brick with a grey slate roof. To the north-west of the site are Grade II listed 131 and 132 Harps Farm Lane (list entry no: 1322664), a pair of late seventeenth-century timber-framed and plastered cottages with a hipped thatched roof.

The setting of Hop Poles is principally formed by the neighbouring houses clustered around the crossroads. To the side and rear, it occupies a generous plot with a large pub garden and car park. The application site forms part of its wider setting but makes little positive contribution to the experience and understanding of Hop Poles. The setting of 131 and 132 Harps Farm Lane is formed by the open, agricultural fields surrounding and opposite it. This would be preserved, and the proposed development would be largely screened by the band of mature vegetation around it. Whilst development of the site would lead to an intensification of domestic use, including impacts such as noise, light spill and increased traffic movement,

these are considered to be at the low end of the scale in their impact on the settings of the listed buildings.

There is therefore no in principle objection to some development upon the site, however, it is considered that the proposed density and layout of the development does not respond sympathetically to local character and distinctiveness, contrary to NPPF (2021) para 197c.

The characteristic pattern of development of the area is linear development along the main roads, with houses facing towards the principal streets. The creation of a cul-de-sac is out of keeping with the development pattern of the area and the impact would be suburbanising, harming the character of the rural hamlet.

In my view, a more sympathetic layout, which better responds to the character and historic development pattern of the local area, would be achievable on this site

ECC Highways

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

Historic England

- 7.4 No comments

ECC Ecology

- 7.5 No objections subject to securing biodiversity mitigation and enhancement measures.

Suds Lead Local Flood Authority

- 7.6 No objections subject to conditions

MAG – Aerodrome Safeguarding

- 7.7 No objections subject to conditions

Environmental Health

- 7.8 Conditions are recommended to mitigate as far as possible against environmental noise.

This service has viewed the submitted Herts & Essex Site Investigations Phase I Desk Top Study dated July 2021 and agree with the recommendations in section 17. In view of this report and the historic commercial use, and the fact that the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be secured by a suitably worded condition.

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles.

A condition requiring charging points for electric vehicles is requested.

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare. A condition is recommended to secure this.

Affinity Water

7.9 No comment

Specialist Archaeological Advice

7.10 The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October, 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. Recommendation for archaeological programme of investigation to include building recording and below ground excavation.

NATS Safeguarding

7.11 No safeguarding objection to the proposal

Housing Enabling & Development Officer

7.12 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units. The application site is for 14 units but exceeds 0.5 hectares and so requires 40% affordable housing provision. This amounts to 6 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) and it is recommended that it is a 2-bedroom bungalow for affordable rent. The recommended mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing.

	2 bed house	2 bed bungalow M4 (3)	3 bed house	total
Affordable Rent	1	1	1	3

Shared Ownership	1	0	2	3
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It is noted that the application site is proposing to deliver 42% affordable housing and for both the affordable and market homes to meet the required parking standards and exceed the minimum requirements for private gardens. It is recommended that the proposed new homes also meet the Nationally Described Space Standards (NDSS).

Crime Prevention Tactical Advisor

- 7.13** 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 demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

Thames Water

- 7.14** No objections.
The proposed development is located within 15 metres of a strategic sewer. A condition securing a Piling Method Statement is recommended.

UK Power Networks

- 7.15** Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV) UK Power Networks should be contacted to obtain a copy of the primary route drawings and associated cross sections

Cadent Gas

- 7.16** No objections.

8. REPRESENTATIONS

No representations have been received. Expiry date 28th October 2021

9. POLICIES

9.1 National Policies

National Planning Policy Framework (2021)
Planning Policy Guidance

9.2 Uttlesford District Local Plan 2005

ULP Policy S7 – Outside Development Limits.
ULP Policy S8 – Countryside Protection Zone
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access

ULP Policy GEN2 – Design
 ULP Policy GEN4 – Good Neighbourliness
 ULP Policy GEN7 – Natural Conservation
 ULP Policy GEN8 – Vehicle Parking Standards
 ULP Policy ENV4 – Sites of Archaeological Importance
 ULP Policy ENV13 – Exposure to Poor Air Quality
 ULP Policy ENV14 – Contaminated Land
 ULP Policy GEN5 – Light Pollution
 ULP policy ENV3 – Tree Preservation order.

9.3 Supplementary Planning Document/Guidance

SPD – Accessible Homes and Playspace
 Essex Design Guide
 ECC Parking Standards – Design and Good Practice (September 2009)
 UDC Parking Standards (adopted February 2013)
 Interim Climate Change Planning policy

10 CONSIDERATION AND ASSESSMENT:

- A** Principle of development of this site for residential purposes– (NPPF, ULP Policies S7, S8 and H3)
- B** Access, parking and highway safety (ULP Polices GEN1, GEN8)
- C** Design and impact on neighbour’s amenity, including noise ((ULP Policy (GEN2, GEN4 H10 and SPD “Accessible Homes and Playspace”);
- D** Affordable housing (ULP Policy H9)
- E** Biodiversity ((ULP Policies GEN7 and ENV3)
- F** Flood risk and drainage (ULP policy GEN3)
- G** Impact upon Heritage Assets (ULP policies ENV2 and ENV4)
- H** Climate Change (Interim Climate change Planning Policy)

A Principle of development of this site for residential purposes– (NPPF, ULP Policies S7, S8 and H3)

10 The site is located outside the development limits fo Great Hallingbury and is therefore located within the countryside where Uttlesford Local plan Policy S7 applies.

10.1 Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

10.2 A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy.

10.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to

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

- 10.4** The National Planning Policy Framework 2021 describes the importance of maintaining a five-year supply of deliverable housing sites. The council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.5 years (Five Year Housing Land Supply update April 2020).
- 10.5** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five-year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 14 residential dwellings would make a valuable contribution to housing supply within the district.
- 10.6** As advised, this presumption in favour of sustainable development is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.5-year land supply. Therefore, contributions toward housing land supply must be regarded as a positive effect
- 10.7** It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.
- 10.8** Social: The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being
The proposal would deliver social benefits by way 14 dwellings, including 42% affordable houses. The proposal would therefore make a contribution towards the delivery of housing needed in the district.. The proposal would also create employment opportunities during the construction stage. Existing employment on the site would be lost or relocated to other sites.
- 10.9** The site is considered to be rather isolated with amenities limited to a public house, village hall, church and private primary school. Transport connectivity to other villages and towns is limited and it is likely that the occupants of the houses would need to rely on a car.

- 10.10** Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit
- 10.11** Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).
- 10.12** The site is also located within the Countryside Protection Zone surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and there will be strict control on new development. In additional, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.
- 10.13** The proposal would introduce an element of built form which would have some impact on the character of the area, however the site already has several buildings on the site. These buildings would be demolished and replaced. The application is for outline planning and therefore the design, appearance and layout would be considered at reserved matters stage. The dwellings, however, should be of traditional design and the layout in a farmstead/courtyard design or of traditional cottages (of one and half stories) so as to be compatible with its rural setting and surroundings.
- 10.14** There are residential dwellings to the south of the site and opposite the site, and it is therefore considered that housing is a more appropriate use of the site than the existing. The development of the site would not be unduly out of character with the area.
- 10.15** A material consideration is that recently planning permission for housing on a site further north for 35 dwellings was granted under planning reference UTT/16/3669/OP. At that time Uttlesford had a five-year land supply, that is not the case now and therefore there is a greater need for housing in the district.
- 10.16** A further material planning consideration is that the National Planning Policy Framework (NPPF) at paragraph 120 advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate

opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. This site is a brownfield site.

10.17 Paragraph 123 of the NPPF further states that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.
One of the core planning principles of the NPPF is that Local Planning authorities shall encourage the effective use of land by reusing land that has been previously (brownfield land) provided that it is not of environmental value. This site is not of environmental value, apart from the trees subject to tree preservation orders remaining.

10.18 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision, especially the affordable housing which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP policy S7 and S8. On balance it is considered that the principle of development of this site for residential use is acceptable

B Access, parking and highway safety (ULP Policies GEN1, GEN8)

10.19 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

10.20 The existing access would be reused.

10.21 Essex County Council Highways officers have assessed the access and consider the proposal to be acceptable.

10.22 In view of the above it is considered that the proposal, subject to conditions, would comply with the aims of Policy GEN1.

10.23 The indicated properties are a mixture of two, three-bedroom and four-bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces

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

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

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one

standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d

c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.

d) The parking space is level or, where unavoidable, gently sloping

e) The gradient is as shallow as the site permits.

f) The parking space has a suitable ground surface.

The indicative plans comply with the above.

10.25 It has been demonstrated that the proposal would be able to meet the required parking standards. There is sufficient space for four unallocated parking spaces within the development to provide visitor parking Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

C Design and impact on neighbour’s amenity, including noise ((ULP Policy (GEN2, GEN4 H10 and SPD “Accessible Homes and Playspace”);

10.26 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

10.27 The indicative housing mix and parking provision of the individual plots for this application is as per the table below.

Plot	Housing type	Garden size m ²	Parking
1	3 Bed	166	2
2	2 Bed	105	2
3	3 Bed	126	2
4	3 Bed	216	2
5	2 Bed	108	2
6	2 Bed	102	2
7	4 Bed	189	3
8	4 Bed	188	3
9	3 Bed	230	2
10	4 Bed	348	3
11	4 Bed	168	3
12	3 Bed	116	2
13	2 Bed	108	2
14	2 Bed	212	2
Visitor			4

10.28 The housing mix is broadly consistent with Strategic Housing Market Housing report and Uttlesford Local Plan Policy H10.

10.29 All the units would have private amenity spaces. The Essex Design Guide

recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100m² and dwellings with 2 bedrooms should have private amenity space of 50m². The gardens shown in the plans show that each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.

- 10.30** Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposed development can be designed to accord with the separation distances contained within the Essex Design Guide and so as not to result in a material detrimental impact on neighbour's amenity by way of overlooking, overshadowing or overbearing impact.
- 10.31** The site is located within the vicinity of Stansted Airport, within the 60dB-63dB LEQ noise contour for Stansted airport and therefore the noise of future residents is a material consideration. Accordingly, Environmental Health Officers were consulted.
- 10.32** A noise assessment was submitted with the application and this report indicated that enhanced sound insulation and ventilation measures would be able to achieve acceptable average internal noise levels and these can be secured by a suitably worded condition. It is noted that external measured levels from all sources will be in excess of guideline external recommendations, due to aircraft noise which cannot be mitigated. It is considered that as planning permission for housing on the adjacent site was approved and on a site to the north which is closer to the airport, that it would not be reasonable to refuse the application on these grounds. The Uttlesford DC Environmental Health Officer have recommended conditions being attached to any permissions granted requiring the development being in accordance with the details identified in the SES Report Ref ENV321- HALL-001 dated 21st September 2021 submitted with the application.
- 10.33** Local Plan policy GEN2 sets out general design criteria for new development and requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.
- 10.34** The application has been submitted in outline planning application with all matters, including layout and appearance being reserved. There is sufficient space on the site to enable the dwellings to be designed so as not to have any detrimental impact on neighbours amenity and so that they would be compatible with the scale, form, layout and appearance of surrounding properties.
- 10.35** A Phase 1 Desk top study dated July 2021 has been submitted. In view of this report and the historic commercial use of the site it is essential to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be achieved by a suitably worded condition. The proposal would comply with Uttlesford local Plan policy ENV14.

D Affordable Housing (ULP Policy H9)

- 10.36** Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing
- 10.37** The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 10.38** This site is 1 hectares and is the application for fourteen dwellings, therefore there is a requirement for 40% affordable housing provision.
- 10.39** The applicant has indicated that they are prepared to enter into a S106 legal agreement to provide 42% (6 dwellings) as affordable housing. The proposal would comply with Uttlesford Local Plan Policy H9.

E Biodiversity ((ULP Policies GEN7 and ENV3)

- 10.40** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. The proposal is for the demolition of the existing buildings and as such has the potential to impact on bats.
An Ecological Impact Assessment, an Arboricultural Impact Assessment, Phase 1 Desk Top Study Assessment have been carried out and specialist ecologists have been consulted.
- 10.41** An Impact Assessment and conservation Payment Certificate countersigned by Natural England, relating to the Great Crested Newt District Level Licensing scheme has been submitted for this site. It is recommended that submission of copy of the GCN DLL be secured by a condition of any consent.
- 10.42** All trees with potential to support roosting bats will be retained. Additionally a wildlife Sensitive Lighting Strategy should also be delivered for this scheme and secured by condition to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries. The retained trees and hedgerows, which are also Priority habitats, have been moved outside of the proposed gardens. These Priority habitats should be managed for the benefit of wildlife. Management prescriptions should be outlined within a Landscaped and Ecological Management Plan (LEMP) and secured by a condition of any consent.
- 10.43** Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to the securing and implementation of biodiversity mitigation identified in the Ecological Impact Assessment (November 2021), which if the application is approved can be secured by condition. This is

necessary to conserve and enhance protected and Priority species particularly bats, Hazel Dormouse, reptiles, Badger, nesting birds and Hedgehog.

10.44 Japanese Knotweed, a non-native, invasive species listed on Schedule 9 of the wildlife and countryside Act (1981) has been found on the site and therefore should the application be approved a Construction Environmental Management plan for biodiversity should be secured by condition.

10.45 As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

F Flood risk and drainage (ULP policy GEN3)

10.46 Policy GEN3 requires development outside risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within flood zone 1, therefore it is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposals subject to conditions would comply with Policy GEN3 and the NPPF

G Impact upon Heritage Assets (ULP policies ENV2 and ENV4)

10.47 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building.

10.48 Adjacent to the site, to the south is the Grade II Listed public house, the Hop Poles, a nineteenth-century pub of brick with a grey slate roof. To the north west of the site on the opposite side of the road, are Grade II listed 131 and 132 Harps Farm Lane, a pair of late seventieth- century timber framed and plastered cottages with a hipped thatched roof.

10.49 The setting of Hop Poles is principally formed by the neighbouring houses clustered around the crossroads. To the side and rear, it occupies a generous plot with a large pub garden and car park. The application site forms part of its wider setting but makes little positive contribution to the experience and understanding of Hop Poles. The setting of 131 and 132 Harps Farm Lane is formed by the open, agricultural fields surrounding and opposite it. This would be preserved, and the proposed development would be largely screened by the band of mature vegetation around it.

10.50 Whilst development of the site would lead to an intensification of domestic use, including impacts such as noise, light spill and increased traffic movement, these are considered to be at the low end of the scale in their impact on the settings of the listed buildings.

10.51 Specialist conservation advice is that there is therefore no in principle objection to some development upon the site, however, it is considered that the proposed density and layout of the development does not respond sympathetically to local character and distinctiveness, contrary to NPPF (2021) para 197c. They state that the characteristic pattern of development of the area is linear development along the main roads, with houses facing

towards the principal streets. The creation of a cul-de-sac is out of keeping with the development pattern of the area and the impact would be suburbanising, harming the character of the rural hamlet.

10.52 Taking into account the existing buildings on the site and that the NPPF, section 11 states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The revised indicative layout of a cul de sac arrangement, although does not follow the pattern of surrounding properties, demonstrates, on balance, that a development on the site would be acceptable and is in line with pre-application advice, in that the design should be of a farmstead layout/courtyard of traditional cottages. It is considered that the impact on the neighbouring listed buildings would be low and would be acceptable.

10.53 The historic environment record shows the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. Accordingly, specialist archaeological advice was sought, and they recommend conditions are secured in relation to an Archaeological programme of investigation to include building recording and below ground excavation.

H Climate Change (Interim Climate Change Planning Policy)

Subsequently to the pre application advice being given an Interim climate change planning Policy has been adopted. The applicant has confirmed that all of the new homes will be provided with at least one installed fast charging point, and that they are willing to use solar panels/heat pumps and water butts provided that UDC agrees to their external appearance at the reserved matters stage.

10. EQUALITIES

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the

Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. CONCLUSION

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

A It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP policies S7 and S8. The site is a brownfield site, where National Planning Policy Framework (NPPF) at paragraph 120 advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.

B The access is acceptable. It has been demonstrated that sufficient parking provision can be accommodated on the site to comply with ULP policy GEN8

C The final design and size of the units would be determined at the reserved matters stage however it is considered that the application proposes a scheme that is capable of providing an acceptable mix of dwellings on the site.

D If approved, a provision of 42% of affordable housing would be secured by a s106 agreement

E The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition) would not adversely affect protected species, subject to planning conditions. As such the proposal complies with policy GEN7

F The site is at low risk of flooding

G The proposal would have a low impact on the setting and character of the listed buildings near to the site and subject to conditions, the proposal would protect Heritage assets in accordance with the provisions of Policy ENV4 of the Local Plan.

H The applicant has stated that all of the new homes will be provided with at least one installed fast charging point, and that they are willing to use solar panels/heat pumps and water butts

11.2 RECOMMENDATION:

It is therefore recommended that the application be approved subject to conditions and s106 agreement

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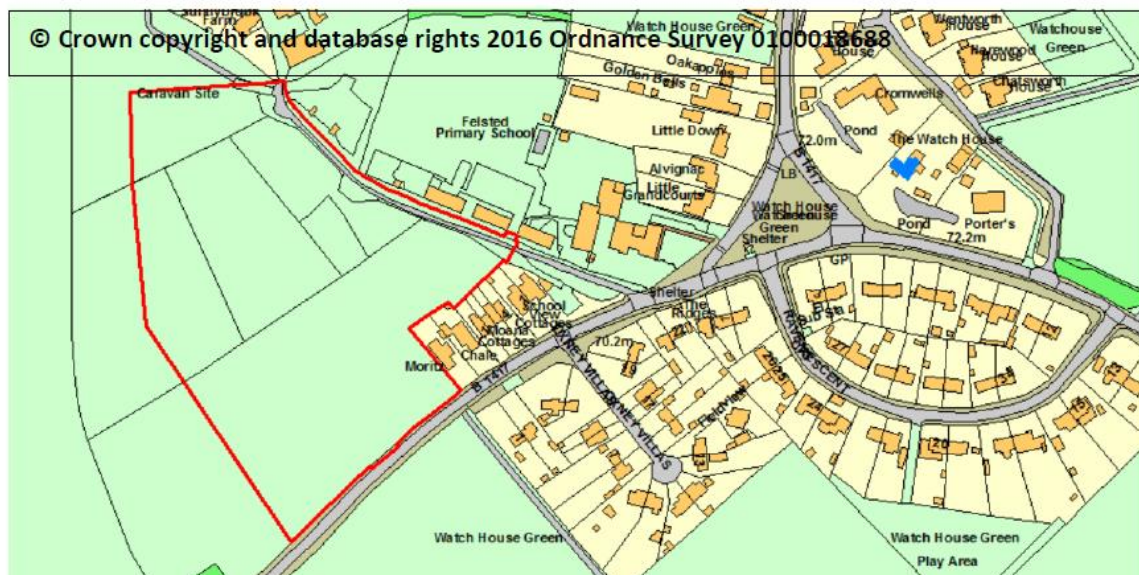
Agenda Item 12

ITEM NUMBER:

REFERENCE NUMBER: UTT/20/1882/FUL

LOCATION: Land at Sunnybrook Farm,
Braintree Road, Felsted

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 16/02/2022

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Organisation: Uttlesford District Council Date: 29 November 2021

PROPOSAL: Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road complete with related infrastructure and landscaping.

APPLICANT: Mr D. Cooney.

AGENT: Mr Chris Loon c/o Springfields Planning and Development.

EXPIRY DATE: 02.11.2020 (extension of time agreed until 01.04.2022).

CASE OFFICER: Clive Theobald.

NOTATION: Uttlesford Local Plan: Outside Development Limits.

Felsted Neighbourhood Plan: Part Inside / Part Outside Village Development Limits / Housing Allocation Site FEL/HN2 – Land at Braintree Road (Sunnybrook Farm).

1.0 RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT:

1.1 (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 16 April 2022 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:

- **Construction of a 90 no. space school/community car park, complete with landscaping, drainage and enclosures;**
- **Transfer of the completed school/community car park to Felsted Community Trust (or other body designated by Felsted Parish Council) with assignable contractor warranty;**
- **Provision of a maintenance sum of £10,000 (ten thousand pounds) to Felsted Community Trust (or other body designated by Felsted Parish Council) in respect of the future maintenance of the school/ community car park;**
- **Construction of a new pedestrian entrance and related works to the south-west side of Felsted Primary School;**
- **Construction/re-surfacing of the public footpath between Braintree Road and the application site, complete with drainage;**
- **Provision of an equipped Local Area for Play (LAP) and arrangements for its management and maintenance;**

- **Management and maintenance of the SUDS drainage scheme, including the drainage attenuation area;**
- **Management and maintenance of public open space;**
- **Financial contributions towards mitigating impacts upon the Blackwater Estuary SPA/Ramsar site (pursuant to the Essex RAMS/tariffs);**
- **Financial contribution of £10,000 for funding: (a) a consultation by Essex County Council with the North Essex Parking Partnership and (as may be required) the public; and (b) the costs of making a Traffic Regulation Order (TRO) and carrying out of TRO approved works for extending school waiting restrictions, complete with road marking and signage along Braintree Road in the vicinity of Felsted Primary School;**
- **Pay the Council's reasonable legal costs;**
- **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:

- **Failure to implement the construction of a 90 no. space school/ community car park, complete with landscaping, drainage and enclosures;**
- **Failure to implement the transfer of the completed school/ community car park to Felsted Community Trust (or other body designated by Felsted Parish Council) with assignable contractor warranty;**
- **Failure to implement the payment of a maintenance sum of £10,000 (ten thousand pounds) to Felsted Community Trust (or other body designated by Felsted Parish Council) in respect of the future maintenance of the school/community car park;**
- **Failure to implement the construction of a new pedestrian entrance and related works to the south-west side of Felsted Primary School;**
- **Failure to implement the construction/re-surfacing of the public footpath between Braintree Road and the application site, complete with drainage;**
- **Failure to provide an equipped Local Area for Play (LAP) and arrangements for its management and maintenance;**

- **Failure to implement the management and maintenance of the SUDS drainage scheme, including the drainage attenuation area;**
- **Failure to implement the management and maintenance of public open space;**
- **Failure to make financial contributions towards mitigating impacts upon the Blackwater Estuary SPA/Ramsar site (pursuant to the Essex RAMS/tariffs);**
- **Failure to make a financial contribution of £10,000 for funding: (a) a consultation by Essex County Council with the North Essex Parking Partnership and (as may be required) the public; and (b) the costs of making a Traffic Regulation Order (TRO) and carrying out of TRO approved works for extending school waiting restrictions, complete with road marking and signage along Braintree Road in the vicinity of Felsted Primary School;**
- **Failure to pay the Council's reasonable legal costs;**
- **Failure to pay the monitoring fee.**

1.2 **Conditions:**

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

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

2. Prior to commencement of development, full details of both hard and soft landscape works, including details of planting for the landscaping buffer proposed for the western boundary of the site, the proposed copse at the northern end of the site, internal swale areas, public open space areas and the proposed car park, shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and

environmental impacts of the development hereby permitted in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of development, details of the materials to be used in the external finishes of the dwellings as approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the visual amenities of the area in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development has a satisfactory appearance.

5. Prior to occupation of any dwelling, the road junction with Braintree Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, including the tangential splay to the north-east, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. DR1 Rev. B (Proposed Access and Visibility, 04/09/2021). Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: 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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, an access formed at right angles to B1417 Braintree Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (to facilitate the passing of opposing vehicles and refuse vehicles entering/exiting the site) and two 2 metre footways, shall be

provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the 20th dwelling, a scheme of highway works to be first submitted to and agreed in writing by the local planning authority shall be implemented, to include the following measures;

- i. Improvements to the passenger transport infrastructure at the eastbound bus stop located along the site frontage on B1417 Braintree Road. The bus stop improvements shall include (where appropriate) raised kerbs, hardstanding, flags and bus shelter.

- ii. Appropriate measures to deter or restrict the use by vehicular traffic of the existing vehicular access serving Sunnybrook Farm along public footpath no.12 (Felsted) / existing farm track, where within the planning application site

- iii. Appropriate improvements to public footpath no.12 from the B1417 Braintree Road to the pedestrian entrance to the south-east side of the proposed school / community car park, including construction, surfacing and drainage, as required.

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

8. No dwelling shall be occupied until the car parking spaces associated with that dwelling as indicated on the approved plans have been provided. The vehicle parking shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

9. The school/community car park shall be laid out in accordance with the layout details as shown on the submitted drawing ref; SP006-PL-04 Rev F dated Jan 2022 entitled "Parking Plan", including details for disabled parking.

REASON: To ensure that a satisfactory parking layout fit for its intended purpose is implemented in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

11. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, approved by Essex

County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

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

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. Prior to construction of the dwellings above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase of the development, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and Uttlesford District Council's adopted SPD entitled "Accessible Homes and Playspace".

15. All dwellings shall be provided with electric vehicle charging points. Prior to first occupation of each relevant dwelling, its charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted

2005).

16. Details of renewable energy and energy efficiency measures to be used for the dwellings beyond those already required to be incorporated into the dwellings under the latest Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

REASON: In the interests of sustainable construction in accordance with Policies GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development, details of any external lighting to be installed for the proposed car park, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented.

REASON: In the interests of residential amenity protection in accordance with Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).

18. (i). No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

(ii). No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (i) above.

(iii). The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local 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 shows the proposed development lies in a potentially sensitive area of archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, submission of a Biodiversity Management Plan, due diligence for nesting birds, consultation with a rabbit control specialist, general best practice during the construction phase; the installation of integrated bat and bird boxes on each property, tree mounted bird and bat boxes; retention of permeable boundaries; new native tree, hedgerow, copse, and meadow planting.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species

Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

20. Prior to commencement of development, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.
- j) Provision for new footpath/linkages to existing footpath network.

The approved BMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the bio-diversity measures as recommended for the approved development are implemented in accordance with recognised ecology best practice.

21. Prior to construction above damp proof course, a Biodiversity Enhancement Layout (BEL), providing the finalised details and locations of the enhancement measures contained within Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020), including installation of bird and bat boxes and native/wildlife friendly planting in any landscaping (including planting of trees, hedgerows, copse, and meadows), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

2.0 SITE DESCRIPTION

- 2.1. The site lies on the north side of Braintree Road at the western edge of Watch House Green and comprises an irregular shaped and relatively flat area of maintained meadow land comprising 2.85 ha. The site is bordered along its post and railed north-eastern boundary by a long vehicular access track / public footpath leading from Braintree Road to Sunnybrook, whilst Felsted Primary School fronts onto the access track on its immediate north-east side. A line of bungalows and relatively new 1½ storey dwellings face onto Braintree Road at the front south-eastern corner of the site. The site is bordered along the remainder of its road frontage boundary onto Braintree Road and also along its western flank boundary by trees and mature hedgerow.

3.0 PROPOSAL

- 3.1 This full application proposal related to the construction of 24 no. dwellings and school related community car park to serve Felsted Primary School which would both be served via a new vehicular access from Braintree Road.
- 3.2 Revised Proposed Development Layout ref; SP006-PL-02 Rev Z shows how the community car park and associated enabling market housing would be accommodated on the site, which includes an area of public open space and a small Local Area of Play (LAP), whilst drawing SP006-PL-03 Rev G shows the proposed detailed development layout, to include a detailed house type schedule.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed development would constitute Schedule 2 works for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Infrastructure development), although the site is not within a sensitive area and an Environmental Statement is not required for the application.

5.0 APPLICANTS CASE

5.1 The application is accompanied by the following statements and reports to inform the application proposal:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment
- Preliminary Ecological Assessment
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Phase 1 Geo-Environmental Desk Study Report

5.2 The submitted **Planning Statement** (Springfields Planning and Development) sets out the planning case for the submitted proposal and concludes as follows:

- The application has to be determined in accordance with Section 38(6) of The Planning and Compulsory Purchase Act. A decision should therefore be made in accordance with the Development Plan unless material considerations indicate otherwise.
- In terms of addressing the principle of the development, it will be noted that the proposal is made against the allocation of the site for these purposes in the made Felsted Neighbourhood Plan ('FNP'). The site was allocated so that Felsted could deliver its housing requirements (with a suitable mix of properties) and in particular that such housing would enable the provision of the community car park. It is intended that the car park will be transferred to the community and primarily used for school-related parking. This would address the current traffic congestion and related safety/amenity issues caused by on-street parking which currently takes place around Felsted Primary School due to the school's lack of parking facilities. The current problems are of significant concern to the community.
- The site lies in the countryside for the purposes of the adopted Uttlesford Local Plan. However, the proposed development is broadly in line with the FNP, this being part of the Development Plan which s.38(6) requires the application to be considered against and is also more recent than the 2005 Local Plan. Furthermore, the proposal meets the aspirations of the community and has been subject of community involvement. The site allocation provides a special reason why the development should be allowed such that it can be considered in line with Local Plan Countryside Policy (S7). Accordingly, the principle of the development is acceptable pursuant to consideration under s.38(6).
- The proposal has properly taken account of site constraints and opportunities, technical considerations and policy requirements. It is based on a range of professional advice. In consideration of the NPPF, which promotes sustainable development, the scheme meets environmental, social and economic objectives.
- In terms of the NPPF's *environmental* objectives, the development scheme has no overriding constraints. Professional appraisals have

been undertaken regarding tree impacts, ecology, highways and access, flooding/drainage, landscape and visual impacts and contamination. There are no overriding heritage issues.

- The proposal would deliver a high quality sustainably constructed housing development of suitable design, scale, siting, architecture and materials. The low-mid density of development would respect local character, but deliver a reasonably optimal use of the land which is currently underutilised.
- Extensive boundary landscaping is proposed, adding to existing boundary planting at Sunnybrook Farm which will be retained or enhanced, except where removal is necessary for an access incursion. Such vegetation will limit the impacts upon external views. Internally, the development will have a pleasing appearance due to a tree lined avenue, roadside swales, front gardens, a landscaped attenuation area and a landscaped car park. Buffers in the form of extended gardens for existing adjacent residential properties are also proposed. Account has been taken on impacts upon residential amenity following consultation with the adjacent residents.
- There will be net biodiversity gains as a result of new planting and other ecological measures.
- Safe access will be provided to the highway network for vehicles and pedestrians suitable for the residential and car park related users.
- A detailed SUDS drainage strategy is incorporated within the development scheme and arrangements can be made for its long term management.
- The site lies in a sustainable location close to accessible village facilities, amenities and good public transport services.
- In terms of *social* objectives, there are two important benefits:
 - Firstly, is the provision of housing to meet the policy requirements of the FNP, but additionally to help address the current and significant shortfall in the District's housing supply. The NPPF supports housing, especially small/medium scale sites and the efficient use of land, particularly where housing supply is short. The type of dwellings to be provided meet the policy aspirations of the FNP.
 - Secondly, is the provision of the community car park which primarily will be used for school related parking purposes. The car park will be an important benefit to the community as its use will relieve the significant traffic and parking congestion around Felsted Primary School which occurs at drop off and pick up times. It is intended that the car park would be transferred to the community (e.g. Felsted Community Trust).
- The NPPF's *economic* objectives will be met. The development will help support village facilities and bring short terms benefits via a construction project.

- It is therefore subscribed that the scheme would be a 'sustainable development' under the NPPF.
- The application proposal is in line with the Development Plan. In consideration of the Planning Acts it should therefore be granted, subject to any necessary conditions or obligations. Furthermore, the NPPF indicates that decisions should apply a 'presumption in favour of sustainable development' and goes on to state that for decision taking this means approving development proposals that accord with an up-to-date development plan *without delay*. As the proposal accords with an up to date Development Plan, planning permission should be forthcoming.

5.3 The submitted ***Statement of Community Engagement*** concludes as follows:

- The Government and Uttlesford DC encourage consultation prior to planning applications being submitted. Uttlesford DC encourages communities to form their own community led plans, which in this case involves the Felsted Neighbourhood Plan.
- The land use proposals for the site, including housing and a community car park, are contained within a site allocation of the Felsted Neighbourhood Plan. This is a made Development Plan which followed significant public involvement and had the overall support of the Felsted community. Other technical/statutory consultees were involved in the process. The Independent Examiner indicated that stakeholders had full opportunity to influence specific policies.
- The applicant has engaged with the Neighbourhood Plan Steering Group, Felsted Parish Council, Felsted Primary School and the immediately affected residents. As a result of this process, the application plans have been formulated with general consensus being reached as evidenced by recent correspondence. Given that early, proactive and effective engagement with the community has been undertaken and demonstrated, the planning application should be looked on more favourably, according to paragraph 128 of the NPPF.
- Very clear criteria are set out in the site allocation policy and the local consultation has been productive. Accordingly, it has not been deemed necessary to hold detailed pre-application discussions with the LPA. Furthermore, the council's SCI advises applicants to consider its Guidance Notes and a Planning Application Checklist. In these respects, the LPA's validation checklist has been reviewed. It provides clear advice about the level of information which is required to support a planning application. Appropriate documentation will be submitted accordingly with the planning application, including various technical reports.
- The applicants wish to thank those stakeholders who have engaged in the consultation process concerning the proposals for the Sunnybrook Farm site. Should any concerns with the proposals be raised during the application process, the applicants are open to discussing and resolving these.

6.0 RELEVANT SITE HISTORY

- 6.1 The southern part of the application site (plus an element of other land heading towards the west) facing onto Braintree Road was the subject of a planning application in 2013 which initially proposed a residential development comprising up to 13 no. dwellings and related infrastructure, school related car parking area, new vehicular access from Braintree Road and extended domestic garden adjacent to Moritz ((UTT/13/2942/OP). However, the application was subsequently amended to delete the car parking proposal following discussions with the LPA. The (amended) application was refused and subsequently dismissed on appeal on 15 September 2014. The key reasons for dismissing the appeal were based on the conflict of the proposal with countryside policy and its likely impacts upon the character and appearance of the area. The inspector also stated that the Council's housing land supply position (which at that time was greater than 5 years' supply) was not a material consideration which weighed against the policies in the development plan.

Pre-application discussions

- 6.2 See Statement of Community Involvement comments above regarding the extent of engagement by the applicant with the Neighbourhood Plan Steering Group, Felsted Parish Council, Felsted Primary School and affected local residents regarding this Felsted Neighbourhood Plan school / community car park / enabling housing allocation site (FNP FEL/HN2).

7.0 CONSULTATION RESPONSES:

Local Lead Flood Authority:

- 7.1 (Revised comments received 3 December 2021 and subsequently updated 18 February 2022):

Having reviewed the amended Flood Risk Assessment and the associated documents which accompanied the planning application, we do not have any drainage objections to the granting of planning permission based on the new information received.

Place Services (Ecology):

- 7.2 No objection subject to securing biodiversity mitigation and enhancement measures by condition and also a financial contribution being sought towards visitor management measures at the Blackwater Estuary SPA and Ramsar site in line with the Essex coast RAMS for impacts from residential development within the ZOI specified in combination with other plans and projects.

ECC Highways:

- 7.3 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective as shown on DWG no. SP006-PL-02 Rev. Z subject to highway conditions.

ECC Education:

- 7.4 From the information I have received, I have assessed the application on the basis of 24 houses. A development of this size can be expected to generate the

need for up to 2.16 Early Years and Childcare (EY&C) places; 7.20 primary school, and 4.80 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

A developer contribution of £37,299 is being sought to mitigate the proposed development's impact on local EY&C provision.

Primary Education:

This development is adjacent to Felsted Primary School. The school has a Published Admission Number of 30 places per year. At the last schools' census in January, the school had in excess of this number in four of its year groups, including two bulge groups in year's 4 and 5. Provisional figures indicate that the school was again full in Reception this September and a waiting list is in operation. Forecasts for the wider area, set out in the Essex School Organisation Service's '10 Year Plan', indicate growing demand for primary school places across the wider school place planning area, which includes Flich Green Primary and Stebbing Primary schools (Uttlesford Group 7). Stebbing Primary School is expanding to offer 10 extra places per year but, by the end of the Plan period, up to 15 will be required across the Group.

Based on the demand generated by this proposal as set out above, a developer contribution of £124,330, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

Secondary Education:

A developer contribution is not sought for this development.

School transport:

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 if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare and primary education. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare and primary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Place Services (Archaeology)

- 7.5 The Historic Environment Advisor has identified the above application from the weekly list as having potential for surviving archaeological deposits.

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

Recommendation: A Programme of Trial Trenching followed by Open Area Excavation.

MAG Stansted Airport

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

Anglian Water

ASSETS

- 7.7 Section 1 - Assets Affected

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

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

Wastewater Services

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water is 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 - Used Water Network

This response has been based on the following submitted documents: FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development if permission is granted. It will need to

work with the applicant to ensure that any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information; the applicant has not submitted a connection point or regime (discharge rate) for the site. We therefore request a condition requiring an on-site drainage strategy.

Section 4 - Surface Water Disposal

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

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

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition:

Condition: Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason: To prevent environmental and amenity problems arising from flooding.

UK Power Networks

- 7.8 I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

Crime Prevention Officer

- 7.9 Policy GEN2: Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, 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.

UDC Housing Enabling Officer

- 7.10 I note that there is no affordable housing provision proposed for the site and that an extensive school related community car park (90 spaces) is being provided, which significantly reduces the area available for the housing provision. We would expect there to be affordable housing provision included upon this site, albeit less than 40% affordable housing, if there is a recognised need for a school related community car park, although we question whether such an extensive car park is required.

UDC Environmental Health Officer

- 7.11 The site layout shows that 90 no. spaces are proposed in respect of the school car park, with a number of gardens serving residential properties whose curtilage are proposed to be extended adjacent to the car park. Cars manoeuvring at low speeds in car parks generate low levels of noise, but higher levels can be generated (albeit briefly) from car doors being closed and engines being started. Whilst I acknowledge the proposed 1.8 metre high close board fence surrounding the carpark may offer some benefits, I am unable to determine in the absence of any form of acoustic assessment if the use of the car park by up to 90 vehicles over a short time frame, i.e. predominantly during school arrival and departure times, in addition to the potential noise associated with the drop zone, will not lead to an unacceptable loss of amenity. As such, I would recommend refusal on such grounds. However, should planning permission be granted, I would recommend that an external lighting condition and also Phase 1, Phase 2 and Phase 3 (if necessary) contamination conditions be attached to any grant of consent in the interests of residential amenity and ground water protection.

Felsted Parish Council

- 7.12 Updated comments dated 27 July 2021:

'Following the Zoom meeting on Monday 17th May 2021 between yourself and Roy Ramm and Richard Freeman on behalf of Felsted Parish Council (FPC) and the Felsted Community Trust (FCT), we agreed to clarify the position of FPC with regard to the Planning Application for the development on Sunnybrook Farm, which includes the delivery of a car park for Felsted Primary School, which is supported by the Felsted Neighbourhood Plan (Policy FEL/HN2).

To aid the UDC Planning Committee, this letter is sent on behalf of both the Chair of Felsted Parish Council and the former Chair of the Felsted Neighbourhood Plan Steering Group.

Previous meeting between Felsted Parish Council, ECC and the School.

Representatives of FPC participated in a Teams meeting on April 27th 2021 with Officers of Essex County Council. All parties are keen to see the proposed car park delivered subject to agreement on the exact positioning of the new access gate and some future maintenance issues.

The Board of Governors have previously asked for the following features to be

included or facilitated:

- Car park to have secure fencing and lockable gates, electronic/remotely controlled from the school and security camera monitored.
- Car park to have quality of surface, tough enough for regular car usage and safe to be used by children. Landscaping to be sympathetic, child friendly and secure.
- Secondary green area: differentiated but capable of inclusion as an additional play-space also landscaped sympathetically, not blocking attachment to car park area.
- Extinguishment of that part of footpath 12 that would pass through the car park (and associated deletion of track) to give adequate child safeguarding and elimination of vehicular traffic to farm.
- Gate to school – to be single pedestrian access, lockable, electronic security remote control, camera monitored and have covered area for a person to supervise when appropriate.

FPC supports these requests.

ECC and the school heads and bursar stated that the new entrance gate would need to be much closer to the Braintree Road than originally envisaged otherwise it could restrict future school development should new classrooms need to be built. This would require the new access gate to be relocated to ground currently owned by ECC. In this case, the surface, which is currently “un-made”, would require improvement. ECC have requested that the costs of resurfacing this area be included in the viability assessment for the Section 106 (S106).

ECC also requested that both the funds for the new gate construction and for resurfacing of “unmade” area are factored into the S106 and that these funds be transferred to UDC, to be reassigned by UDC to ECC (ring-fenced?) for construction of the gate and the resurfacing to be completed by ECC.

With regard to the re-routing of footpath 12, all were in agreement that it should be re-routed and FPC supported this. It is noted that in the most recent “Revised Plans” letter from Springfields Planning and Development, dated 7th July 2021 and now showing in the UDC Planning website that it is stated that the re-routing of footpath 12 is no longer being proposed and that some of the reasons quoted relate to comments in the Felsted Neighbourhood Plan (FNP).

Whilst it is true to say that FPC did not include the re-routing of footpath 12 in references within the FNP and indeed were keen that it should be retained, following representation from the school Governors who requested it be re-routed to improve child safeguarding and the practicality of the school using the car park as an extended play area during the day, we did recognise that this was a perfectly valid reason to request its re-route and expressed support to UDC for such a revision.

The short stretch of the existing path from the Braintree Road to the new car park, which is across land owned by ECC, could be retained (presumably as a “permissive path” or similar) and would require resurfacing to be safe as an access path to the new school access gate.

If the re-route of footpath 12 is reintroduced, the FPC would request that an alternative footpath was made available during construction and that the re-

routed footpath be transferred to the new road running through the development to join up with the Sunnybrook Farm section on completion.

Factors to be considered during viability assessment

FPC recognise that the viability assessment of delivering the car park will include some costs that are specific to providing features or facilities that improve the operational suitability of the car park for the school and have no reason to question these reasonable requests.

It is important to recognise that the Primary School is currently oversubscribed. Given the ongoing housing development within the area, future development of the school to increase its capacity seems to be inevitable, but it is critical that the potential associated impact on the local community is first addressed before any such expansion is considered. Consequently, any such increase in capacity is unlikely to be supported by either FPC or the local community whilst the existing traffic, parking and safety issues exist, hence the objective of the FNP to deliver the car park.

The capacity demands on the school are clearly exacerbated by three separate recent housing developments within just a few hundred metres of the school (as detailed below). However, whilst these developments accentuate the pressure on school places, because they all include affordable housing, they also serve to justify the request for a relaxation on the normal demand for more affordable housing on the Sunnybrook site in order to provide funds for this significant and badly needed improvement to local infrastructure.

There are 39 affordable homes already approved, but as yet unbuilt, within Watch House Green (WHG) or within just a few hundred metres of the site and there are a further 5 approved but as yet unbuilt in the Parish (at Bury Farm). Therefore a commutation of the normal affordable housing element on this site can help to deliver significant and much needed community benefit.

FPC has undertaken two Housing Needs Surveys in the past 10 years. The most recent survey was a fully independent survey completed by the RCCE in 2016 undertaken as part of our Neighbourhood Plan consultation process.

The 2016 survey identified a local “housing need” of 14 affordable units. It was subsequently considered by the Felsted Neighbourhood Plan Steering Group and Felsted Parish Council that the (then) identified need was addressed by the “phase-one” Clifford Smith Drive (CSD) development UTT/13/0989/OP. This had been approved in December 2014, but had not been completed at the time of the RCCE Housing Needs Survey and provided 10 affordable units.

FPC understand that not all of the Felsted connected families or individuals meeting the criteria for housing allocation on UDC’s housing register were able to benefit from the affordable housing on the phase one CSD development due to their inability to afford even the reduced formula rent. Understandably due to confidentiality, Felsted Parish Council was not advised of the number or details of those affected.

It should be noted that the proposed housing mix is fully consistent with the objectives of the FNP that identified a significant local need for smaller low cost open market homes suitable for first time buyers or older people downsizing, thus freeing up larger underutilised homes within the Parish. The proposal is for

18 x 2 bed dwellings, 1 x 3 bed dwelling and 5 x 4 bed dwellings which is a far higher number of smaller open market homes than the majority of recent developments have delivered for Felsted.

For the reasons stated, FPC is of the opinion that our community is already vastly oversubscribed with future affordable homes. Having conscientiously undertaken HNS's and met the (then) identified need we now consider that the provision of the important and much needed improvement in local infrastructure of the school car park which is supported by the FNP has become the priority.

It is also relevant to note that the three recently approved developments (detailed below) generated Primary Education contributions of £444,677 and £111,326 Early Years contributions (Totalling £556,003).

Another facility generally required within a development which could also be eliminated in this current application would be a children's play area. There are already two such areas within a few hundred metres of the site. One is off Ravens Crescent and the other is within the original Clifford Smith Drive development. There is a third very extensive children's play area within the village in the parish playing field a little over ¼ mile away.

Details of relevant data when considering viability.

Recent planning approvals (as yet unbuilt) generating Primary School financial contributions and affordable housing allocations (taken from S106 and/or ECC Economic Growth and Development requests, published data on UDC planning site).

Application ref:	Location	Primary contribution (£)	Affordable Housing allocation
UTT/19/2118	WHG (Clifford Smith Drive)	£187,956	16
UTT/18/1011	WHG - Maranello	£119,192	11
UTT/18/3529	South of Braintree Road	£137,529	12
UTT/18/2508	Bury Farm	Nil	5
Total		£444,677	44

Note: Early Years "pre-school" contributions were also requested by ECC for UTT/19/2118 of £64,287, UTT/18/3529 of £47,039.
 Total Early Years contributions sought - £111,326.
 Combined Education contribution total - £556,003

Financial contribution towards future maintenance of car park surfaces fencing and landscaping.

Whilst ECC and Felsted Primary School fully support the provision of the car park which, in line with the FNP which was fully "Made" by UDC will be transferred to the Felsted Community Trust (FCT), they have made it clear that they are not prepared to cover any costs associated with installation or long term operation. Therefore, if the FCT are to provide the facility on a "zero cost" basis to ECC and the school, which the Trust is prepared to do on a licence basis, we must consider the long term maintenance implications.

Therefore we seek a financial contribution as an element of the Section 106 agreement in order to mitigate the obligation on the FCT. Provided the car park is transferred to the FCT with a 10 year “warranty” to protect the FCT from unexpected short term costs, we would request a contribution from the developer towards long term maintenance in the region of 10% of the indicated build costs which would be £45,000.

As there is unlikely to be any immediate need for maintenance, there would be no requirement for this payment to be made until either completion or occupation of the last home or this could even be later provided there was a mechanism in place to protect the FCT from the developer subsequently ceasing to trade.

Additional requirements of FPC (not necessarily Planning considerations) but to be addressed

If the new side access gate is to be located closer to Braintree Road than originally envisaged then parking restrictions will need to be in place in Braintree Road at school drop off and collections times otherwise on street parking could persist. The developer needs to work with ECC to arrange this and cover any costs.

Note: Example of sign as currently in place at Felsted Primary School - Replace the word “entrance” with alternative “inside marked area” wording and introduce an appropriately marked area outside school.

We accept the exact positioning of the new side gate into the school will be determined by the school and ECC at a later date.

8.0 REPRESENTATIONS

- 8.1
- Current proposal appears to be a repeat of a similar scheme which was previously refused;
 - Yet another housing development at Watch House Green;
 - Car park will be a white elephant;
 - The housing scheme will join this hamlet up with Felsted village;
 - 24 homes will add to existing traffic problems along Braintree Road, particularly during drop-off and collection times;
 - Development would have harmful impact upon local rural amenity;
 - The 24 dwellings and 90 space car park proposed seems extraordinary good value and also a gift the for the developer. Have the parish council been hoodwinked?
 - No affordable housing is included for the housing element of the scheme;
 - The school has a maximum of 270 pupils, so a 90 space car park looks excessive when taking into account staff numbers and remainder as a parent/pupil drop-off car park;
 - Type 3 turning heads shown for the development are not suitable for refuse vehicles, including as shown for the school gates;
 - Should a Traffic Regulation Order be considered for Braintree Road in light of the school car park proposal to take parking off the road?;
 - Developer should be made to pay for associated infrastructure costs, including speed bumps and slow down signage for Braintree Road?;

9. POLICIES

9.1 National Policies

National Planning Policy Framework (NPPF) (rev. July 2021)

9.2 Uttlesford District Local Plan (adopted 2005)

Policy S7 – The Countryside
Policy ENV4 – Ancients Monuments and Sites of Archaeological Importance
Policy ENV5 – Protection of agricultural land
Policy ENV15 – Renewable Energy
Policy H1 – Housing development
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy LC3 – Community Facilities
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light pollution
Policy GEN6 – Infrastructure Provision to Support Development
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards

9.3 Felsted Neighbourhood Plan (made 25th February 2020) (FNP)

FEL/HN1 – Meeting Housing Needs
FEL/HN2 – Land at Braintree Road (Sunnybrook Farm)
FEL/HN5 – Residential Development Outside Development Limits
FEL/HN7 – Housing Mix
FEL/HN8 – Habitats Regulations Assessment
FEL/ICH1 – High Quality Design
FEL/ICH4 – Avoiding Coalescence
FEL/CW1 – Landscape and Countryside Character
FEL/CW3 – Footpaths, Bridleways and Cycleways
FEL/INF1 – Flood Risk

9.4 Other material planning considerations

Essex Design Guide
ECC Parking Standards – Design and Good Practice (September 2009)
UDC Parking Standards (February 2013)
Interim Climate Change Planning Policy (Uttlesford District Council, 2021)
UDC Supplementary Planning Guidance – ‘Accessible Homes and Playspace’

10 CONSIDERATION AND ASSESSMENT

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

A Principle of development - Felsted Neighbourhood Plan Allocation Site for housing with school car park / countryside protection / flood risk / loss of agricultural land / general sustainability principles (NPPF, Policies S7, ENV5, H1, LC3, GEN3, GEN6 – ULP, Policies FEL/HN2, FEL/HN5, FEL/ICH4,

- B** FEL/CW1, FEL/CW3, FEL/INF1 – FNP);
Proposed access arrangements (Policy GEN1 – ULP, Policy FEL/HN2 – FNP);
- C** Scale of development (NPPF, Policy GEN2 – ULP);
- D** Layout, including vehicle parking standards (NPPF, Policies GEN2 and GEN8 – ULP);
- E** Appearance (NPPF, Policy GEN2 – ULP, Policy FEL/ICH1 – FNP);
- F** Proposed landscaping measures (NPPF, Policy GEN2 – ULP, FEL/HN2 – FNP);
- G** Impact on residential amenity (NPPF, Policy GEN2, GEN4, GEN5, ENV11 – ULP);
- H** Housing Mix (Policy H10 – ULP, Policies FEL/HN1, FEL/HN7 – FNP);
- I** Affordable housing considerations (Policy H9 – ULP, Policies FEL/HN1, FEL/HN7 – FNP);
- J** Drainage (NPPF, Policies GEN2, GEN3, GEN6 – ULP, FEL/INF1, FEL/HN2 (vii) - FNP);
- K** Impact upon protected / priority species (GEN7 – ULP, Policies FEL/HN8, FEL/HN2 (ix) – FNP);
- A** Principle of development (NPPF, S7, ENV5, H1, LC3, GEN3 – ULP, FEL/HN2, FEL/HN5, FEL/ICH4, FEL/CW1, FEL/CW3, FEL/INF1 - FNP).

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area is the Uttlesford District Plan (adopted 2005) and also in this case the made Felsted Neighbourhood Plan (made 25th February 2020). The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration to applications.

10.2 The site lies outside development limits for both the adopted Local Plan (2005) and also the made Felsted Neighbourhood Plan (made 25th February 2020) (FNP) where there would normally be a presumption against new forms of development under Policy S7 of the adopted LP and under FNP Policies FEL/HN5, FEL/ICH4 and FEL/CW1 of the made Neighbourhood Plan. However, the site is one of the two local infrastructure proposal sites planned for Felsted Parish as identified in the Felsted Neighbourhood Plan, namely FNP FEL/HN2 – Land at Braintree Road (Sunnybrook Farm) where the full policy text of this Neighbourhood Plan policy is set out below:

FEL/HN2 – Land At Braintree Road (Sunnybrook Farm)

The Plan allocates the Sunnybrook Farm Site as shown on Map 6 and Map 7 for housing development of approximately 24 units. To be supported the development proposals must:

- i. Be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards;
- ii. Identify and pursue opportunities to promote walking, cycling and public transport to improve accessibility and integration into the wider community and wider networks;
- iii. Protect the public's rights and ease of passage over the adjacent Public Footpath 12 (Felsted), ensuring it is maintained free and unobstructed at all times to ensure the continued safe passage of

- public on the definitive right of way;
- iv. Include a new access road, a kiss and drop facility and significant off-road landscaped lockable car parking provision for approximately 90 vehicles, including contingency provision pending future expansion of the Primary School. These should be designed to take account of any reasonable operational requirements of the school. All mitigation measures, including any off-site highway measures, will be secured through appropriate legal agreement(s) or, where appropriate, Grampian style planning conditions;
- v. Be screened with native hedgerows or tree screening to the western and northern boundaries to mitigate the visual impact of the development on the landscape;
- vi. Include a landscape buffer behind the existing properties at Braintree Road;
- vii. Include swales to provide SUDS running along new roads unless Drainage Strategy considerations dictate otherwise;
- viii. Provide a mix of housing to meet the latest assessment of local housing need including a significant proportion of two- or three-bedroom accommodation suitable for young families, and homes that are suitable for older people (which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs), having regard to the supply of such units at the time of application;
- ix. Due to its location within the zone of influence of the Blackwater Estuary SPA and RAMSAR site, the proposal shall be accompanied by a project level Habitats Regulation Assessment which will demonstrate that the development proposal will have no adverse effects on the integrity of the European site; or, in the case of the Essex RAMS SPD being adopted, be subject to a financial contribution towards avoidance and mitigation measures as specified in the Recreational disturbance and Avoidance and Mitigation Strategy (RAMS) for the Essex Coast.

10.3 The preamble to FNP Policy FEL/HN2 sets out the need for a school car park for Felsted Primary School where it recognises that traffic congestion around the school *'is an immediate and significant problem the community wants the Plan to address'*, adding that the existing school is full with a continuing pressure for places and that this will exacerbate the existing problems of traffic congestion and public safety. Paragraph 5.4.28 of the Felsted NP states as follows:

“Sunnybrook Farm site is immediately adjacent to the Primary School. Housing development on this site provides an opportunity to mitigate the congestion currently caused by school traffic and to provide some contingency for an increase in the size of the school. Support for the housing development proposal is entirely contingent on the provision by the developer of a new road to the west of the School and generous off-road parking and drop-off areas”.

10.4 The current detailed planning application for Sunnybrook Farm seeks to fulfil the policy objectives of FNP Policy FEL/HN2 of the Felsted Neighbourhood Plan for the Sunnybrook Farm Allocation Site as identified within the Plan to deliver a school/community car park with an enabling housing scheme for 24 no. market dwellings whereby the submitted scheme takes into consideration the various policy criterion as listed within FNP Policy FEL/HN2 in relation to

design, layout, access, landscaping, drainage, housing mix, ecological, operational and other requirements.

- 10.5 The site currently comprises a grass meadow which would be lost through the proposed development. However, Place Services Ecology have not objected to the proposal on ecology grounds (see further below) subject to appropriate compensatory conditions, whilst the loss of 2.85 ha of undeveloped land which is not presently in active agricultural use would not result in the loss of food production. It is accepted that the development would have some visual impact on local rural amenity at this edge of settlement location in terms of change in settlement character when viewed from the west and also that it would have a coalescence effect to a degree between this western side of Watch House Green and the beginning of Felsted village 'proper' to the east.
- 10.6 As such, the proposed development would 'by default' be contrary to Policy S7 of the adopted LP in that it would fail to protect the countryside for its own sake. However, the site is relatively flat and is well screened by strong vegetation along both Braintree Road and its extensive western flank boundary. Furthermore, the gradual curved nature of the spine road shown for the proposed development extending round from Braintree Road to the track leading to Sunnybrook Farm, together with both a reinforced native planting buffer along the site's western boundary and a new tree copse shown to be planted for the northern end of the site as shown on the submitted Landscape Strategy (drwg. 1198.01) would serve by appropriate screening to reduce the visual impact of the development within the site's localised rural setting and thus maintain the visual transition from Felsted village to Watch House Green.
- 10.7 In this context, the submitted Landscape and Visual Impact Assessment (Springfields) concludes that; *"Overall, the development of the siting and scale proposed should be able to be absorbed in to the wider local landscape, subject to the retention of the vegetation at the boundaries of Sunnybrook Farm, the new western and northern tree buffers, the various measures to improve or replace vegetation and use of appropriate materials, especially to roofs. Whilst the development will inevitably have some level of landscape and visual effect on this greenfield site, landscape and visual issues should not be considered as an overriding planning constraint in determining the planning application"*.
- 10.8 It is considered from the above landscape appraisal that the localised visual harm arising from the proposed development by the introduction of built form at this greenfield location would not be significant or demonstrable, whilst the resulting harm arising from the proposal also has to be balanced in this case against the local identified need for a community infrastructure facility at this location adjacent to Felsted Primary School as set out in FNP Policy FEL/HN2 of the Felsted NP whereby its is stated at paragraph 5.4.33. of the plan in recognition of the various constraints of the site that *"The Plan attaches significantly greater weight to the opportunity this development provides for delivering the urgent objective of reducing congestion caused by school traffic and does not therefore consider the limited degree of coalescence a precluding factor"*.
- 10.9 The principle of the proposed development of this greenfield site on the western edge of Watch House Green on land which is identified on the Government's flood risk map as being at the lowest risk of flooding (Flood Risk 1) is therefore considered to be acceptable against the provisions of FNP Policy FEL/HN2 subject to the detailed criteria requirements of this policy being met which are

discussed further below. The site is situated within a sustainable location with regard to the housing element of the proposed scheme being located on the Felsted bus service loop (No.133 hourly Stansted Airport to Colchester bus service and also the No.16 service with bus stops nearby) and also lying adjacent to Felsted Primary School whereby recent housing schemes have been built or approved within close vicinity of the site at Watch House Green (Clifford Smith Drive and Maranello)

B Proposed access arrangements (Policy GEN1 – ULP, FEL/HN2 – FNP)

10.10 The proposed development would be served by vehicular access from Braintree Road south-west of the line of existing dwellings which line Braintree Road on its north side, whilst a spur road would feed off the spine road leading into the development to serve the school / community car park. A turning head would be positioned at the northern rear end of the development with a footpath link to connect with existing PROW footpath 12 which runs along the existing vehicular entrance track between Braintree Road and Sunnybrook Farm, whilst an additional turning head would be positioned at the end of the spur road. A gated vehicular and pedestrian entrance would serve the western end of the car park. The spine road / spur road would be subject to a 20mph speed restriction.

10.11 ECC Highways have been consulted on the proposal who have reviewed the submitted Transport Assessment (Journey Transport Planning) and who have not raised any highway objections to the proposal from a highways and transportation perspective based upon the latest proposed site layout drawing (SP006-PL-02-Rev Z) which now repositions indicated visitor parking bays along the spine road outside of the indicated x-y visibility splays for the internal secondary 'T' junction with the spur road leading to the car park, together with other highway visibility drawings and also tracking drawings subject to appropriate highway conditions being imposed, including the following proposed highway road infrastructure works condition along Braintree Road which would form part of an overall s106 agreement for the scheme should planning permission be granted being consistent with the requirement of section iv. of Policy FEL/HN2 (*"All mitigation measures, including any off-site highway measures will be secured through appropriate agreement(s) or, where appropriate, Grampian style planning conditions"*):

i. Improvements to the passenger transport infrastructure at the eastbound bus stop located along the site frontage on B1417 Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, hardstanding, flags, shelter, and any other related infrastructure as deemed necessary by the Highway Authority.

ii. The use of the existing vehicular access for Sunnybrook Farm along public footpath no. 12 (Felsted) / existing farm track shall be permanently closed to vehicular traffic, with the exception of vehicular access retained to the Essex County Council school car parking area.

iii. Appropriate improvements to public footpath no. 12 from B1417 Braintree Road to the northern site boundary, including construction, surfacing and drainage, as required.

iv. Appropriate adjustment to the extent of the 30mph speed limit and gateway and associated Traffic Regulation Orders (TROs), if deemed necessary by the Highway Authority as part of the access detailed design.

v. The developer shall consult with the North Essex Parking Partnership on the parking scheme for the extension of school / waiting restrictions on B1417 Braintree Road in the vicinity of the school and as required publicly consult on the agreed scheme. If the scheme is agreed following public consultation the agreed scheme shall be delivered, with the developer covering the costs of all necessary TROs, road marking and signage.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility.

- 10.12 The proposed internal road layout, associated site access works and the above mentioned off-site highway scheme for Braintree Road outside the development site are therefore considered to be acceptable in accordance with FNP Policy FEL/HN2 and Policy GEN1 of the adopted LP.

C Scale of development (NPPF, Policy GEN2 – ULP)

- 10.13 The proposal would comprise a housing scheme of 24 dwellings which is intended to serve as enabling development to deliver the school / community car park for Felsted Primary School. The site would have a resulting calculated site density of 8.42 dwellings per hectare (red line area), which is low, and which seeks to strike a balance between making efficient use of the land whilst maintaining the area's prevailing housing character. The dwellings would comprise a mixture of principally two storey detached dwellings extending along the spine road to reflect the predominant two storey local character, but with the inclusion of a small terrace of two storey dwellings shown for the proposed spur road in the middle of the site and a 'quadrangle' of bungalows which would front onto both Braintree Road and the spur road whereby the frontage bungalows would be consistent in scale with existing bungalows which front onto Braintree Road. It should be noted that the double garages shown to the larger dwellings for the development would have rooms in the roof to allow for the now increasing home working trend and which would reflect examples of this trend in the nearby Clifford Smith Drive development at Watch House Green.

- 10.14 The scale of development as shown in terms of the quantum of dwellings proposed would be consistent with the number of dwellings intended to be provided for the Sunnybrook Farm Housing Allocation site as stated within FNP Policy FEL/HN2 of the Felsted NP (*"housing development of approximately 24 units"*), whilst no design objections are similarly raised in terms of scale under Policy GEN2 of the adopted LP.

D Layout, including vehicle parking standards (NPPF, Policies GEN2 and GEN8 – ULP)

- 10.15 The proposed housing layout for this small housing scheme would incorporate a gently curving spine road which would form the dominant layout feature for the scheme. A row of evenly spaced detached dwellings with open plan frontages and continuous linear swale would curve around the outside of the spine road for its entire length in an 'avenue' style which would have the effect of attractively framing the development and providing a strong sense of place. The dwellings shown facing onto the spur road to the car park teeing off the

spine road are shown in linear fashion to replicate and 'mirror' those dwellings which face onto Braintree Road to the front. A line of public open space is shown to run along the inside edge of the spine road to its end, whilst additional strips of public open space are shown around a proposed drainage area at the northern end of the site. A pocket park (LAP) is also shown conveniently adjacent to the school car park gates.

10.16 The general composition of the proposed site layout as presented insofar as it relates to the proposed housing element of the scheme is considered to be acceptable and would be in accordance with Policy GEN2 of the adopted LP, whilst the 'one way, in-out' school car park would be laid out conveniently close to the side school entrance off the existing track/public footpath leading from Braintree Road to Sunnybrook Farm.

10.17 The following table provides a breakdown of bedroom accommodation, garden sizes and on-plot parking provision for the proposed development:

Plot No.	Bedroom No.	Storey height	Rear garden size	Parking Spaces
1	2	Bungalow	167	3
2	2	Bungalow	165	3
3	2	2	105	2
4	3	2	124	2
5	4	2	473	6
6	3	2	314	3
7	2	2	180	3
8	2	2	184	3
9	2	2	194	3
10	2	2	182	3
11	2	2	179	3
12	2	2	198	3
13	4	2	480	6
14	4	2	420	6
15	4	2	412	6
16	4	2	542	6
17	2	2	85	2
18	2	2	103	2
19	2	2	104	2
20	2	2	137	2
21	3	2	132	2
22	2	2	126	2
23	2	Bungalow	162	3
24	2	Bungalow	190	3

10.18 As will be seen from the above table and also as shown on the submitted drawing 'Garden Areas and Refuse Collection Plan' ref; SP006-PL-05 Rev F, all of the dwellings for the development would have rear garden amenity sizes which would either meet or exceed the Essex Design Guide recommended minimum rear garden standard of 50sqm for 2 bedroomed dwellings or 100sqm for 3 and 4 bedrooms thus giving an acceptable, and in some cases, generous level of garden amenity for future occupants of the dwellings whereby rear gardens would not be overlooked. It is also the case that the rear gardens of the dwellings facing onto Braintree Road as indicated with asterisks on the

submitted garden areas drawing would be extended as part of the proposal to provide improved rear garden amenity for these residential properties.

- 10.19 All of the dwellings would have the appropriate allocated number of on-plot parking spaces to comply with ECC parking standards and UDC parking standards depending on their bedroom specification as shown from the above table and also as shown on submitted drawing 'Parking Plan' ref; SP006-PL-04 Rev F., whilst hardstanding spaces and garages would be to ECC compliant size. Indeed, the level of on-plot parking provision shown across the development would exceed the minimum standards for 16 out of the 24 proposed dwellings, whilst visitor parking for the development as a whole would also exceed the ECC minimum visitor parking standard at 13 no. spaces (24 x 0.25 = 6 spaces minimum). It is noted that the on-plot parking provision is shown as triple parking arrangements in many situations, which is not encouraged. However, justification for this is given by the fact that the internal roads are 'dead ends' and that a 20mph speed limit with speed bumps would be in force. Bin collection points for each dwelling would conveniently be at the front of each property, whilst the submitted tracking / swept path drawings show that a UDC refuse collection lorry would be able to turn around within the turning heads for both the spine road and the spur road.
- 10.20 FNP Policy FEL/HN2 (iv) states that the following criterion should be adhered to with regard to the layout of the proposed school car park to be provided at Sunnybrook Farm, namely, "...a kiss and drop facility and significant of-road landscaped lockable car parking provision for approximately 90 vehicles, including contingency provision pending future expansion of the Primary School. These should be designed to take into account of any reasonable operational requirements of the school". The number of parking spaces shown for the proposed school / community car park has been assessed in accordance with the present identified need for the school and also on any future school pupil expansion.
- 10.21 In this respect, the car park would comprise 90 no. parking spaces consistent with the requirement of FEL/HN2 (iv) which would be sited immediately adjacent to Felsted Primary School. The car park would have an internal one way circulation system and would be accessed via the new spine road into the development site and also footways from Braintree Road. A gated vehicular and pedestrian entrance would serve the western end of the car park. Various surfaced footways or footway 'corridors' would provide pedestrian access through the car park to the west edge of Felsted Primary School where it is intended to make an additional pedestrian gated access into the school grounds (in addition to the Braintree Road entry point). The whole of the new car park area would be enclosed, e.g. by fencing, gates and landscaping. The school has requested that the car park would be constructed in an all-weather surface and that it could be made available for other school related activities, e.g. netball. This would be achievable via a bitumen style surface. Suitable drainage provision has been designed to ensure that the car park surface adequately drains.
- 10.22 The car park has been designed to Essex CC parking standards and includes the provision of 5 no. disabled parking spaces. A kiss and drop facility would be provided at the eastern edge of the car park which would allow parents to drop off their child (expected by the school to only involve the oldest children, i.e. Year 6). The car park would be constructed in a bituminous material and provided with suitable drainage infrastructure. The specification of the car park

has been assessed by ECC Highways who have not raised any highway objections subject to the highway conditions as recommended in their consultation response for the proposal generally. It is therefore considered that the presented layout for the proposed enabling housing and school car park for this housing allocation scheme is acceptable and would be in accordance with Policies GEN2 and GEN8 of the adopted LP and FNP Policy FEL/HN2 in relation to layout.

E Appearance (NPPF, GEN2 – ULP, FEL/ICH1 – FNP)

- 10.23 The proposed dwellings would incorporate a good mixture of house types and styles reflecting the Essex local vernacular and also nearby new house build developments as shown on submitted drawing SP006-PL-03 Rev G and would have a good pallet of external finishes comprising slate, tile, brick, render and black weatherboarding as shown on submitted drawing ‘Colour of Materials Layout’ ref; SP006-PL-06 Rev E and on the revised streetscene elevation drawing SP006-ST-01 Rev A. Garages and car ports for the dwellings would have similar external finishes. The dwellings would also incorporate a good level of architectural detailing and relief to also reflect the local Essex vernacular style incorporating such features as birdsmouth rafters, soldier window head coursing and lead style bay window canopies. The applicant was asked by officers to provide some variation in dwelling footprint orientation so as to break up some of the streetscene uniformity. Whilst such a request has not been fulfilled, the absence of this relief is not considered crucial to the scheme.
- 10.24 It is considered that the appearance of the dwellings as shown for this enabling housing scheme would be in accordance with the requirements of Policy GEN2 and FNP Policy FEL/HN2 in relation to appearance.

F Proposed landscaping measures (NPPF, GEN2 – ULP, FEL/HN2 – FNP)

- 10.25 A detailed landscape strategy has been submitted for the development scheme as shown on the drawing entitled ‘Landscape Strategy’ ref; 1198.01 which shows the various proposed soft landscaping and ecology net gain measures proposed. This strategy is intended to meet the requirements of FNP Policy FEL/HN2 (v). which states that the development *“Be screened with native hedgerows or tree screening to the western and northern boundaries to mitigate the visual impact of the development on the landscape”*.
- 10.26 The strategy includes the provision of a native planting landscaped buffer for the western boundary of the site as well as the planting of a new native copse at the northern end of the site to physically contain the new housing and car park as well as the strengthening of existing tree planting along the site’s Braintree Road frontage. In addition, an ‘avenue’ of trees would be planted through the front gardens of the residential properties fronting onto the curved internal spine road to enhance the streetscene behind a continuous shallow linear swale which would run parallel with the road on this side as well as on the other side of the road leading to a shallow attenuation basin which would support damp tolerant wildflower meadow grasses and species on its upper edges. Further tree and hedge planting would be included within the development, such as around the outer edge of the attenuation basin, on the outer edge of the school car park and within the car park itself.
- 10.27 The soft landscaping features proposed for the development are considered

acceptable and would accord with the requirements of both Policy GEN2 of the adopted LP and also the requirements of FNP Policy FEL/HN2 subject to an appropriate landscaping condition being imposed on any planning permission granted requiring detailed planting specifications to be submitted to and approved by the LPA.

G Impact on residential amenity (NPPF, Policies GEN2, GEN4, GEN5, ENV11 – ULP)

10.28 The proposed development would be on a greenfield site meaning that the impact of the development on existing residential amenity would be limited. Indeed, the only residential properties which would be potentially affected by the proposal would be eight properties which line Braintree Road on its north side to the south of the school. However, the layout of the housing element of the scheme to the south-west of the last property positioned in the frontage row (Moritz) would mean that the impact of the development on these properties laterally would be limited whereby additionally the adjacent new dwellings to this last property (bungalow) would also be bungalows thereby having no overbearing effect and as furthermore land would be conveyed to Moritz on its south-western flank side by the developer (asterisked on proposed 'Garden Areas' plan) as additional residential amenity protection given this bungalow has side facing windows. No residential amenity objections are therefore raised under Policy GEN2 of the adopted LP).

10.29 It is noted that the Council's Environmental Health Officer has raised amenity concerns in relation to the potential for noise and disturbance to the occupants of these frontage properties as a result of the proposed 90 space school car park proposed to the rear, which is integral to this allocated housing scheme site. It is stated specifically that noise and disturbance generated from the introduction of the car park would be most evident during school term time pupil drop-off and collection times by parents parking their cars temporarily in the car park before driving off again.

10.30 Whilst this residential amenity concern from the Council's EHO is acknowledged, any such adverse effects by the creation of the car park would be restricted to short periods of vehicular activity / car doors closing daily during the early morning and again mid-afternoon (and none during school holiday periods) whereby the potential for noise and disturbance has to be weighed against the severe congestion as a negative effect which is currently being experienced by residents of these properties along Braintree Road by parents parking their cars in long lines along the road causing both inconvenience and slowing down of traffic along this section of the road to the detriment of residential amenity. The existing unsatisfactory situation is a material consideration to this issue and is a situation which both the Parish Council and the school wish to have eliminated through the submitted site allocation proposal whereby a Traffic Regulation Order would be put into place and enforced. As such, this would reduce these overall negative effects on these close residents in addition to those residents living around the school and elsewhere.

10.31 In addition to this local residential amenity benefit, the same frontage properties in Braintree Road would be positioned at least 30 metres distant from the proposed car park, which would have new screen fencing, whilst the rear gardens of these properties are proposed to be extended out further to off-set the amenity impacts from the car park in accordance with the buffer area

required under FNP Policy FEL/HN2 (vi) (“include a landscape buffer behind the existing properties at Braintree Road”). The residents are aware of the offer to extend their gardens (see community consultation) whereby the developer intends to provide fences to the extended garden areas which would offer a fair degree of mitigation. The fencing erected (likely to be 1.8m close boarded) can be agreed. It is therefore considered that no reasonable amenity objections can be raised to the development under Policies GEN4 and ENV11 of the adopted LP where the need for the development in this instance outweighs the degree of noise which would be temporarily generated.

H Housing Mix (Policy H10 – ULP, Policies FEL/HN1, FEL/HN7 – FNP)

10.32 The mix of dwellings proposed for this site allocation scheme is intended to reflect the aspirations of the parish as set out in the Felsted Neighbourhood Plan as well as reflecting the LPA’s latest housing needs mix as set out in the District Council’s latest Strategic Housing Market Assessment.

10.33 The submitted proposal would encompass a range of dwellings between 2 to 4 bedrooms, with the mix including houses and bungalows. The dwelling type and bedroom mix is as follows.

Dwelling Type	No. of Dwellings	% of Housing Mix
2 Bed House	4	16.67%
2 Bed Bungalow	4	16.67%
3 Bed House	11	45.83%
4 Bed House	5	20.83%
Total	24	100%

10.34 The Felsted Neighbourhood Plan requires a significant proportion of two or three bedroomed accommodation suitable for young families and homes that are suitable for older people where this identified need is informed by the last rural housing needs survey carried out for Felsted parish in 2016. In this respect, FNP Policy FEL/HN2 (viii) states that the Sunnybrook Farm allocation site should “Provide a mix of housing to meet the latest assessment of local housing need, including a significant proportion of 2 and 3 bedroomed accommodation suitable for young families, and homes that are suitable for older people (which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs), having regard to the supply of such units at the time of application”.

10.35 It will be seen from the table above that at least 79% of the scheme mix is for such needs, including 4 no. 2 bed bungalows (16.67%) and 15 no. 2 and 3 bed units (55%) suitable for young families. Uttlesford DC’s latest required housing mix (SHMA) has the highest need for 3 bed dwellings. The proposal would therefore align well in this respect, although has a greater emphasis on 2 bed units rather than 4 and 5 bed units than required by the SMHA in order to meet neighbourhood plan expectations. This can be further seen by the further table produced below;

Size of Dwelling	No. of Dwellings	% of Housing Mix	UDC Required Mix %
2 Bed	8	33.3%	7.8%

3 Bed	11	45.8%	44.2%
4 Bed	5	20.8%	32.0%
5 Bed	0	0%	14.5%

- 10.36 The NPPF supports mixed and balanced communities and requires that the size, type and tenure of housing needed for different groups in the community should be assessed. The latest SHMA identifies the market housing needs for Uttlesford. The biggest needs are for 3 bed houses (44.2%) and 4 bed houses (32%), with 2 bed properties (20.8%) having less need. Local Plan Policy H10 seeks a significant proportion of 'smaller' market properties to be included in sites whereby it is interpreted from this policy that smaller properties can include 3 bed dwellings. There is no set definition regarding what a 'significant proportion' means.
- 10.37 It will be seen from the above tables and discussion that this site allocation housing application proposes a 'significant proportion' of 2 and 3 bedroomed properties, these comprising 19 out of the 24 dwellings. Out of these, it is considered that there are 4 no. 2 bedroom houses which could act as starter homes, whilst provision for young families is made via the 11 no. 3 bed dwellings, either semi-detached or small detached /link-detached dwellings. To give some balance to the development and to ensure it is suitably viable to deliver the required community benefits which FNP Policy FEL/HN7 seeks, the scheme includes 5 no. 4 bedroom houses. These dwellings would represent around 20.8% of the total units and therefore aligns closely with SHMA mix requirements for 4 bed dwellings.
- 10.38 Provision to meet the needs of older people, including downsizers, is addressed through the provision of 4 no. detached bungalows for the scheme. These have been designed to meet wheelchair adaptable standards and comprise over 16% of the development, therefore in excess of the 5% minimum requirement under the Council's adopted strategic housing policy and as advised within adopted supplementary planning guidance. There is limited provision currently being made for market bungalows within Felsted and so the proposed units would represent a useful addition to the range of local housing stock within the parish.
- 10.39 Accordingly, it is considered that the proposed housing mix generally reflects the requested mix as set out in FNP Policy FEL/HN7. It should be noted and emphasised in this respect that prior to submitting the application that the applicant advised the Parish Council of the proposed unit mix who indicated their agreement and accordingly it has not been deemed necessary by the applicant to prepare a new local housing needs assessment given these material circumstances. In the circumstances, the proposed housing mix meets the requirements as set out within Policy H10 of the adopted LP and FNP Policies FEL/HN1, FEL/HN2 and FEL/HN7 of the made Neighbourhood Plan.

I Affordable housing considerations (Policy H9 – ULP, Policies FEL/HN1, FEL/HN7 – FNP)

- 10.40 Policy H9 of the adopted LP states that "The Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations". There would therefore be a normal policy requirement under this adopted LP policy to provide 9.6 on-site affordable dwellings (or 10 dwellings rounded up) for this neighbourhood plan housing allocation site scheme or equivalent off-site

financial contributions towards affordable housing for the district were the District Council to seek this.

10.41 The application as submitted purposely does not include any affordable housing whereby the applicant has stated in the application submission that the ability to meet Policy H9 regarding the normal requirement for affordable housing for the submitted scheme is severely hampered by the costs of the development, in particular the enabling works, including provision of the community car park which is a policy requirement of FNP Policy FEL/HN2. It is also a material consideration to the application that a significant amount of affordable housing has already been allocated or approved within housing schemes within Felsted parish in recent years, including at Clifford Smith Drive also at Watch House Green whereby Felsted Parish Council have recognised this in their various submissions for the current application in that they would not accordingly be expecting to see any affordable housing element to be included within any housing scheme for the Sunnybrook Farm housing allocation site so as to allow the school car park to be delivered (and where FNP FEL/HN2 does not stipulate this). Therefore, the NPPF's requirements for mixed and balanced communities can therefore be satisfied taking account of these circumstances.

10.42 Notwithstanding this, a Financial Viability Statement has subsequently been submitted by the applicant (Beresfords) for the submitted housing enabling scheme which has concluded that the scheme as submitted would not be viable with any affordable housing provision (or in lieu an affordable housing financial contribution) where this is predicated on the basis of delivering the FNP FEL/HN2 policy required school car park (including related necessary infrastructure e.g. drainage, fencing, gates, landscaping, etc).

10.43 In addition to these above identified cost constraints, the report appraisal has also factored in costs for numerous other matters relevant to the application to include the following costs which would be secured either via a s106 agreement or by planning conditions as appropriate and which may be considered important to the effective delivery of the FNP allocation scheme:

- £10,000 – Car Park Maintenance contribution (NB - Felsted Parish Council suggested circa £45,000. However, it is anticipated that the newly created car park would be transferred to the Felsted Community Trust with contractor warranty);
- £3000 – Essex RAMS Payment (24 units x £125);
- £1560 - Travel Pack (24 units x £65);
- £5000 – Local Area for Play Maintenance sum;
- £10,000 - Works to form a pedestrian access/bridge across ditch into the school grounds;
- £24,500 - Tarmac surface to the public footpath (ECC land adjacent to the Primary School) between Braintree Road and the site;
- £10,000 - Bus shelter/works to bus stop adjacent Braintree Road site frontage;

10.44 The submitted Financial Viability Statement has also made allowances for legal work involved in matters like transferring the freehold of the completed car park to the Felsted Community Trust and land to neighbours for enlarged gardens as proposed for the submitted scheme as discussed, although does not take into account any additional costs relating to the making of a Traffic Regulation Order along Braintree Road as required by ECC Highways in their highways

consultation response dated 10 January 2022. Furthermore, the requirement to make an additional s106 contribution payment towards requested EY+C and primary school education (see ECC Education consultation response above) where this has additionally not been factored in would not make the scheme viable either where pertinently in this case the scheme involves the construction of a needed primary school car park.

- 10.45 Notwithstanding the findings and conclusions of the submitted Financial Viability Statement, it has been considered necessary by the District Council to 'test' the robustness of the report, particularly given the comments expressed by the Council's Housing Enabling Officer querying why no affordable housing provision has been included for the site scheme where this would otherwise normally be expected, albeit less than the normal 40% policy compliant requirement were there a recognised local need for a school car park, and also querying the size of the car park. Furthermore, such an exercise is seen as being consistent in the District Council's approach with the financial viability assessment carried out by both the applicant and the District Council for Land at Station Road, Felsted (Bury Farm) representing the other allocated local infrastructure scheme for Felsted within the Felsted Neighbourhood Plan (FNP FEL/HN3 - surgery site with enabling housing).
- 10.46 The applicant's submitted Financial Viability Statement has been appraised by ECC Viability whereby they have advised in their full report issued on 1 March 2022 that there are some areas of the submitted statement that they disagree with in terms of calculations and estimates. However, they have further advised that the scheme would barely meet the 15% developer's profit margin policy as allowed for by the NPPF even taking into account cost 'corrections' and that this is with no affordable housing. This, they comment, would make it a risk for the developer and are of the considered opinion that any affordable housing would make the scheme unviable, even though they disagree that the scheme would make an overall loss. The same position would therefore be true at reduced (say 30%) affordable housing provision and were other s106 financial contributions, e.g. the requested education contributions, be applied where ECC Viability have acknowledged this and also other relevant influencing factors which would reduce viability further, such as the present shortage of materials, labour costs, rising interest rates and rising inflation.
- 10.47 ECC Education have since informed the District Council in light of the ECC Viability report findings and conclusions that they are willing to forego the requested developer contribution of £37,299 index linked to mitigate the proposed impact of the proposed development on EY&C provision and the requested developer contribution of £124,330 index linked to mitigate its impact on local primary school provision. However, they have advised the Council that this agreed waiver of education contributions for the scheme in this justified instance would be on the strict proviso that ECC Education are not made responsible in the future for any costs associated with the future maintenance of the proposed school car park.
- 10.48 In light of all of the above, there is no policy justification for the inclusion of any affordable housing for this 100% market led housing enabling scheme under Policy H9 of the adopted LP or under FNP Policies FEL/HN1 and FEL/HN7.
- J Drainage (NPPF, Policies GEN2, GEN3, GEN6 – ULP, FEL/INF1, FEL/HN2 (vii) - FNP)**

- 10.49 The site lies within Flood Zone 1 as shown on the Environment Agency's flood risk map meaning that the site is at the lowest risk of fluvial flooding. The application is accompanied by a Flood Risk Assessment and Drainage Strategy (GH Bullard & Associates) which has assessed the risk of flooding at the site and also the most appropriate ways of effectively discharging surface water from the proposed development. A SuDS drainage scheme has been incorporated into the development in accordance with government sustainable drainage principles whereby the scheme would involve the use of a series of linking swales and drains running either side of the proposed spine road for the housing development leading to a shallow split level surface water attenuation area to be created at the northern end of the site as shown on submitted site layout plan ref; 1198.01. An additional swale would run along the south-western boundary of the school car park. Surface water run-off from the development would be attenuated, with a controlled discharge of surface water to the existing watercourse.
- 10.50 The submitted FRA and drainage strategy demonstrates how a suitably designed and attenuated SuDS scheme would work for the scale of development proposed at the site and includes plans and calculations showing how this could be achieved. The submitted strategy concludes that the risk of flooding to the site has been adequately considered and therefore development of the site with the proposed drainage system would not pose an unacceptable flood risk either to occupants of the development site or to others off site.
- 10.51 The LLFA has examined the submitted FRA and drainage strategy who have advised in their consultation response (re-issued 18 February 2022) that having reviewed the amended Flood Risk Assessment and the associated documents which accompany the planning application that it does not have any drainage objections to the granting of planning permission based upon the drainage information received subject to advisory comments. The drainage scheme would require a suitable management and maintenance agreement whereby appropriate arrangements can be secured for this either via planning conditions or via a section 106 agreement.
- 10.52 In light of the above, the proposal complies with relevant NPPF advice relating to flood risk and drainage, Policies GEN2, GEN3 and GEN6 of the adopted LP and FNP Policies FEL/HN2 (vii) and FEL/INF1.
- K Impact upon protected / priority species (GEN7 – ULP), FNP Policies FEL/HN8, FEL/HN2 (ix))**
- 10.53 The site comprises a semi-improved grassland field subject to a management cycle, principally in equine and hay meadow use. Tree lines/hedgerows are situated on/in proximity to the development site boundaries, with opportunities for retention, enhancement and additional planting as part of the development proposal.
- 10.54 A Preliminary Ecological Appraisal (PEA) (T4 Ecology Ltd) accompanies the application which has scoped for the existence of natural habitats for protected / priority species at the application site. The field survey found that no trees with bat roosting potential would be affected by the development, although it is possible that bats may forage and commute in the area given the presence of boundary hedgerows/tree lines. However, given that the overall principle of boundary hedgerows and tree lines would be maintained and enhanced as part of the development proposal the survey report concludes that it is reasonable to

conclude that development would not have an adverse impact upon such behaviours. No active or inactive badger setts were found, with no evidence of badger activity Identified.

- 10.55 The survey report concludes that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigatory guidance and enhancement recommendations identified within the survey report are fully adhered to, including the preparation of a Biodiversity Management Plan (BMP) secured by way of an appropriately worded condition which could secure the full range of enhancements and appropriate management techniques to be employed.
- 10.56 Place Services have been consulted on the application who have advised in their consultation response that they do not have any ecology objections to the proposal based upon the information contained within the submitted PEA and its recommendations subject to securing biodiversity mitigation and enhancement measures by condition and also a financial contribution being sought towards visitor management measures at the Blackwater Estuary SPA and Ramsar site in line with the Essex coast RAMS for impacts from residential development within the ZOI specified in combination with other plans and projects given that the site lies within this RAMS ZOI. This tariff payment can be collected via a S106 agreement whereby the applicant has agreed to pay this financial contribution.
- 10.57 In light of the above, the proposal complies with Policy GEN7 of the adopted LP and FNP Policies FEL/HN8, FEL/HN2 (ix).

11. CONCLUSION

- 11.1 The submitted application for a school car park for Felsted Primary School with enabling housing as a key local infrastructure project evidenced on local need as identified within the made Felsted Neighbourhood Plan (Land at Braintree Road - Sunnybrook Farm - FNP FEL/HN2) is considered acceptable both in principle and in matters of detail against national planning policy and against both adopted Local Plan policy and made Neighbourhood Plan policy for the reasons as set out in this report.
- 11.2 It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement.

12. EQUALITIES

Equality Act 2010

- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and

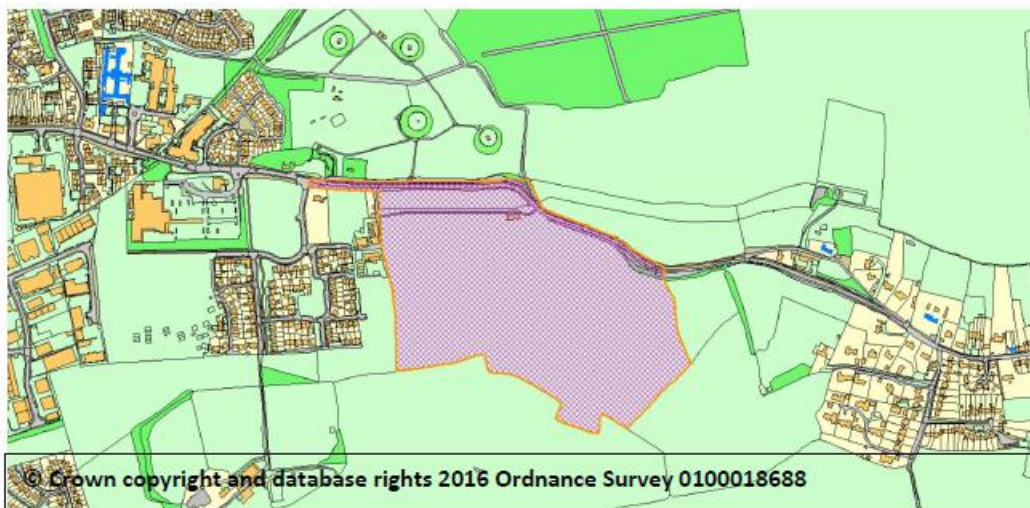
persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2509/OP

LOCATION: Land South Of (East Of Griffin Place), Radwinter Road, Sewards End, Essex.

SITE LOCATION PLAN:



Organisation:	Uttlesford District Council
Department:	Planning
Date:	03 march 2022

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Organisation: Uttlesford District Council Date: 02.03.22

PROPOSAL: Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access

APPLICANT: Mr D Hatcher

AGENT: Peter Frampton of Framptons Town Planning

EXPIRY DATE: 28.02.22

CASE OFFICER: Henrietta Ashun

NOTATION: Outside Development Limits
Minerals Safeguarding Area

1. RECOMMENDATION: REFUSE

1.1 REFUSAL REASONS:

1.1.1 Capacity

The proposed development would result in residual and cumulative impact on the road network for the following reasons:

- c. The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
- d. The base case includes committed development and link road which is not the current position.

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

1.1.1 Accessibility

The application fails to demonstrate that pedestrian and cycle movement with neighbouring areas have been given priority, for the following reasons:

- a. There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
- b. The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

1.1.3

Mitigation

The proposed development would not provide deliverable or effective highway mitigation on the following grounds:

- a. It is not clear that the deliverability and cost of the schemes have been considered adequately.
- b. Radwinter Road/Thaxted Road junction:
 - i. Space around this junction is very constricted and there are a number of utilities in the footway
 - ii. The lane width for the head traffic from east to west is does not reflect the future use by HGVs or buses
 - iii. The right turn arrow towards Chaters Hill send traffic into the kerb line
 - iv. The mitigation is to the detriment of pedestrians
- c. Church Street High Street
 - i. The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
 - ii. Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.

The proposal is therefore contrary to policies DM1, DM10, DM11, DM14, DM15 and DM17 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011; Policy GEN1 in the adopted Uttlesford Local Plan 2005, and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

1.1.4

Ecology

The applicant has provided insufficient ecological information on European Protected Species (bats). The proposal is therefore considered contrary to the implementation of Policies GEN7 and ENV7 of the adopted Uttlesford Local Plan 2005 and the relevant passages contained within Section 15 of the National Planning Policy Framework 2021.

1.1.5

Climate Change

The proposed development would fail to provide and facilitate active travel measures and would therefore have a negative impact on the climate, the environment, and the local and national emissions goals. Therefore, the proposed development would be contrary to Policy GEN2, Uttlesford Interim Climate Change Policy and the NPPF 2021.

1.1.6

General Mitigation

The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development including affordable housing provision, contributions to education and contributions to libraries. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

2. DESCRIPTION OF THE SITE :

- 2.1 The application site comprises a rectangular piece of land measuring 18.3ha to the east of Saffron Walden. The site is currently in arable agricultural use. A track is located to the north of the existing building and runs from east to west. A drainage ditch runs parallel to the track. The site slopes from the south-east to the north, directly adjacent to a residential development approved under UTT/13/3467/OP & UTT/16/1856/DFO, which is being implemented by Linden Homes. The site is within a Minerals Safeguarding Area and outside of development limits in the countryside.

PROPOSAL

- 2.2 Outline planning permission is sought for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters are reserved except for means of access.

- 2.3 The following is proposed:

- Up to 233 residential dwellings
- A net developable area of 6.52ha (36%)
- Circa 35 dwellings per hectare
- Public open space 10.09ha (55%.16) inc. SUDs
- Primary Road infrastructure 1.69 (9%)
- The applicant has indicated that the majority of the site would be characterised by 2-2.5 storey family housing except for the area to the north (forming the wetland edge which is a proposed to feature) linked to terraced 3-storey townhouses and apartment buildings.

- 2.4 The applicant has indicated that the majority of the site would be characterised by 2-2.5 storey family housing except for the area to the north (forming the wetland edge which is a proposed to feature) linked to terraced 3-storey townhouses and apartment buildings. The rural edge to the north-east is proposed to be 1.5 storeys.

- 2.5 Revised Housing Mix:

- One bed flat x 15
- Two bed flat x 12
- Two bed house x 38
- Three bed house x 93
- Four bed house x 54
- Five bed house x 21

2.6 Since the application was submitted, additional information has been provided to try and address consultee concerns. Of note information concerning air quality and highway impact were also submitted. Accordingly, the Environmental Statement was amended and reconsulted on publicly.

3. ENVIRONMENTAL IMPACT ASSESSMENT

3.1 The development is EIA Development for the purposes of the EIA Regulations (2017).

3.2 An Environment Statement (ES) accompanies the planning application and sets out the findings and conclusions of the Environmental Impact Assessment (EIA), which was undertaken for the proposed development to assess the impacts and scope for reducing them. The EIA has been undertaken in line with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

3.3 The proposed development is classified as an 'urban development project' under paragraph 10 (b) of Schedule 2 of the Regulations, and an EIA has been carried out to accompany the planning application as the scale of the development proposals are such that they are likely to have significant impacts on the environment. Albeit, the applicant does not consider that the proposed development constitutes EIA development and has stated that the EIA has been carried out on a voluntary basis.

3.4 A Scoping Opinion was adopted by Uttlesford District Council in respect of the proposed development as described, and advised that the following topics would be Scoped Into the ES, thus:

- Road traffic vibration (in the operational phase)
- Ecology/Biodiversity
- Heritage Impacts (to be included within the LVIA)
- Climate Change
- Major Accidents and disasters

3.5 The submitted ES reviews the impact on the agriculture, air quality, ecology, flood risk and drainage, landscape and visual, noise and vibration, socio-economics and health, transport and cumulative effects. These elements will be discussed within the body of the report.

4. APPLICANTS CASE

4.1 The applicant has submitted the following documents to support the scheme:

- Parameters plans
 - Land Use
 - Building Heights
 - Access & Movement
 - Green Infrastructure
- Illustrative Masterplan (how residential could be delivered)
- Design and access statement
- Planning statement
- LVIA
- Topographical survey

- Transport Assessment
- Travel Plan
- Air Quality Assessment
- Agricultural Land Quality Report
- Minerals Resource Assessment
- Environment Statement
- Noise Assessment

5. RELEVANT SITE HISTORY

5.1 Northern field within the site was subject to a planning application in 1958 under reference SWB/0046/58 for the use of the land for housing, which was refused.

5.2 UTT/21/1138/SO - request for an EIA Scoping Opinion under Regulation 15 of the EIA Regulations 2017 for residential development of up to 240 dwellings, new access and associated landscaping and infrastructure was submitted by Rosconn Strategic Land.

5.3 Of note are the three sites which lies adjacent to the site:

1. Linden Homes UTT/13/3467/OP & UTT/16/1856/DFO (Land South of Radwinter Road) which is now being implemented
2. Middle Site/Dianthus UTT/17/2832/OP (Land North Of Shire Hill Farm)
3. Bellway (former Kier) site UTT/18/0824/OP & UTT/19/2355/DFO (land East of Thaxted Road)

5.4 Pre-application History

On 11 March 2021 the Applicant and its core consultancy team held a virtual pre-application meeting with Planning, Urban Design and Environmental Health Officers from UDC, with the Highways Officer from Essex County Council Highways Authority also in attendance to provide advice. Officers identified that there were a range of issues which needed to be resolved prior to submitted a planning application.

5.5 Statement of Community Involvement

The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- A presentation on the site, its constraints, opportunities and emerging proposals was made to the Swards End Parish Council's meeting on Tuesday 2 February 2021,
- A presentation of the proposals was made to members of Saffron Walden Town Council's virtual meeting on Thursday 11 February 2021.
- A website was constructed for the public to display the emerging illustrative masterplan, the virtual platform went live on 7 June 2022 for a period of 2 weeks.

- Leaflets were distributed to approximately 3,000 households in the vicinity of the Site to inform them of the website and how they could view the proposals and how they could leave comments.

6. CONSULTATION RESPONSES:

6.1 Saffron Walden Town Council and Swards End Parish Council prepared and issued a joint letters of objection on the following grounds:

- Planning Statement
- Outside settlement boundary
- Loss of agricultural land
- Impact on Landscape
- Access
- Traffic and AQMA
- Flooding
- Safety
- Noise
- Impact on ecology
- Heritage
- Scale of development
- Further Infrastructure required

External

6.2 ECC- Green Infrastructure

Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of UTT/21/2509/OP; however, we would advise the following recommended conditions are considered to improve the GI network and help achieve net environmental gains:

CONDITION 1: ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in subsequent phases. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g. SSSI's etc.) will be protected during construction.

Reason: The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

CONDITION 2 - ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape

management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included

Reason: To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Biodiversity Net Gain – within the draft biodiversity metric it is calculated that the site will provide a 12.4% net gain in habitat units and a 18.82% net gain in hedgerow units. These figures should be maintained as a minimum throughout the application process.

6.3 **ECC Place Services – Ecology**

Updated comments dated 03.01.22

Holding objection due to insufficient ecological information on European Protected Species (bats)

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application due to a lack of information from the bat activity surveys.

Bats

Results of the bat activity surveys have not been provided. This information is required to help determine potential impacts upon bats and if any hedgerows on site are classified as 'important' for ecology under the Hedgerow Regulations 1997. Results of bat surveys undertaken on tree T5, due to be impacted by the proposals, are also required.

We recommend that details of survey methods, results and any necessary additional mitigation & enhancement measures are required to make this proposal acceptable is provided prior to determination.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species and be able to secure appropriate mitigation either by a mitigation licence from Natural England

or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Hazel Dormouse surveys are now complete with no evidence present on site and so no mitigation or further consideration for this species are required.

Breeding bird surveys undertaken by FALCO Ecology (October 2021) were undertaken mid-June to mid-July 2021 which missed the early breeding bird season, however, it was considered unlikely that many early breeding species that would be impacted by the proposed development would be present within the survey area.

Four Skylark territories were identified within the site. Other species recorded breeding on site included Dunnock, Song Thrush, Linnet, House Sparrow and Yellowhammer. Although mitigation during construction has been recommended in the Breeding Bird Survey Report (FALCO Ecology; October 2021), mitigation for the loss of foraging and nesting habitat for ground-nesting birds, including Skylark, has not been considered. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

A bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for as part of this application. This will require compensation measures to be provided on site or offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement.

An update EIA report and information on non-significant impacts on protected and Priority species and habitats (i.e. in a non-EIA chapter or separate documentation) have not been provided as part of this application. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

Holding objection due to insufficient ecological information on European Protected Species (bats, Hazel Dormouse), Protected species (Badger), Priority species (farmland birds) and Priority habitats (hedgerow)

Summary

We have reviewed the documents supplied by the applicant including the Biodiversity Checklist (Harris Lamb, January 2021), Preliminary Ecological Appraisal (Harris Lamb, November 2020) and Ecology Scoping Request (Harris Lamb, February 2021) relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as further surveys including for bats (activity and emergence/re-entry surveys), Hazel Dormice and Badger have been recommended in the Preliminary Ecological Appraisal (Harris

Lamb, November 2020). An assessment of the habitats on site and their ability to support farmland nesting birds such as Skylark has also not been undertaken. Skylark is a Priority species and so is a material consideration in planning applications. It is also necessary to determine whether any of the hedgerows on site are considered 'important' under the Hedgerow Regulations 1997.

Survey methods, results and any necessary mitigation and additional enhancement measures are supplied to make this proposal acceptable and should be provided prior to determination.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats and Hazel Dormice, both European Protected Species, and Badger which are protected under the Protection of Badgers Act 1992. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby", "Survey for dormice if the development will affect an area of woodland, hedgerow or scrub suitable for dormice habitat" and "Survey for badger if historical or distribution records show that badgers are active in the area or there is suitable habitat for sett building".

Bats and Hazel Dormice could be impacted by the loss of hedgerows and trees on site. If any trees with potential to support roosting bats or Hazel Dormice are to be impacted as a result of the development, then further surveys including emergence/re-entry surveys for bats and presence/absence surveys for dormice will need to be undertaken following best practice guidance (Collins, 2016 and Bright et al, 2006, respectively). Bat activity surveys are likely to be necessary to determine the use of the northern hedgerows by bats including Barbastelle, an Annex II species, known to be present in the north-west of the county. Details of survey results, mitigation & enhancement measures are required to make this proposal acceptable prior to determination.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

There is insufficient information available to identify the likely impacts upon Priority farmland birds, particularly Skylark which nest in arable fields. Although mitigation during construction has been recommended in the Preliminary Ecological Appraisal (Harris Lamb, November 2020), mitigation for the loss of nesting habitat for ground-nesting birds has not been considered. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

As a result, we recommend that further information should be provided to identify the likelihood of breeding Skylarks present within the site, which could be informed by a Breeding Bird Survey in line with BTO Common Bird Census methodology. If adverse impacts are likely to be caused to this Priority species as a result of the proposed development, then a bespoke

Farmland Bird Mitigation Strategy may be required to ensure that impacts upon nesting Skylark are mitigated and compensated for this application. This may require compensation measures to be provided on site or offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement.

As shown in the Preliminary Ecological Appraisal (Harris Lamb, November 2020), the hedgerows at the boundary met the criteria for UK Priority habitat. As at least some of this Priority habitat is due to be impacted by the proposed development, it is recommended that Defra's Biodiversity Offsetting Metric 3.0 (or any successor) should be used to demonstrate how impacts will be offset.

In addition, any hedgerows on site should also be assessed as whether they are 'important' under the Hedgerow Regulations 1997. It is highlighted that hedgerows which are 'important' under the Hedgerow Regulations 1997 should be avoided within the scheme design and a suitable compensation scheme must be agreed if these hedgerows are proposed to be impacted by the development.

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species & habitats and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Subject to the results of additional surveys, we support the reasonable biodiversity enhancements, which have been outlined within the Ecology Scoping Request (Harris Lamb, February 2021). This includes creation of grassland, planting additional native hedgerows and trees, increased watercourse/waterbody on site and appropriate native planting, the creation of hibernacula and installation of bat boxes. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021. It is recommended that this could also include the installation of bird boxes including the equivalent of one integrated Swift nesting box per dwelling. The reasonable biodiversity enhancement measures should be outlined in a Biodiversity Mitigation Strategy and should be secured by a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

6.4

ECC- Place Services – Heritage

Revised Comments:

Built Heritage Advice pertaining to an application for the Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system

and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access.

The site is located to the east of Saffron Walden and is approximately 18 hectares in size. It is bounded on two sides by agricultural land, to the east and south. A new housing development to the west and Radwinter Road (B1053) to the north. The proposed development is up to 233 dwellings with access created off Radwinter Road. There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745).

Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).

This advice follows on from previous in the letter dated, 04/11/2021, following further discussions and a site visit.

It is unfortunate that this form of development will coalesce the separate developments of Saffron Walden and Swards End and I consider there to be potential for the master plan to be revised to result in a more sympathetic scheme. However, I do not consider the proposals to result in harm to the significance of the designated heritage assets, thus I raise no objection.

It is expected, should permission be granted, that further details upon design, materials and landscaping shall be secured through details following outline applications and that this will sympathetically respond to local character and distinctiveness.

Initial Comment:

The site is located to the east of Saffron Walden and is approximately 18 hectares in size. It is bounded on two sides by agricultural land, to the east and south. A new housing development to the west and Radwinter Road (B1053) to the north. The proposed development is up to 233 dwellings with access created off Radwinter Road. There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745). Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).

I do not consider the submitted Heritage Statement to be of sufficient detail for a fully informed assessment of the potential impacts of the proposals, and therefore fails to meet the requirements of Paragraph 194 of the NPPF (2021). Sufficient information regarding the significance of the heritage assets affected, including any contribution made by their setting, should be submitted to the Local Planning Authority. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, as per Paragraph 194. The report should also detail ways to maximise enhancement and to avoid or minimise harm, following the steps as

described in the Historic England Guidance Good Practice Advice Note 3: The Setting of Heritage Assets (second edition, 2017). I suggest viewpoints are provided, to and from, the affected heritage assets with an indicative outline of the proposed development. This will allow for an informed assessment upon the potential impact of the proposed development. At present, I am unable to support this application as there remains the potential for harm, Paragraph 202 of the NPPF (2021) being relevant.

6.5 **ECC Archaeology**

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

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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.

The Historic Environment Record indicates that the proposed development lies within an area of archaeological potential to the east of Saffron Walden. To the southwest of the proposed development recent archaeological excavations have identified Bronze Age round barrows and a number of Bronze Age and Iron Age pits (EHER48520). Roman finds have been recovered to the north, west and south of the site indicating some activity from this period within the area (EHER264, 261, 6745/46). Post-medieval field boundaries have also been identified in recent excavations to the west of the proposed development (EHER48792). A programme of archaeological geophysical survey has been undertaken and potential archaeological features have been identified within the proposed development area. There is therefore the potential for multi period remains/ deposits within the development area being impacted on by the proposed development.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of the proposed development. This should be undertaken prior to any reserved matters submission. A brief detailing the requirements of this work can be obtained from this office.

6.6 **ECC- Minerals and Waste**

The MWPA has reviewed this document and considered that the level of detail is commensurate with an outline application and it contains sound principles from which a more detailed SWMS/P can be based as part of any future full planning application.

Highways Authority (ECC)

Revised comments (10.01.21)

This proposal is located at the extreme north western edge of Saffron Walden town and is over 2km away from many of the services there, it is considered that the majority of trips will be undertaken in the car and the planning authority should take this into account when considering the overall sustainability of the site.

The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards.

The local plan is currently under consideration and options for Saffron Walden are being considered and evidence gathered. It has been acknowledged in the application that a relief road may be required. There is some intention to address this in the text, however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term.

Additional information was provided in the form of two notes dated December 2021. One titled Response to Highways Comment, the other Transport Assessment Updates. In addition a meeting was held on the 16th on December 2021 between the transport consultants and the highway authority.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The applicant has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility with particular regard to the following:

Access

1. The submitted application has not demonstrated that safe and suitable access for all users has been achieved because:
 - a. A safety audit and audit of the access and associated works against the standards in CD123 has not been provided for the access arrangements.
 - b. No visibility splays have been demonstrated for proposed pedestrian crossing to the east of the proposed access
 - c. The footway on the north side of Radwinter Road which links to the proposed bus stop and on to PROW 315/22 to Swards End is not to a current 2m standard width and will not accommodate 2 pedestrians passing.

Capacity

2. It cannot be determined from the submitted application that the residual, cumulative impact is on the road network is acceptable for the following reasons:

- a.The historic traffic data used to produce the flow diagrams has not been provided.
- b.The background growth applied with TEMPRO does not appear to be correct.
- c.The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
- d.The base case includes committed development and link road which is not the current position.
- e.ECC requires a scale drawing to be provided showing the geometric measurements for each of the junctions assessed in order for the models to be checked. The base models should be calibrated using the queue length surveys. These surveys should also be appended to the TA.

Accessibility

- 3.The submitted application has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority.
 - a.There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
 - b.The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation

Mitigation

- 4.The submitted application has not demonstrated that the mitigation proposed in the application will be deliverable for effective for the following reasons
 - a.A safety audit and audit of the highway mitigation works against the standards in CD123 has not been provided for any of the mitigation schemes
 - b.It is not clear that the deliverability and cost of the schemes have been considered adequately.
 - c.Radwinter Road/Thaxted Road junction:
 - i.Space around this junction is very constricted and there are a number of utilities in the footway
 - ii.The lane width for the head traffic from east to west does not reflect the future use by HGVs or buses
 - iii.The right turn arrow towards Chaters Hill send traffic into the kerb line
 - iv.The mitigation is to the detriment of pedestrians
 - d.Thaxted Road Junction with Peasland Road
 - i.The lane widths should be appropriated in relation to bus/HGV numbers
 - ii.The signals at the committed access should be taken into account when considering this scheme.
 - e.Church Street High Street
 - i.The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
 - ii.Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.
 - f.It has not been demonstrated that the Travel Plan will be effective in promoting sustainable modes of transport and reducing the car trips.
 - i.The objectives does not include reducing single occupancy vehicle use
 - ii.It does not contain the targets around increasing walking, cycling or bus travel

- iii. The time frame and targets do not extend to the full occupancy of the development
- iv. The action plan does not contain key actions to promote sustainable travel

The proposal is therefore contrary to the Highway Authority's Development Management Policies DM1, DM9, DM10 DM11, DM14, DM15 adopted as County Council Supplementary Guidance in February 2011, and the policy GEN 1 of the Uttlesford District Council Local Plan

Supplementary comments in response to applicants recent connectivity comments:

When we had the meeting with the Town Council, they said that they had concerns about where the link had been shown, because of the topography there, but that they supported the principle of a link. There is a hill there, but it not clear from a site visit whether this was manmade or not. The options should be considered on site and I am happy to meet with the developer and town council either virtually or on site to discuss this. Below is the snap shot of the highway record. The yellow is what is currently built out on the Vestry/Linden Homes site and is expected to be adopted after the maintenance period and where any footway/cycleway should link to (this is a snapshot of the website for information only and for a confirmed plan contact highwayrecords@essexhighways.org)

Main comments:

This proposal is located at the extreme north western edge of Saffron Walden town and is over 2km away from many of the services there, it is considered that the majority of trips will be undertaken in the car and the planning authority should take this into account when considering the overall sustainability of the site.

The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards.

The local plan is currently under consideration and options for Saffron Walden are being considered and evidence gathered. It has been acknowledged in the application that a relief road may be required. There is some intention to address this in the text, however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons: The applicant has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility with particular regard to the following

Access

1. The submitted application has not demonstrated that safe and suitable access for all users has been achieved because:

- a. A safety audit and audit of the access and associated works against the standards in CD123 has not been provided for the access arrangements.
- b. No visibility splays have been demonstrated for proposed pedestrian crossing to the east of the proposed access
- c. Further information is required concerning the delivery of the scheme in relation to the level differences and changes to geometry of Radwinter Road on the bend. It is not clear that the vegetation shown on the topographical survey, which is likely to form the boundary for the highway, allows a 2m footway to be provided within the highway or land in control of the developer
- d. The footway on the north side of Radwinter Road which links to the proposed bus stop and on to PROW 315/22 to Swards End is not to a current 2m standard width and will not accommodate 2 pedestrians passing.

Capacity

2. It cannot be determined from the submitted application that the residual, cumulative impact is on the road network is acceptable for the following reasons:
- a. The historic traffic data used to produce the flow diagrams has not been provided.
 - b. The background growth applied with TEMPRO does not appear to be correct.
 - c. The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
 - d. The base case includes committed development and link road which is not the current position.
 - e. ECC requires a scale drawing to be provided showing the geometric measurements for each of the junctions assessed in order for the models to be checked. The base models should be calibrated using the queue length surveys. These surveys should also be appended to the TA.

Accessibility

3. The submitted application has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority.
- a. There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists.
 - b. The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation
 - c. The potential of the public right of way network to link the site to the adjacent village has not been assessed.

Mitigation

4. The submitted application has not demonstrated that the mitigation proposed in the application will be deliverable for effective for the following reasons
- a. A safety audit and audit of the highway mitigation works against the standards in CD123 has not been provided for any of the mitigation schemes
 - b. It is not clear that the deliverability and cost of the schemes have been considered adequately.
 - c. Radwinter Road/Thaxted Road junction: i. Space around this junction is very constricted and there are a number of utilities in the footway.

Revised comments dated 07.02.22

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council 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, we do not object to the granting of planning permission subject to the following:

Condition 1 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and 2 outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.
- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

Condition 2 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved. Reason The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may

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

Condition 3 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 3 Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. We also have the following advisory comments: •

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment> In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Original Comments

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the

infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. For each of the four SuDS pond separate calculations should be provided.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system. Attenuation storage and pipe network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- Demonstrate the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, tank cover and invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation tank during 100year plus 40percent CC allowance.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- The applicant in their submission should also state that they or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

6.9

Environment Agency

We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. However we have provided advise relating to the proximity to a COMAH site and the Biodiversity Metric below.

Proximity to a COMAH site.

The application area is located adjacent to a facility notified under The Control of Major Accident Hazards Regulations 2015 (COMAH) as a Lower Tier COMAH establishment, regulated by the COMAH Competent Authority

(the Health & Safety Executive and Environment Agency acting jointly). Operators of COMAH establishments must consider the potential for a major accident arising from their activities and take 'all measures necessary' to prevent and limit their consequences to people and the environment. Information on COMAH is available from the HSE website at <https://www.hse.gov.uk/comah/>. The HSE sets consultation distances around major hazard sites, such as COMAH establishments, and major accident hazard pipelines after assessing the risks and likely effects of major accidents at the major hazard. Major hazards comprise a wide range of chemical process sites, fuel and chemical storage sites, and pipelines. These consultation distances are based on available scientific knowledge using hazard /risk assessment models updated as new knowledge comes to light. The applicant and planning authority should also consider the potential environmental impacts on the development area from major accidents at the COMAH establishment. The planning authority should review any HSE major accident hazard consultation distance zones relevant to the planning application and consult the HSE by use of their Planning Advice Web App or directly, as appropriate. Further information on the HSE's Land Use Planning Methodology is available at

<http://www.hse.gov.uk/landuseplanning/methodology.pdf>.

Biodiversity Metric

You may wish to consider the application of the Defra Biodiversity Metric, it would appear that the applicant is not replacing high value Lowland Mixed Deciduous Woodland habitat like-for-like as is the preferred methodology within the metric. We would suggest a review of the acceptability of the habitat creation to ensure that the proposal is acceptable

6.10 **Health and Safety Executive**

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

6.11 **NATS**

No safeguarding objection

6.12 **NATURAL ENGLAND**

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

There is an opportunity for seeking the provision of significant new woodland on the elevated south eastern part of the site as part of any detailed landscaping scheme.

6.13 **Fisher German/ Exolum Pipeline System Ltd**

We confirm that our client Exolum's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit. It appears from the plans submitted by the applicant that their proposed development is to be constructed within close proximity to Exolum apparatus. Such works would require consent from Exolum and, in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation. We must therefore object to the planning application. My client must be consulted to ensure the proposal has no impact on their apparatus.

6.14

Affinity Water

Water Quality

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

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

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Internal

6.15 **Tree and Landscape Officer**

The proposed development would clearly have a significant impact of the existing rural character the site, however, the visual impact on the wider landscape could be mitigated by an appropriate scheme of landscaping.

6.16 **Housing and Enabling Officer**

Updated comments in relation to amended housing mix:

The suggested housing mix is fine & meets what the SHMA 2017 stated was required. The suggested mix I provided previously was specific to Saffron Walden & was based upon Housing Register data and the need identified for shared ownership via the Help to Buy Agent (South) database. I provided this suggested mix as the SHMA data dates back to 2017 but the mix they are suggesting is fine. Given the ageing population of the district it would be good if they could see their way to providing some bungalows as part of the mix, but I suspect they may well be reluctant to do so given that it is not a planning policy requirement in the 2005 Local Plan.

Initial comments:

The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 233 units. This amounts to up to 93 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 12 bungalows across the whole site delivered as 5 affordable units and 7 for open market. The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than

10 with good integration within the scheme and be predominantly houses with parking spaces.

Homes should meet the following standards; 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house

6.17 **Environmental Health**

Revised comments following the recent of updated AQA dated 14.12.21

This service has received the follow-up Air Quality Technical Note – Version 1 by Kairus Ltd dated 1/12/2021 to be read in conjunction with the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021. The report concludes that the overall impact of the development, if the new link road is not completed, would be negligible at all locations within Saffron Walden, including the Saffron Walden Air Quality Management Area (AQMA) which is approximately 800 metres to the west of the site.

This service therefore withdraws our objections to the scheme, subject to the conditions discussed below, as this development will still add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development affecting an Air Quality Management Area is expected to contribute to a reduction in levels of air pollutants within the AQMA's as explained in the UDC Air Quality Technical Guidance, therefore mitigation against these impacts is required and the developer has suggested various mitigating proposals.

As part of the application several highways improvements are being proposed to include the following:

- Radwinter Road/Thaxted Road/East Street/Chatters Hill – addition of a short separate right turn lane on Radwinter Road
- Thaxted Road/Peasland Road – conversion of existing mini roundabout to traffic signals
- High Street/Church Street – conversion of existing priority junction to traffic signals.

The developer has also proposed mitigation measures discussed below, however this service would recommend that additional measures are applied to the development to ensure they contribute overall to the reduction in air pollutant levels. These measures could include installing ground/air source heat pumps instead of gas boilers with solar panels & photovoltaics etc.

It is also extremely important that their proposal to provide suitable walking and cycling routes to access the nearby superstore and well as the town centre is undertaken, including the proposed bus stop with safe & convenient access. This will allow future occupants to shop and access services in a sustainable and non-polluting way.

The below mitigation measures have been proposed by the developer, however, where they state that passive provision for electric charging points will be provided for all on-plot car parking spaces, we would request that this is changed to active points for charging so the units are ready to

use upon occupation in line with the Council's Climate Change Policy and UDC Air Quality Technical Guidance.

It is recommended that the proposed mitigation measures in Section 8 of the report are enhanced as recommended above, and conditioned, in any approvals given.

The proposed mitigation includes:

- Secure cycle storage for residential units without covered parking or garages;
- Passive provision for electric charging points will be provided for all on-plot car parking spaces;
- A travel pack will be provided to all residents as part of the Travel Plan measures setting out public transport options, promoting cycling and walking routes;
- a Travel Plan (TP) will be developed for the Site which will implement measures to encourage the use of alternative more sustainable modes of transport and reduce the use of single occupancy car journeys;
- where provided, all gas fired boilers will meet a minimum rating of <40 KgNO_x/kWh.

In addition to the above, the following additional measures are being proposed for inclusion within the scheme design that will contribute to a reduction in emissions and should be conditioned or subject to a legal agreement:

- provision of a bus stop on Radwinter Road in close proximity to the new site access point providing access to services between Audley End train station and Haverhill and providing an additional point on the east/west route connecting secondary schools in the area;
- provision of large public open space area for recreational purposes, reducing the need for residents to travel further afield for recreational needs;
- provision of extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road.

Further updated comments dated 30.11.21, following the submission of the noise assessment:

The findings in the acoustic report are satisfactory and the recommended conditions should be applied:

If you are minded to approve the application, the following condition is requested to ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment:

o Prior to occupation of the development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from roads and from the adjacent commercial units, for approval in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Resound Acoustics Report Reference: RA00693 – Rep I and shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014

Revised comments dated 07.10.21

This service has objections to the above application on air quality grounds subject to further evaluation being undertaken.

The Saffron Walden Air Quality Management Area (AQMA) is approximately 800 metres to the west of the site and this development will add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development affecting an Air Quality Management Area is expected to contribute to a reduction in levels of air pollutants within the AQMA's as explained in the UDC Air Quality Technical Guidance, therefore mitigation against these impacts is required.

This Service has viewed the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 which concluded a negligible impact on local Air Quality, however, the AQ Report has assumed that the Planned Link Road between Radwinter Road and Thaxted Road will go ahead and cycle/footpath links, bus stop etc will be available. In addition, as part of the application a number of highways improvements are being proposed to include the following:

- Radwinter Road/Thaxted Road/East Street/Chatters Hill – addition of a short separate right turn lane on Radwinter Road
- Thaxted Road/Peasland Road – conversion of existing mini roundabout to traffic signals
- High Street/Church Street – conversion of existing priority junction to traffic signals.

This service is not convinced these proposed alternative travel routes, cycle network and highways improvements will definitely be undertaken at this stage, and in the absence of Highways confirmation of approval, we request that an Air Quality Assessment is submitted showing the scenario if all the proposed mitigation proposals do not occur. This includes omitting their proposal to provide extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road if this is no longer possible to do.

The report should include an in-depth look at the effect the additional traffic will have on the Thaxted Road/Radwinter Road Junction. The council has extensive NO₂ monitoring at this junction as it is considered to be a problem junction in the AQMA due to congestion and quantity of traffic passing through it. Future residents from the East of Saffron Walden are all likely to pass through this junction as it is the main route to the train station, main trunk roads, services, shopping and the town centre. It is also worth noting that if a link road is built, it will most likely remove a lot of the traffic affecting this junction but may move the problem somewhere else.

If you are minded to approve the application without a further Air Quality Assessment, this service would like to make the following further points: Although the developer has proposed mitigation measures (listed below), this service would recommend that additional measures are applied to the development to ensure they contribute overall to the reduction in air pollutant levels. These measures could include installing ground/air source heat pumps instead of gas boilers with solar panels & photovoltaics etc. It is also very important that their proposal to provide suitable walking and cycling routes to access the nearby superstore and well as the town centre is undertaken, including the proposed bus stop with safe & convenient

access. This will allow future occupants to shop and access services in a sustainable and non-polluting way.

The below mitigation measures have been proposed by the developer, however, where they state that passive provision for electric charging points will be provided for all on-plot car parking spaces, we would request that this is changed to active points for charging so the units are ready to use upon occupation in line with the Council's Climate Change Policy and UDC Air Quality Technical Guidance.

It is recommended that the proposed mitigation measures in Section 8 of the report are enhanced as recommended above, and conditioned, in any approvals given.

The proposed mitigation includes:

- Secure cycle storage for residential units without covered parking or garages;
- Passive provision for electric charging points will be provided for all on-plot car parking spaces;
- A travel pack will be provided to all residents as part of the Travel Plan measures setting out public transport options, promoting cycling and walking routes;
- a Travel Plan (TP) will be developed for the Site which will implement measures to encourage the use of alternative more sustainable modes of transport and reduce the use of single occupancy car journeys;
- where provided, all gas fired boilers will meet a minimum rating of <40 KgNO_x/kWh.

In addition to the above, the following additional measures are being proposed for inclusion within the scheme design that will contribute to a reduction in emissions and should be conditioned or subject to a legal agreement:

- provision of a bus stop on Radwinter Road in close proximity to the new site access point providing access to services between Audley End train station and Haverhill and providing an additional point on the east/west route connecting secondary schools in the area;
- provision of large public open space area for recreational purposes, reducing the need for residents to travel further afield for recreational needs;
- provision of extensive walking and cycling routes through the Site connecting with routes through new development areas to the west and with Radwinter Road.

Comments dated 07.09.21

Air Quality

The AQ Report has assumed that the Planned Link Road between Radwinter Road and Thaxted Road will go ahead. If there is a chance this road will not be built, we will need to see a new Air Quality report taking this into account as this link road will most likely remove a large proportion of the future traffic going through the Saffron Walden AQMA making the current AQ Report inaccurate.

Therefore, this service cannot comment on Air Quality at the moment but will comment further once we have clarification on the link road.

Noise

This service has viewed the Resound Acoustics Noise Impact Assessment Ref: RA00693 – Rep 1 dated 28 July 2021 and broadly agree with the road noise findings, however, no investigation was undertaken to assess the noise that may arise from the neighbouring commercial units (NW of site), including a taxi firm which may operate for 24 hrs. The activities at these units have the potential to cause noise disturbance to future residents and should be looked at in more detail during normal conditions (not lockdown). This needs to be done prior to designing final plans as it may have an impact on the ability to develop this part of the site.

If you are minded to approve the application, the following condition is requested to ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment:

- Prior to any above ground development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from roads and from the adjacent commercial units, for approval in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014.
- No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

The proposal indicates that two 'Play Spaces' will be formed and there may be the potential for noise disturbance from this, therefore full details of the proposed scheme should be submitted for prior approval to ensure the development does not have any harmful impact to the surrounding residential properties with regard to noise and disturbance.

Construction Noise & Dust

In view of the scale of the development as proposed, it is recommended that the following Construction Environmental Management Plan condition is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated, the measures in Appendix F of the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 shall be incorporated into the CEMP:

- Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt, including on the public highway

- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Contaminated Land

This service has viewed the JPP Phase I Desk Study Report Number: R-DS-22776-01-01 and agree with the findings in section 9 that the site requires further investigation including gas monitoring, especially near the North-western area adjacent to the commercial units and historical landfill site as well as potential agricultural pollutants. This service recommends the below conditions:

- A Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.
- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
- The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

External Lighting

In view of the semi-rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. The following condition is therefore recommended to secure this:

- Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

6.18

Urban Design Officer

A building for life toolkit has been completed and uploaded in spreadsheet format. There are mixed red, amber and green comments made. Of note, concerning atural connections - 'creating places that are well integrated into the site and their wider natural and built surroundings and]avoiding creating isolated and disconnected places that are not easy places to move through and around- the following comments were made ".Walking distances to town centre and schools are over recommended

distance walking and cycling connections to these places are along fast and unpleasant roads. Would suggest that bus timetables are not regular enough to encourage modal shift. Needs to connect to Linden Homes development to west and onwards to Shire Hill employment. Points highlighted in planning statement noted however issue still stands. Route of pedestrian connection via Radwinter Road again is convoluted and doesn't follow the desire line, Highways/transport officer to comment further"

7. REPRESENTATIONS

Representations were received from neighbouring residents, and the following observations have been made:

- Loss of countryside
- Merging of settlements
- Too many houses
- Over-development
- Landscape impact
- Loss of hedges
- Loss of ecology
- Loss of amenity
- Drainage
- Flooding issues
- Light pollution
- Limited infrastructure
- Radwinter Road already at capacity
- Traffic
- Congestion
- Highway Safety
- Congestion
- Accidents

8. POLICIES

8.1 National Policies

National Planning Policy Framework (NPPF) (2021)
National Planning Policy Guidance (NPPG)

8.2 Uttlesford District Local Plan 2005

Policy S7 – The Countryside
Policy H1 – Housing Development
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good neighbourliness
Policy GEN5 – Light Pollution
Policy GEN7 – Natural Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV2- Development affecting Listed Buildings

Policy ENV3-Open Spaces and Trees
Policy ENV4 Ancient Monuments and Sites of Archaeological Importance
Policy ENV5 – Protection of Agricultural Land
Policy ENV14 – Contaminated Land
Policy ENV15 – Renewable Energy

8.3 **Essex Minerals Local Plan (July 2014)**
Policy S8 Safeguarding mineral resources and mineral reserves

8.4 **Supplementary Planning Document/Guidance**
SPD – Accessible Homes and Playspace (November 2005)
Energy Efficiency and Renewable Energy October 2007
Uttlesford Interim Climate Change Planning Policy
Essex Design Guide
ECC Parking Standards
UDC Parking Standards

9 **CONSIDERATION AND ASSESSMENT:**

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

- A. Principle Of Development
- B. Design & Character
- C. Heritage
- D. Amenity
- E. Housing
- F. Highways
- G. Air Quality
- H. Landscaping
- I. Ecology
- J. Climate Change
- K. Contamination
- L. Archaeology
- M. Flooding
- N. Minerals
- O. Infrastructure
- P. Planning Balance

A. PRINCIPLE OF DEVELOPMENT (ENV5, S7, NPPF)

9.2 *Loss of agricultural land*
The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.

9.3 The site comprises principally of two agricultural fields which includes 3.8ha of grade 2 quality agricultural land and 13.1ha of subgrade 3a land as demonstrated in the submitted application. Annex 2 (glossary) of the NPPF describes Best and Most versatile land as 'land in grades 1, 3 and 3a of the Agricultural Land Classification'.

- 9.4 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.
- 9.5 *Countryside*
The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 9.6 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.
- 9.7 As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2021 (January 2021), the Council's housing land supply is currently 3.52 years of supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5-year supply of housing land.
- 9.8 Paragraph 11 of the NPPF considers the presumption of sustainable development; this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five-year housing supply cannot be delivered). Therefore, the titled balance is engaged in favour of housing. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).
- 9.9 Social: The site as proposed is poorly connected to neighbouring sites, places of work, amenities and local services. However affordable housing would be provided as part of this scheme.
- 9.10 Economic: The development will deliver an economic role by the creation of employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.
- 9.11 Environmental: The site is outside of the development limits and currently comprises agricultural land. The proposed development would result in a

built-up form which could be minimised to limit harm to the countryside. Habitats are likely to be created as a result of the proposed development. However increased travel due to poor connectivity is likely to result in increased traveling and vehicles on the road network which is likely to cause air quality implications.

- 9.12 Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. It is considered that the poor connectivity of the site would render the scheme unsustainable.

B. DESIGN & CHARACTER (GEN2, NPPF)

- 9.13 National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

- 9.14 Whilst the layout of the development is a matter reserved for consideration at a later date, the illustrative layout demonstrates that the balance between built form and open space has been duly considered. 55% open space and a density of 35 dwellings per hectare in this location is considered reasonable.

- 9.15 The Urban Design Officer has provided observations of the scheme and assessed the scheme based on the Building for Life toolkit that has now been adopted by Uttlesford District Council.

- 9.16 This Tool identifies a set number of criteria against which the proposal is assessed on a 'traffic light' system- red/ amber/green basis i.e. green is an acceptable approach and red requires significant attention.

- 9.17 The many of the elements of the scheme are amber and green, however it is clear that red elements comprise matters relating to the lack of connectivity and permeability of the site.

- 9.18 Although the illustrative general layout, scale and massing of the site in isolation is considered to be acceptable; however the site within the wider context, connections, permeability and how it fits into the surrounding area is poorly integrated and considered. This is discussed further within the highways section of this report.

C. HERITAGE (ENV2, NPPF)

- 9.19 ENV2 requires development affecting a listed building should be in keeping with its scale, character and surroundings.

- 9.20 Paragraph 194 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance

and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

- 9.21 There are no designated heritage assets within the site, some 300 metres to the east of the site is the Grade II listed Pounce Hall (list entry number: 1297745). Further east is Hopwoods Farmhouse (list entry number: 1196248) and Saffron Walden Community Hospital to the west (list entry number: 1196235). South-east of the site is the Scheduled Monument, Tiptofts moated site (list entry number: 1008702) and the Grade I listed Tiptofts (list entry number: 1274093).
- 9.22 The Heritage Officer initially considered that the Heritage Statement did not contain sufficient detail for a fully informed assessment of the potential impact of the proposals. However, revised comments from the Heritage Officer make it clear that the form of the development is unsympathetic, however he stated "I do not consider the proposals to result in harm to the significance of the designated heritage assets, thus I raise no objection".
- 9.23 As such the proposed development meets the requirements of Policy ENV2 and the NPPF (2021).

D. AMENITY (GEN2, GEN4, GEN5, NPPF)

- 9.24 Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Policies GEN4 and GEN5 are also relevant.
- 9.25 It is considered that there is sufficient space on site to accommodate the dwellings whilst meeting the provisions of the Essex Design Guide and providing sufficient separation and spacing between dwellings within the site and outside of the site. However, this matter is for further consideration under any future reserved matters application.
- 9.26 *Noise*
Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance.
- 9.27 The Environmental Health Officer has noted that the development does not take into account the existing commercial premises in close proximity to the site and appropriately assess its impact. The applicant has provided a rebuttal and considered that the noise units is unlikely to be any greater than is already experienced by existing properties close by furthermore they consider that the impact from noise has not been a concern for other recent smaller residential developments. Subsequently, a Noise Assessment was submitted by the applicant in response to the

Environmental Health Officer's comments. The Environmental Health Officer has confirmed that the findings in the acoustic report are satisfactory and conditions should be applied. It is considered that should the scheme be recommended for approval, conditions regarding noise mitigation measures would be imposed; which would seek to protect future occupiers from commercial noise and other such noise such as the children's play area. The proposal therefore accords with Local Plan Policy ENV10.

E. HOUSING (H9, H10, NPPF)

- 9.28 Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The Housing and Enabling Officer has confirmed that the 40% affordable housing provision on this site is acceptable although the mix and tenure is yet to be agreed. Should the scheme be recommended for approval, this would form part of a S106 legal agreement. The housing mix has since been amended and the Housing and Enabling Officer has confirmed that the mix is appropriate. Therefore the development is in accordance with Local Plan Policies H9 and H10.

F. HIGHWAYS (GEN1, GEN8, NPPF)

- 9.29 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.
- 9.30 In accordance with paragraph 110 of the NPPF when assessing specific applications for development it should be ensured that:
- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - (b) safe and suitable access to the site can be achieved for all users;
 - (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 ; and
 - (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.
- 9.31 **Link Road**
During the preparation of the emerging local plan due consideration and master planning is being given to be provision of a relief road to aid congestion and air quality. Should the application site connect through the other three sites (Linden Homes UTT/13/3467/OP & UTT/16/1856/DFO (Land South of Radwinter Road); Middle Site/Dianthus UTT/17/2832/OP & UTT/21/3565/DFO (Land North Of Shire Hill Farm) and the Bellway site UTT/18/0824/OP & UTT/19/2355/DFO (land East of Thaxted Road)) it would connect to the proposed Link Road which is being constructed discharging the traffic away from the Saffron Walden Air Quality Management Area on Thaxted Road/Radwinter Road junction.

- 9.32 The proposed development accommodates a corridor of reserved land for a potential future relief road to the south of the site, on the western extent as shown on the submitted Access and Movement Parameters Plan. The Highways Authority have stated that there is some intention to address this by the applicant however it cannot be identified where this is illustrated on plans making this clear, either for the potential junction with Radwinter Road or safeguarded land for a future link. The potential route is through the residential area which may not be acceptable in the long term. It should be noted that these issues were fully explained amongst other things and raised with the applicant at pre-submission stage of which they were encouraged to enter into a PPA and to allow a series of meetings with Statutory Consultees to fully address these issues up front prior to any formal planning submission. The applicant had refused to do so or enter into further discussions prior to submission of the application.
- 9.33 The applicant has stated that the preferred option of an eastern relief road alignment option would require substantial earthworks, vegetation clearance and watercourse diversion. The western relief road corridor proposed requires much less significant earthworks, modest vegetation removal and no watercourse diversions.
- 9.34 Furthermore, the applicant has stated that they are of the view that *“an assessment of traffic scenarios without the consented link road is not necessary on the basis that two of the three sites that will deliver the road have secured detailed planning permission and the third has recently been sold to a housebuilder making it very likely to come forward, within at most, the next five years because the delivery of the link road is secured by planning condition and legal agreement”*.
- 9.35 *Access*
Access is to be provided from Radwinter Road via a ghost island priority junction. The Highways Authority initially objected to the access as it had not been demonstrated that safe and suitable access for all users had been provided. Since the applicant provided additional information address these concerns and the Highways Authority no longer object to this element of the scheme.
- 9.36 Paragraph 111 of the NPPF states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 9.37 In terms of capacity, the Highways Authority consider that the application has not demonstrated that the residual and cumulative impact on the road network is acceptable for the following reasons:
- The rationale behind the internal trip assumptions requires further explanation and the percentage flows are required.
 - The base case includes committed development and link road which is not the current position.
- 9.38 *Connectivity*

Paragraph 112 (a) of the NPPF states developments should “*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*”.

9.39 The site is over 2km away from many of the services therefore it is considered that the majority of trips will be undertaken in the car. As noted by the Highways Authority “*The permeability of the site for active travel is also of concern there are limited opportunities for cyclists and no direct pedestrian or cycle routes to the adjacent developments and onwards*”. Movement through the site is forced through to Radwinter Road and the Radwinter Road/Thaxted Road junction where the existing AQMA is located as this site appears to be an unintegrated ‘Island’. Is not connected to the adjacent sites whereby there are further open spaces, proposed Primary School site, a bus route which is proposed through the adjacent sites plus to get to facilities by way of shops, gyms, civic amenity site, restaurant/cafes, leisure centre facilities and the B184 which leads to Dunmow and the A120 beyond.

9.40 The applicant has stated that the feasibility providing a direct pedestrian / cycle link to the adjacent Linden site was being investigated by the applicant and was not deemed feasible.

9.41 The Highways Authority object on the grounds that the scheme has not demonstrated that pedestrian and cycle movement with neighbouring areas have been given priority which is demonstrated below:

- There is no permeability from the site to allow easy access to the adjacent development and facilities for pedestrians and cyclists;
- The quality of the key routes for pedestrians and cyclists has not been assessed and limited improvement is proposed for mitigation.

9.42 *Car parking*

Based on the proposed accommodation schedule and using the Essex Parking Standards, a total of 451 allocated spaces and 58 unallocated spaces are proposed as part of the development. The applicant has stated that they intend to provide all houses with a garage or secure storage within to provide cycle parking. Overall, it is considered that there should be sufficient space on site to accommodate the parking, however given that the scheme has not demonstrated that it will be supported by suitable sustainable travel to supplement the car parking, the parking numbers at this stage cannot be supported in isolation. Nonetheless this is a reserved matter consideration.

9.43 *Mitigation*

The applicant has proposed infrastructure comprising the following:

- New bus stops are proposed on Radwinter Road (to the east of the site access)

- A pedestrian refuge island to facilitate pedestrian access to the eastbound bus stop and the existing footway on the north side of Radwinter Road
- A new 2.0m footway is also proposed on the south side of Radwinter Road between the proposed site access and the Linden Homes access.

9.44 The scheme is reliant on a number of junction improvements.

9.45 The Highways Authority consider that the application has not demonstrated that the mitigation proposed above will be deliverable or effective, and therefore object for the following reasons:

- It is not clear that the deliverability and cost of the schemes have been considered adequately.
- Radwinter Road/Thaxted Road junction:
 - i. Space around this junction is very constricted and there are a number of utilities in the footway
 - ii. The lane width for the head traffic from east to west is too does not reflect the future use by HGVs or buses
 - iii. The right turn arrow towards Chaters Hill send traffic into the kerb line
 - iv. The mitigation is to the detriment of pedestrians
- Church Street High Street
 - i. The deliverability of this scheme has not been adequately demonstrated it will be difficult to add control to due to the narrow footways and carriageway. Position of the equipment and maintenance bay, the presence of vehicle crossings and cellars and deliveries to local businesses have not been taken into account.
 - ii. Any signal placed in this location would have to be linked to the existing signals on the high street, which may require refurbishment of the whole system.

9.46 Overall, the impact on the local highway network caused by this proposal is not acceptable in terms of highway safety, capacity, accessibility or mitigation and is therefore contrary to policy GEN 1 of the Uttlesford District Council Local Plan and NPPF.

G. AIR QUALITY (ENV13)

9.47 Policy ENV13 (Exposures to Poor Air Quality) and seeks to protect users of residential properties from exposure to poor level air quality. The application is supported by an Air Quality Assessment which concludes that in respect of end use no additional mitigation techniques are required to meet relevant air quality objectives.

9.48 The Saffron Walden Air Quality Management Area (AQMA) is approximately 800 metres to the west of the site and this development will add to local air pollution in and near this existing AQMA due to additional car-bound journeys. Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will

not be permitted. The applicant submitted a report which considers the development would have a negligible impact on the air quality, however the report assumed that the link road between Thaxted Road and Radwinter Road would go ahead and cycle/footpath links would be available.

- 9.49 Environmental Health initially stated that *“This service is not convinced these proposed alternative travel routes, cycle network and highways improvements will definitely be undertaken at this stage, and in the absence of Highways confirmation of approval, we request that an Air Quality Assessment is submitted showing the scenario if all the proposed mitigation proposals do not occur”*.
- 9.50 Further information was submitted and the Environmental Health Team now consider that impact on air quality to be acceptable on the basis that mitigation is provided. A peer review was undertaken which concurred with the views of Environmental Health.
- 9.51 The requested mitigation measures include cycle storage; passive provision for electric charging points; a travel pack; a Travel Plan; where provided, all gas fired boilers will meet a minimum rating of <40 KgNO_x/kWh; a bus stop on Radwinter Road; and the provision of extensive walking and cycling routes through the Site.
- 9.52 Although the applicant has now demonstrated that the development would likely have a negligible impact on the AQMA, It is therefore considered that the development would be contrary to Policy ENV13 of the Local Plan.

H. LANDSCAPING (ENV3)

- 9.53 Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value. 174(b) of the NPPF expects decisions to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.54 There are no Tree Preservation Orders on the site. Hedgerow to the south of Radwinter Road requires removal to accommodate access and cycle way. A large of the hedgerow will remain on the periphery of the site. The applicant has proposed to retain many trees though the construction process. If approved, this could be conditioned.
- 9.55 It is noted that details of landscaping could be submitted at a later stage a part of reserved matters, to ensure protection of amenities; protect the character of the countryside and provide appropriate screening. The applicant has submitted plans which illustrate the proposed green infrastructure comprising:
- Amenity green space
 - Natural /semi green space
 - Hybrid green space
 - Neighbourhood green
 - Existing hedgerows/woodlands
 - Proposed hedgerows/woodlands
 - 2 x LEAPS

- Circa half of the site is covered in green open space, including play areas.

- 9.56 In addition, the following measures are proposed by the applicant to minimise any detrimental effects on the landscape, provide screening and enhance some views:
- Woodland blocks on or around to the Site's ridgelines to the south and south-east are provided and/or strengthened
 - Larger area of public open space on higher ground to the south-east
 - View corridors towards local landmarks such as St Mary's Church and Pounce Wood
- 9.57 ECC- Green Infrastructure Team have provided an assessment and advised on the proposed landscape and green infrastructure (GI) strategy/plans. They do not object to the plans, however they recommend conditions to improve the GI network and assist in achieving net environmental gains. Should planning permission be granted, these conditions would be imposed.
- 9.58 Natural England consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 9.59 The applicant submitted a Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment which from part of the ES. The assessment identifies that there are no national or local landscape designations that relate to the site. The LVIA considers that the local landscape character is therefore judged to have a "medium" sensitivity to the change proposed. The viewpoints identify the impacts ranging from minor to moderate adverse and not significant.
- 9.60 The Landscape Officer considers that the proposed development would have a significant impact of the existing rural character the site, however, the visual impact on the wider landscape could be mitigated by an appropriate scheme of landscaping.
- 9.61 It is considered that given the adequate amount of green infrastructure coverage throughout the site in keeping with the countryside character, the impact on the landscape will be mitigated and is thus acceptable.
- 9.62 It is acknowledged that a biodiversity net gain has been achieved. However, Natural England have noted that in accordance with the Defra Biodiversity Metric, the applicant is not replacing high value Lowland Mixed Deciduous Woodland habitat like-for-like as is the preferred methodology within the metric. Should this scheme be recommended for approval, a suitable condition would have been imposed to ensure details of all landscaping are submitted and approved.
- I. ECOLOGY (GEN7)**
- 9.63 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*.

9.64 Place services were duly consulted and issued a holding objection on the application as they were not satisfied that there is sufficient ecological information available for determination of this application with regards to;

- European Protected Species (bats, Hazel Dormouse)
- Protected species (Badger)
- Priority species (farmland birds)
- Priority habitats (hedgerow)

The applicant recently sent amended information and Place Services issued a holding objection due to insufficient ecological information on European Protected Species (bats).

9.65 Furthermore, it is also necessary to determine whether any of the hedgerows on site are considered 'important' under the Hedgerow Regulations 1997. The necessary surveys are required pre-determination, as such in accordance with the NPPF "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".

9.66 To this end the LPA cannot support a development proposal that would result in significant harm to biodiversity. This cannot be dealt with via condition and necessary information and surveys should be assessed pre-determination. As such the development would be contrary to Policy GEN7 of the Local Plan and the NPPF.

J. CLIMATE CHANGE

9.67 Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of how developments can demonstrate the path towards carbon zero.

9.68 Interim Policy 1 states: Developers should demonstrate the path that their proposals take towards achieving net-zero carbon by 2030, and all the ways their proposals are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. This should include:

- i) locating the development where the associated climate change impacts and carbon emissions, including those derived from transport associated with the intended use of the development can be minimised, and
- ii) promoting development which minimises carbon emissions and greenhouse gas emissions and maximises the use of renewable or low carbon energy generation. This requirement is intended for outline and full planning applications alike.

9.69 The applicant has stated that in order to appropriately comply with the requirements regarding scheme's energy and water efficient design, adaptation and EV charging details should be reserved for consideration at the reserved matters stage.

9.70 Taking into account comments from the Council's Climate Change Project Officer, all development should seek to reduce the reliance on private

motor cars which in itself contributes negatively to air quality, the environment and climate change. It is considered that the location of the application site together with the lack of appropriate cycling facilities, infrastructure and provision, would result in a housing development, for which occupiers and visitors would be dependant on the use of a private car.

- 9.71 As noted by the Climate Change Project Officer “*without adequate active travel measures, it is difficult to see how the proposed development would be anything other than completely car-based, and therefore that it would have anything other than a negative impact on the climate, the environment, and the local and national emissions goals*”. Therefore, it is considered that the proposed development would be contrary to Policy GEN2, Uttlesford Interim Climate Change Policy and the NPPF 2021.

K. CONTAMINATION (ENV14)

- 9.72 Affinity Water have raised that the site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (DEBD), although the Environment Agency did not raise this. A Phase 1 Desk Study Report contamination sources within the site and outside of the site. Should planning permission be granted, conditions would have been imposed to request further investigation and remediation, prevent contamination and assess construction methods such as pilling.

- 9.73 The application area is located adjacent to a facility notified under The Control of Major Accident Hazards Regulations 2015 (COMAH) as a Lower Tier COMAH establishment, regulated by the COMAH Competent Authority (the Health & Safety Executive and Environment Agency acting jointly). The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. The HSE have advised ‘HSE does not advise, on safety grounds, against the granting of planning permission in this case’. As such no objections to the scheme are raised on safety grounds.

L. ARCHAEOLOGY (ENV4)

- 9.74 Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.
- 9.75 To the south-west of the proposed development recent archaeological excavations have identified Bronze Age round barrows and a number of Bronze Age and Iron Age pits (EHER48520). Roman finds have been recovered to the north, west and south of the site. As such, the Country Archaeologist has recommended an archaeological programme of Trial Trenching followed by Open Area Excavation, which would have been recommended should this proposal be approved.

M. FLOODING (GEN3, NPPF)

- 9.76 The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated within the NPPF, however due to the size of the site a Flood Risk Assessment (FRA) is duly required.
- 9.77 The LLFA initially issued a Holding Objection to the scheme on the grounds that the scheme fails to ensure sustainable drainage proposals comply with the relevant standards, which is exacerbated given the large extent of the site and the reduction of arable farmland.
- 9.78 Further information was provided by the applicant and the LLFA have removed their objection to the scheme.
- 9.79 Overall, it is considered the scheme complies with to Policy GEN3 of the local Plan and the NPPF.

N. MINERALS (S8 of the Essex Minerals Local Plan, NPPF)

- 9.80 The site is located in a Minerals Safeguarding Area for chalk. As the site exceeded 3ha, the applicant submitted a Minerals Resource Assessment. This has been fully reviewed by the Minerals and Waste Team at Essex County Council and is considered acceptable.

O. INFRASTRUCTURE (GEN6, NPPF)

- 9.81 Policy GEN6 seeks infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. The applicant stated that they were willing to enter into an agreement in relation to planning obligations, although no agreement has been entered into or is in place at the time of writing this report. However, it is considered that no planning obligations would make the development acceptable in planning terms.

P. PLANNING BALANCE

- 9.82 The LPA are unable to demonstrate a 5-year housing land supply, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.
- 9.83 It is acknowledged that the scheme would provide housing, and would deliver biodiversity net gains and open public space; however any adverse impacts of granting such a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 9.84 There is a clear conflict in Local and NPPF policies which the Local Planning Authority afford considerable weight to as follows: the proposed development would fail to promote sustainable transport modes such as walking, and would be significantly detrimental to highway safety; the proposal would fail to demonstrate that it would cause no harm to European Protected Species; the proposal would fail to contribute towards climate change objectives; and the proposal would fail to provide the necessary infrastructure to mitigate the impacts of the development contrary to the Local Plan Policies and the NPPF.

CONCLUSION

9.85

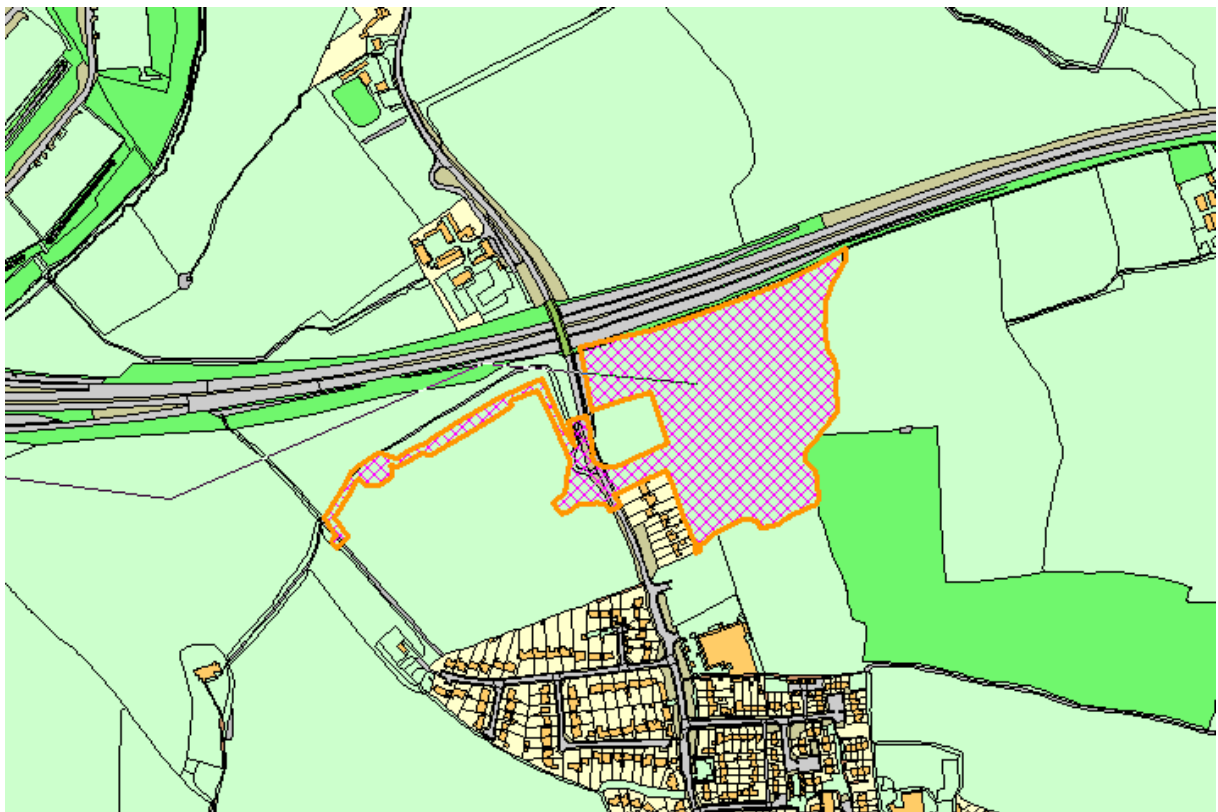
The proposed development is contrary with the development plan and the NPPF on a number of grounds in relation to Highways, Ecology, Infrastructure and Climate Change. It is therefore recommended that permission be refused.

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/1488/OP

LOCATION: LAND EAST OF PARSONAGE ROAD, TAKELEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17th March 2022

PROPOSAL: Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure

APPLICANT: Endurance Estates Land Promotion Ltd

AGENT: Pegasus Group

EXPIRY DATE: 18th March 2022 (Agreed Extension of Time)

CASE OFFICER: William Allwood

NOTATION: Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood), Contaminated Land, Historic Land Use Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood).

1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS -

Provision of 40% affordable housing
Financial contribution for Health contributions
Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Payment of education financial contributions; Early Years and Secondary
Libraries' contribution
Monitoring cost
Custom built dwellings
Financial contribution to mitigate on impact of Hatfield Forest
Contribution to Public Rights of Way adjacent to the site
Sustainable Transport contribution - to fund improvements to enhance bus services
Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)
Provision of bus stops – east and west of Parsonage Road
Residential Travel Plans
E- Car Club Space

1.2 The applicant be informed that the Committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 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:

Provision of 40% affordable housing
Financial contribution for Health contributions
Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Payment of education financial contributions; Early Years and Secondary
Libraries' contribution
Monitoring cost
Custom built dwellings
Financial contribution to mitigate on impact of Hatfield Forest
Contribution to Public Rights of Way adjacent to the site
Sustainable Transport contribution - to fund improvements to enhance bus services
Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)
Provision of bus stops – east and west of Parsonage Road
Residential Travel Plans
E- Car Club Space

1.3 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

1.4 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the lack of delivery of the following mitigation:

Lack of provision of 40% affordable housing
Lack of financial contribution for Health contributions
Lack of provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Lack of payment of education financial contributions; Early Years and Secondary
Lack of libraries' contribution
Lack of monitoring cost
Lack of custom-built dwellings
Lack of financial contribution to mitigate on impact of Hatfield Forest
Lack of contribution to Public Rights of Way adjacent to the site
Sustainable Transport contribution - to fund improvements to enhance bus services
Lack of upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)

**Lack of provision of bus stops – east and west of Parsonage Road
Lack of E-Car Club space**

CONDITIONS:

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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 must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with 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 must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Applied Ecology Ltd., August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

5. Concurrent with the Reserved Matter submission, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to

and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

6. Concurrent with the Reserved Matters submission, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

7. Concurrent with the Reserved Matters submission, a Design Stage Biodiversity Net Gain Assessment, in line with the CIEEM report & audit templates (2021) shall be submitted to and approved in writing by the local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the Defra Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Assessment should include the following:
- Baseline data collection and assessment of current conditions on site.
 - A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
 - Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
 - Details of the implementation measures and management of proposals.
 - Details of the monitoring and auditing measures.

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

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

8. Concurrent with the Reserved Matters submission, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures.
 - b) detailed designs to achieve stated objectives.
 - c) locations of proposed enhancement measures by appropriate maps and plans.
 - d) timetable for implementation.
 - e) persons responsible for implementing the enhancement measures.
 - f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

9. Concurrent with the Reserved Matters submission, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

10. Prior to the commencement of the development hereby permitted, details of a scheme of mitigation measures aimed to achieve a noise level not exceeding 55dBLAeq in the outdoor amenity areas of all dwellings shall be submitted to and approved in writing by the local planning authority. Details shall include the position, design, height and materials of any acoustic barrier proposed, along with calculations of the barrier attenuation. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: To ensure an adequate level of amenity for residents of the new dwellings in accordance with Uttlesford Local Plan (adopted 2005) - Policy GEN4.

11. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dB L_{Amax} shall be submitted to and approved in writing by the local planning authority. The details shall include the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers. If the internal noise limits can only be achieved with closed windows, then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To ensure an adequate level of amenity for residents of the new dwellings in accordance with Uttlesford Local Plan (adopted 2005) - Policy GEN4.

12. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination.
 - (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14.

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

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14.

14. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

15. Prior to occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g., secure covered storage for motorised and non-motorised cycles, and electric vehicle charge points) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

16. No development shall be occupied until confirmation has been provided that either: -
1. Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan are agreed, and that no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

REASON - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potential pollution incidents in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV12.

17. No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and

deposits within the proposed development area. and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

18. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 23 and confirmed by the Local Authority archaeological advisors.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

19. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

20. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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 sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial

trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area. and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

- 21 Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.
The content of the LEMP shall include the following:
1. Description and evaluation of features to be managed.
 2. Ecological trends and constraints on site that might influence management.
 3. Aims and objectives of management.
 4. Appropriate management options for achieving aims and objectives.
 5. Prescriptions for management actions.
 6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 7. Details of the body or organisation responsible for implementation of the plan.
 8. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

22. Construction Management Plan: No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall cover all areas of the site identifying differences in operation as necessary and shall be adhered to throughout the construction period. The Plan shall provide for.
- I vehicle routing,
 - II the parking of vehicles of site operatives and visitors,
 - III loading and unloading of plant and materials,
 - IV storage of plant and materials used in constructing the development,
 - V wheel and underbody washing facilities.
 - VI Treatment and protection of public rights of way during construction

VII Before and after condition survey to identify defects to highway in the vicinity of the accesses to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN1

23. Prior to any occupation of the development, the access, as shown in principle on submitted drawing number W371/PL/SK/238 PO1 shall be provided with the addition of 3.5m footway/cycleway connections from the site to the highway network to the north and south of the access and including appropriate crossing points, the scheme of works to be subject to technical and safety audits

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, to accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

24. A footway/cycleway shall be provided to the southern boundary of the site to provide a link to a footway/cycleway on any development that may be constructed or have permission to the south of this site. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter.

REASON: To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary, to accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

25. Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority.

REASON: To mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists, to accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

2. DESCRIPTION OF THE SITE.

- 2.1 The site measures an area of 6.65 HA and is currently in agricultural use. The site is located on the northern edge of Takeley and adjoins existing residential dwellings to the southwest. The western boundary of the site is also partially formed by land which is subject to an outline planning permission for a residential care home UTT/19/0394/OP. Parsonage Road form the remainder of the site's western boundary.
- 2.2 To the south, the site boundary is made up of a linear row of mature trees/hedgerow. At the south-eastern corner of the site this row of trees/hedgerow is adjacent to an area of Ancient Woodland at Priors Wood. Beyond the Ancient Woodland to the north, the eastern site boundary is again formed by mature trees and hedgerow. The site's northern boundary is formed by the bund and vegetation which runs immediately adjacent to the A120.
- 2.3 Beyond Parsonage Road, to the west, is agricultural land which is subject to an outline planning approval UTT/19/0393/OP for up to 120 dwellings.
- 2.4 Also included in the red line site area is a corridor of agricultural land which stretches to the west and connects to Takeley Brook.

3. PROPOSAL

- 3.1 Within the overall site area of 6.65 hectares, the development proposals provide an area of 2.85 Ha for residential development, achieving 88 dwellings, of which up to 35, or 40% of the total, are to be affordable housing units. The residential area identified on the Parameter Plan can support a mix of house types and tenures to deliver the housing the local market needs. The exact housing mix will be confirmed at the reserved matters stage when the layout and other matters of detail are determined.
- 3.2 A total of 10% of the dwellings proposed would be for self-build and custom build plots.
- 3.3 A total of 5% of the dwellings proposed would be bungalows / built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable.

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. APPLICANTS CASE

- 5.1 The application is supported by the following documents:

Design and Access Statement
Planning Statement
Air Quality Assessment
Arboricultural Impact Assessment
Archaeological Assessment
Built Heritage Assessment

Ecology Assessment
Bird Hazard Mitigation Plan
Flood Risk Assessment and Suds Report
Health Impact Assessment
Landscape and Visual Impact Assessment
Landscape Strategy
Noise Assessment
Affordable Housing Statement
Transport Assessment
Phase1 Desk Study and Preliminary Risk Assessments
Sustainability Statement
Biodiversity Checklist
Suds Checklist
Statement of Community Involvement.
Biodiversity Net Gain Report
Woodland Management Plan
Bat survey Report

6. RELEVANT SITE HISTORY

- 6.1 An EIA Screening Opinion was provided on the 09th of September 2021, which advised that the proposed development did not merit an Environmental Statement under the terms of the 2017 Regulations (UTT/21/2467/SCO).

Land to the West

- 6.2 In February 2019, an Outline application (UTT/19/0393/OP) with all matters reserved except access, for development of up to 119 no. Dwellings (including affordable housing) including vehicular and pedestrian accesses, infrastructure, open space, footpath links, children's play area, landscaping, green infrastructure, surface water management, wastewater pumping station and associated works. Provision of either a community building (D1 use class) or 1 no. additional dwelling was submitted to the Local Planning Authority on land to the west of this application site. This application was refused by the Local Planning Authority on the 29th of July 2019; the planning appeal was subsequently allowed at appeal on the 31st January 2020.
- 6.3 In March 2019, a planning application (UTT/19/0394/OP) was submitted on land to the west of the application site as an Outline application with all matters reserved except access, for development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping, and associated works; this application was refused by the Local Planning Authority on the 29th of July 2019. This application was subsequently approved at Appeal on the 31st January 2020.

7. CONSULTATIONS

- 7.1 This summary of responses below generally only deals with the most up-to-date replies, to avoid any confusion. Full details of the consultation responses can be found in Public Access on the Uttlesford District Councils website.

Takeley Parish Council

- 7.2 Takeley Parish Council Object to the application. A full copy of their Representations is included as **Appendix 1** to this Report. Recently, Takeley PC have made a request for a contribution being made towards a Sports Pavilion within the village; this request is currently being assessed against the s106 package of measures and whether this conforms to the tests within CIL Regulations.

Place Services Specialist Archaeological Advice

- 7.3 Recommendation: No objections, subject to an archaeological programme of Trial Trenching followed by open area excavation

ECC Place Services - Ecology

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

Uttlesford District Council Housing Enabling Officer

- 7.5 Advise that that they have no objections to the proposals, and further state that the delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 88 units. This amounts to up to 35 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 4 bungalows across the whole site delivered as 2 affordable units and 2 for open market. The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces. Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

Place Services Built Heritage

- 7.6 Advise that there are no objections to the application on built heritage grounds

Uttlesford District Council Environmental Health

- 7.7 Advise that there are no objections on Noise, Contamination or Air Quality issues, subject to the introduction of suggested planning conditions.

Thames Water

- 7.8 No objections subject to conditions

National Trust

- 7.9 Advise that the proposed development is approximately 1.4km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September 2019 to alert you to this evidence and advise that where relevant, planning decisions are informed by this.
- 7.10 The Footprint Ecology report describes the issues arising from recreational pressure in more detail and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.180). There are also duties on LPAs under section 28G (2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice. Having regard to the evidence and in accordance with the above requirements it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted and that the draft new local plan has recently been withdrawn from examination, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England, and the Planning Inspectorate as

part of the Local Plan process. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan. Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures. The National Trust and Natural England sent a joint letter in June 2021 to notify your Council of the Mitigation Strategy and included a copy of the document.

On-Site Mitigation

- 7.11 We welcome the on-site mitigation measures set out in the submitted Ecology Report (Para.6.11) which would include public open space, an 800-metre walking route and dogs off-lead area. It should be ensured that the delivery of these is secured by condition/legal agreement and available for use by residents prior to the first occupation of the dwellings. However, Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

Off-Site Mitigation

- 7.12 We are pleased that the applicant acknowledges the recreational pressure that new development will place on Hatfield Forest and that a financial contribution is proposed to address residual impacts. In the absence of a tariff setting out a cost per dwelling a contribution of £13,200 would be proportionate to requests made for other developments within the ZOI, based on the number of dwellings proposed. The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would be met by the National Trust. Examples of priority works from the Strategy include veteran tree management, soil decompaction, ride side ditching, temporary ride closures. Furthermore, now that we have this evidence and baseline information, fundamental to the monitoring of this will be on-going survey work. This includes independent visitor surveys every 5 years, annual impact surveys, soil compaction analysis and gate counter data. The costed measures are set out on Pages 13-25 of the Mitigation Strategy.

MAG London Stansted Airport

- 7.13 No objections, subject to conditions

National Highways

7.14 No objections.

Woodland Trust

7.15 The Trust **objects** to this planning application unless the applicant can provide the adjacent ancient woodland with a suitable buffer zone to protect Prior's Wood from the detrimental impacts of the development. The application has responded to the position of the Woodland Trust, and any further comments will be reported to Committee

NATS Safeguarding

7.16 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.

Crime Prevention Officer

7.17 Advise that 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 demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

NHS West Essex Clinical Commissioning Group

7.18 Advise that 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.

8. REPRESENTATIONS.

2 letters of representations have been received.

Summary of comments:

- Takeley has already exceeded the previous UDC Local Plan allocation of 698 new dwellings.

- The harms would irreparably damage the village setting, its rural nature and heritage. The quality of life and amenity for residents bordering the green field sites would be diminished. UDC Policy S7 specifically addresses the countryside by protecting and enhancing the natural environment as an important component of sustainable development as set out in the National Planning Policy Framework (NPPF)
- The sites are within the Countryside Protection Zone under UDC Policy S8. This is a well-established and longstanding policy to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing development
- Highway Safety
- Impact on wildlife – deer, red kites, swifts, Badgers, bats, yellow hammer birds, sparrows, grey partridge, kestrel, lesser spotted woodpecker, mistle thrush, skylark, song thrush, starling, tawny owl, willow warbler, hares, Great Crested Newts, buzzards, robins, Magpies etc.
- Loss of habitats.
- Listed buildings need to be protected
- Lack of health provision, water supply and sewage, school places
- Cumulative impact
- Air quality and noise impacts

Policies

- 9.1 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.

9.2 **National Policies**

National Planning Policy Framework 2021 (NPPF)
National Planning Policy Guidance (NPPG)

9.3 **Uttlesford District Local Plan 2005**

Policy S8 – The Countryside Protection Zone
Policy S7- The Countryside
Policy GEN1 - Access
Policy GEN3 – Flood Protection
Policy GEN6 – Infrastructure Provision to Support Development
Policy GEN7 – Nature Conservation
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
Policy ENV7 –The Protection of the Natural Environment – Designated Sites
Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land
Policy ENV2 – Development affecting Listed Buildings
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy ENV3 – Trees and Open Spaces
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN8 - Vehicle Parking Standards
Policy E3 – Access to workplaces
Policy ENV5 – protection of Agricultural Land
Policy ENV15- Renewable Energy

9.4 **Supplementary Planning Document/Guidance**

Essex Design Guide
ECC Parking Standards (2009)
Uttlesford Local Parking Standards (2013)
SPD2 – Accessible Homes and Playspace (2005)
Interim Climate change Planning Policy (2021)

10. CONSIDERATION AND ASSESSMENT:

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

- A The development of this site for residential and commercial purposes is appropriate (NPPF and Uttlesford Local Plan Policies S7, S8, E1);**
- B Design, scale and impact on neighbour’s amenity (Uttlesford Local Plan Policies GEN2, S7, H10, & SPD: Accessible Homes and Playspace);**
- C Housing Mix (Uttlesford Local Plan Policy H10)**
- D Access, highway safety and parking provision (NPPF and Uttlesford Local Plan Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**
- E Biodiversity (Uttlesford Local Plan policy GEN7)**
- F Affordable Housing, Education Contributions (Uttlesford Local Plan policies H9, GEN6)**
- G Flood risk and drainage (Uttlesford Local Plan policy GEN3)**
- H Noise, Contamination and Air Quality (NPPF and Uttlesford Local Plan ENV13)**
- I Impact on Heritage Assets and Archaeology (NPPF and Uttlesford Local Plan Policies ENV4 and ENV2)**
- J Climate change (UDC Interim Policy and Local Plan Policy ENV13)**
- I Other Material considerations**

- A The development of this site for residential purposes and commercial purposes is appropriate (NPPF and Uttlesford Local Plan Policies S7, S8, E1);**

10.1 In policy terms, the site is located outside the development limits for Takeley as defined by the Uttlesford Local Plan. Consequently, for the purposes of planning, the site is within the countryside and subject to all national and local policies.

10.2 The site is therefore subject to the provisions of policy S7 of the adopted Local Plan 2005. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there or is appropriate to a rural area to protect the character of the countryside. This includes infilling in accordance with paragraph 6.13. Development will only be permitted if its appearance protects or enhances the 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 or is appropriate to a rural area.. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. The proposal does accord with the more up to date policy at paragraph 78 of the NPPF which supports the growth of existing settlements

- 10.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.4 The National Planning Policy Framework 2021 describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (Five Year Housing Land Supply update April 2021).
- 10.5 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five-year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 10.6 The provision of 88 residential dwellings would make a valuable contribution to housing supply within the district.
- 10.6 As advised, this presumption in favour of sustainable development is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.52-year land supply. Therefore, contributions toward housing land supply must be regarded as a positive effect
- 10.7 It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.
- 10.8 Social: The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would deliver social benefits by way 88 dwellings, including 40% affordable houses. The proposals also include areas of open space of 2.3 hectares, biodiversity net gain, and associated education and health care mitigation
- 10.9 The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provided trains to London, Cambridge and

Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards.

- 10.10 The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Takeley also does not have any doctors or dentists within the village. Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the district, the facilities and public transport options are relatively good.
- 10.11 The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees and these could be secured by way of s106 Legal obligation. As such the social benefits have moderate weight in the planning balance, including contributions to an enhanced bus service locally.
- 10.12 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit
- 10.13 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).
- 10.14 The site is outside of the development limits and currently undeveloped. It is considered that the dwellings on this site would be harmful to the character of the landscape. The NPPF recognises the intrinsic character and beauty of the countryside. This proposal would have an urbanising impact on the character of the rural countryside setting. This proposal is contrary to the aims of paragraph 174 of the NPPF. Policy S7 is therefore a very important consideration for the sites, as it applied strict control on new building. Ensuring that new development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there. It is considered that the proposal would result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality. effect that would be harmful to the setting and character of the countryside. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which

would have some impact on the character of the area. This impact would need to be weighed against the benefits.

- 10.15 The proposal would extend development into the open countryside beyond clearly defined limits, diminishing the sense of place and local distinctiveness of the settlement. The proposal has been designed to minimise the harm caused. This harm would need to be weighed against the benefits of the proposal.
- 10.16 The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies.
- 10.17 Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside
 - b) It would adversely affect the open characteristics of the zone.
- 10.18 The application sites are open fields with planting around their boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport
- 10.19 A material consideration is that there have been recent planning appeals allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone
- 10.20 Within the recent appeal decisions Land East of Parsonage Road Takeley, the Inspector stated:
“ In terms of coalescence with the airport, I acknowledge that both appeals would reduce the open fields between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ.that would result in harm, however again that harm would be limited due to a number of factors. Significant separation distance between the areas of built development and the airport would remain, having regard to both the airport buildings and carparking areas. In relation to appeal A, the large area of open space referred to above, incorporating a woodland area would sit between the built-up area of the site and the A120 and the airport. In relation to appeal B, a significant area of open countryside would remain adjacent to the A120. In relation to both appeals, the A120 carriageway would run between the proposed developments and the airport. That, together with its significant tree planting, and new tree planting, would further reduce the perception of any coalescence, even if decked parking were to come forward as part of the airport closest to the appeal sites. The A120 carriageway also has the potential to act as a barrier to any further coalescence between the airport and Takeley. All in all, whilst some harm to the character and appearance of the countryside around the airport and the CPZ as a whole would result, with regard to coalescence with the airport, that harm would again be limited.

10.21 As stated above, this application site is similar to the above appeal sites in that the A120 at this location, and Priors Wood would reduce the perception of any coalescence with the Airport and the A120 also acts as a barrier to any further coalescence between the airport and Takeley. The Bullfields site adjoins residential development to the south and commercial development to the west. The Jacks Lane site also abuts residential development., however it is enclosed by mature landscaping which is to be retained. It is considered that the proposal would result in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

10.22 The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore would be contrary to the aims of policy S7 and S8. The proposal is considered that there would be no significant coalescence between the airport and existing development in the surrounding countryside.

10.23 It is considered that the weight to be given to the requirement to provide a 5-year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and taking into account the above appeal decisions, is therefore acceptable in principle.

B Design, scale and impact on neighbours amenity (Uttlesford Local Plan Policies GEN2, S7, H10, & SPD: Accessible Homes and Playspace);

10.24 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.

10.25 This application is in outline only, with detailed matters reserved for future consideration. However, the parameter plans submitted with the application do provide an indication that the proposed layout and form of the development would be of an appropriate standard, in terms of the provision of housing and associated public open space, which is indicated at levels more than prescribed standards

C Housing Mix (Uttlesford Local Plan Policy H10)

10.26 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

10.27 The proposal relates to an outline application for the erection of 88 dwellings Affordable housing would be provided at 40%. In line with adopted Policy H10, and this would be a mix of shared equity dwellings and affordable rent, together with self/ custom build dwellings. The future proposals would provide an appropriate mix of housing and would comply with Policy H10.

- 10.28 The supplementary Planning Document Accessible Homes and Playspaces also requires that developments of 10 and over should provide bungalows, this application includes nine bungalows (9%).
- 10.29 The proposals would provide an appropriate mix of housing, and subject to appropriate conditions would be able to comply with PolicyH10.
- D Access, Highway safety and parking provision (NPPF and Uttlesford Local Plan Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**
- 10.30 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.
- 10.31 The development encourages movement by means other than driving a car. The site will be served by walking and cycling routes running from east to west, linking the site to the school, then to bus services on Parsonage Road and onto shops at Takeley.
- 10.32 The Local Highway Authority have advised that this application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 10.33 The development will be accessed through a roundabout junction approved under planning applications UTT/19/0394 and UTT/19/0393 and currently going through detailed design and technical approval with the highway authority but will be enhanced with walking and cycling connections to the network from the site.
- 10.34 As well as the transport assessment a detailed note was submitted with the application showing the cumulative impact of approved developments and the recently refused Warish Hall Farm and application UTT/21/3311 (115 dwellings) which is yet to be determined. The highway authority has assessed the note and is satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be severe.
- 10.35 The mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, cycle connections to Stansted Airport and a car club. The proposed conditions also include capacity improvements for the junction at Four Ashes, although it is likely

these will come forward before this development with the other approved development in the location.

- 10.36 Essex County Council Highway Officers have therefore assessed the plans and have no objections subject to conditions. The proposal would comply with the aims of adopted Uttlesford Local Plan Policies GEN1 and GEN8 subject to conditions and s106 requirements.

D Biodiversity (Uttlesford Local Plan policy GEN7)

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

- 10.38 Policy GEN7 and paragraph 180 of the NPPF require development proposals to aim to conserve or enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

- 10.39 The site is currently agricultural fields which have been regularly cropped. The application site is located adjacent to an Important and Ancient Woodland and a Local Wildlife Site (Prior's Wood). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest.

- 10.40 An Ecological Assessment report, a completed biodiversity checklist questionnaire, a biodiversity Net Gain Report, a Bat Survey Report, and tree survey has been submitted with the application. Essex County Council ecologists have been consulted and have no objections to the proposal subject to the mitigation and enhancement measures identified.

- 10.41 In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.

- 10.42 A construction environmental Management Plan is also required to be submitted and secured by a suitable condition.

- 10.43 To ensure proposed habitats are created and managed to benefit wildlife, it is recommended that a Landscape and Ecological Management Plan (LEMP) is submitted secured by a condition of any consent.

- 10.44 Subject to appropriate mitigation measures recommended no objection has been received, the application is considered therefore compliant with Policy GEN7, ENV7 and the specific requirements of the NPPF

- 10.45 The National Trust welcome the on-site mitigation measures set out in the submitted Ecology Report (Para.6.11) which would include public open

space, an 800-metre walking route and dogs off-lead area. Further, the National Trust are pleased that the applicant acknowledges the recreational pressure that new development will place on Hatfield Forest and that a financial contribution is proposed to address residual impacts. In the absence of a tariff setting out a cost per dwelling a contribution of £13,200 would be proportionate to requests made for other developments within the ZOI, based on the number of dwellings proposed. The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest

10.46 The approval of the submitted Parameter Plan would see the delivery of approximately 2.3ha of new public open space; this would be an overprovision of 1.62hectares when assessed against standards. Notwithstanding the comments of the Woodland Trust, the width of the landscape buffer as indicated on the Tree Survey and Parameter Plan exceeds guidance provided by Government.

10.47 As such it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with Policy GEN7.of the adopted Local Plan 2005.

E Affordable Housing, Education Contributions (Uttlesford Local Plan policies H9, GEN6)

10.48 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this, the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) is provided as 40% on sites of 15 or more dwellings or sites of 0.5ha or more;

10.49 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.

10.50 The proposal includes the provision of 40% affordable housing and given the need for the district this element of the proposals is given significant weight. The proposal also incorporates areas of public open space, including the provision of a local area of play. The public space includes the provision of recreational routes connecting to the existing public rights of way network. These provisions are partially to meet the requirements of the development and partially to form areas of softer development as mitigation for impacts on heritage assets. These contributions are considered to comply with the CIL Regulations.

10.51 Statutory consultees have identified the requirement for financial contributions should the development be approved to mitigate impacts. NHS England has stated a requirement for £45,270 to improve health facilities in Takeley. Education has identified that the proposals would increase the demand for Early Years and Childcare, Primary and Secondary Education

provision in the area and as such are seeking financial contribution. These mitigation measures could be secured by way of a s106 Legal Obligation if planning permission were to be approved. These contributions are considered to comply with the CIL Regulations.

10.52 ECC Highways has identified mitigation measures that would be required to improve the sustainability of the development site. These include improvements to enhance bus services, Upgrade of pedestrian link to Priors Green, upgrading of the first to the signalised junction of B1256/B183 (Four Ashes), Provision of bus stop – northern side of the B1256, and Residential Travel Plans, These mitigation measures could be secured by way of a S106 Legal Obligation if planning permission were to be approved. These contributions are considered to comply with the CIL Regulations.

10.53 The applicant has indicated that they are prepared to enter a S106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

10.54 The application can therefore consider totally compliant with Policy GEN6 of the Local Plan,

F Flood Risk and Drainage (Uttlesford Local Plan policy GEN3)

10.55 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local Flood Authority have been consulted and they have no objection to the proposal subject to conditions.

10.56 The proposal subject to conditions would comply with Uttlesford Local Plan Policy GEN3 and Paragraphs 163-170 of the NPPF.

G Noise, Contamination and Air Quality (NPPF and Uttlesford Local Plan ENV13)

10.57 The application site is in close proximity to the A120 but falls outside of the 35m zone identified as being the area where exposure to poor air quality will not be permitted. The application is accompanied by an Air Quality Assessment.

10.58 The Council's Environmental Health Officer has considered the proposals and consider that the site is suitable from an AQ perspective for residential development without the need for further mitigation, subject to an Electric Vehicle Charging Point Condition and that dust control from the construction phase of the development can be secured through a Construction Environmental Management Plan consent condition. The proposals would comply with Uttlesford Local Plan Policy ENV13.

10.59

Further, the Environmental Health Officer recommends conditions in terms of Noise and Contamination. On this basis, the proposals would comply with Policies GEN4 and ENV14 of the adopted Local Plan.

H Impact on Heritage Assets and Archaeology (NPPF and Uttlesford Local Plan Policies ENV4 and ENV2)

10.60 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 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out., Policy ENV2 is broadly consistent with the Framework, and should be given moderate weight. Policy ENV4 deals with archaeology.

10.61 There are no objections to the application of built heritage or archaeological grounds, subject to conditions. The proposal would therefore comply with the aims of Policies ENV2 and ENV4 of the adopted Uttlesford Local Plan 2005.

I Climate Change

10.62 Uttlesford District Council has recently adopted an Interim Climate Change Planning Policy document.

10.63 The applicant has confirmed that all the new homes will be provided with at least one installed fast charging point for electric vehicle charging. The agent has stated that electric hook up points would be provided. These can be secured by a suitably worded condition.

10.64 The development would make the use of modern methods of construction to provide improved building performance, including air tightness.

10.65 The proposal includes extensive new woodland and tree planting and enhanced landscaping to further ecology and biodiversity benefits and Biodiversity Net Gain of at least 10%.

11. EQUALITIES

11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender

reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications.

- 11.2 In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. PLANNING BALANCE

- A.** The submitted proposal would on balance, considering the Councils lack of five-year housing supply the benefits of the scheme outweigh the harm to the character and settings of the Listed Buildings and rural setting of the area. It is acknowledged that Uttlesford District Council cannot demonstrate a five-year supply of deliverable housing sites, and this development would contribute to this shortfall. At 3.52 years supply, the deficit is significant. In such circumstances, paragraph 11 of the National Planning Policy Framework 2021 indicates that housing policies should be regarded as out of date. However, paragraph 11d) makes it clear that the presumption in favour of sustainable development does not apply if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this respect,
- B** The proposal is considered in total accordance with Policy GEN2 of the Local Plan in terms of layout, design, amenity space and separation distances, by way of the submitted Parameter Plan
- C** It is anticipated that the Housing Mix is in total accordance with Policy H10 of the Local Plan
- D** The proposal is considered acceptable in terms of highway safety, parking provision and appropriate mitigation has been secured, consistent with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan
- E** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation. The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals comply with Policy GEN7 and section 15 of the NPPF.
- F** Appropriate infrastructure and mitigation measures have been secured and complies with Policy GEN 6 of the Local Plan. The proposal provides for public open space in excess of the national standards.
- G** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable and therefore is in total accordance with Policy GEN3 of the Local Plan

- H** There are no objections to the application on built heritage or archaeological grounds. The proposals would comply with the aims of the adopted Uttlesford Local Plan – Policies ENV2 and ENV4.
- I** The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document.

Consultee Comments for Planning Application

UTT/21/2488/OP

Application Summary

Application Number: UTT/21/2488/OP

Address: Land East Of Parsonage Road Takeley

Proposal: Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure

Case Officer: William Allwood

Consultee Details

Name: Mrs Jackie Deane

Address: Four Ashes, Brewers End Dunmow Road, Takeley Bishops Stortford, Hertfordshire
CM22 6SB

Email: Not Available

On Behalf Of: Parish Council

Comments

Takeley Parish Council strongly objects to the proposal for the reasons stated in our 22nd September comments. In summary, our objection is on harm to the countryside, specifically the Countryside Protection Zone, Priors Wood ancient woodland and the rural setting of northern approach to the village.

Furthermore, the Parish Council is extremely concerned to read Thames Waters comments regarding the inability of sewage services to accommodate the needs of this development. In our view, this is an unsustainable site, and the harm outweighs the benefits of providing 88 homes in this location.

The A120 is close to the airport perimeter and is in a cutting. It is not a prominent visual feature in the landscape. The A120 is relevant, however, in that it is important to retain a significant landscape buffer between the edge of built development in Takeley and the A120.

There are parallels with a joint appeal which allowed development of 119 homes and a 66-bed care home, ref APP/C1570/W/19/3234530 (Appeal A) land west of Parsonage Road and APP/C1570/W/19/3234532 (Appeal B) Land east of Parsonage Road. However, the appeal inspectors comment should be observed,

As my considerations are based on the merits of the cases before me, I am not convinced that any grant of planning permission, individually or cumulatively, would result in further pressure to release sites or for the A120 to become the northern boundary of the CPZ in the south; the latter being

a matter beyond the scope of these appeals.

It is clear that the inspectors decision to allow the care home in Appeal B, which is immediately adjacent to this application site boundary, was made on the basis that a significant countryside gap remained between the development and the A120. In para 20 of the decision notice, the inspector stated,

In relation to appeal B, a significant area of open countryside would remain adjacent to the A120.

Other factors in favour of the development allowed in the aforementioned appeals, would count against this application, for example at para 19, the inspector stated, the proposed developments would be well related to the existing settlement which cannot be said for this application.

Inspector Barrett referred to UDCs CPZ Study (2016) in some detail. It is therefore worth noting the conclusions of that study and comments on the specific parcel relating to the application site.

The Study found at para 5.1,

The CPZ helps to maintain the openness of the countryside and protects its rural character and restrict the spread of development from the airport. For some parcels, particularly to the south of the airport, the CPZ plays an essential role in protecting the separate identity of individual settlements.

The application site lies in landscape parcel 5 of the Study, with medium to high sensitivity to change,

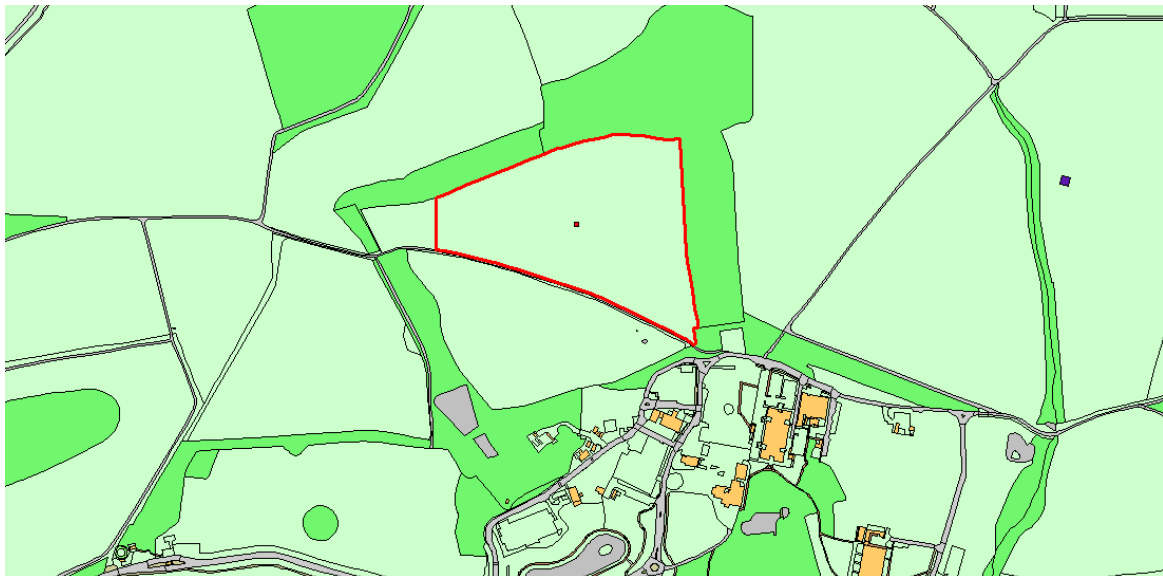
The parcel contains limited development and has a relatively strong sense of openness. Land use within the parcel includes large arable fields, small wooded areas and the hamlet of Smith Green and some isolated farms.

Stansted Airport must remain our airport in the countryside and the CPZ Policy S8 is just as important to parishes elsewhere in the district as it is to Takeley. This application would significantly change the setting of Takeley village by introducing urban development within the open countryside of the CPZ and it would relate poorly to the existing pattern of development. The Parish Council respectfully requests that the application is refused.

REFERENCE NUMBER: UTT/21/2846/FUL

**LOCATION: Chesterford Park, Little
Chesterford, Essex**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council : 24th February 2022

PROPOSAL: The construction of a Green Energy Hub for the Chesterford Research Park, comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV.

APPLICANT: Chesterford Park (General Partner) Limited

AGENT: RPS Group

EXPIRY DATE: 16/3/2022

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

1. RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1.1 S106 HEADS OF TERMS

1.1.1 The applicant be informed that the Planning Committee be minded to refuse planning permission for the reasons set out in paragraph 1.1.3 below unless by 19th September 2022, 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 s/he shall be authorised to conclude an agreement to secure the following:

- (i) Decommissioning of the PV Plant including secured bond and restoration plan and associated infrastructure
- (ii) Pay the Council's reasonable legal costs
- (iii) Pay the monitoring fee

1.1.2 In the event of such an agreement being made, the Director Planning Services shall be authorised to grant permission subject to the conditions set out below.

1.1.3 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

- (i) Non-provision of Decommissioning of the PV Plant and associated infrastructure
- (ii) Non-payment of the Council's reasonable legal costs
- (iii) Non-payment of the monitoring fee

1.2 CONDITIONS

- 1.2.1 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.

- 1.2.2 Prior to the commencement of the development above slab level precise details of the layout, positioning and appearance of the CCTV cameras, fencing, and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 1.2.3 Prior to commencement of development above slab level samples/ or photo details of materials to be used in the construction of the external surfaces of any buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.2.4 All enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Sweco, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

1.2.5 Prior to the commencement of the development hereby approved a Construction Environmental Management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7.

1.2.6 Prior to commencement of the development above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

- 1.2.7 Prior to the first operation use of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance ULP Policy GEN7.

- 1.2.8 Prior to the commencement of the development hereby approved a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with ULP policy GEN3

- 1.2.9 No development or preliminary groundworks can commence until a programme of assessment 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.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 1.2.1
0 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 1.2.1
1 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork preservation, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

- 1.2.1
2 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: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 1.2.1
3 Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

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

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Loading and unloading of plant and materials;
- m) Storage of plant and materials used in constructing the development;
- n) Wheel and underbody washing facilities

All works shall be carried out in accordance with the approved CMP thereafter.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 1.2.1
4
- Prior to implementation a detailed plan for protection of the public rights of way network during construction shall be submitted to, and approved in writing by, the local planning authority, it shall include but not limited to a drawing identifying the PROWs position and widths and showing proposed crossing points, use of banksmen, signing, fencing, gates, and protection and maintenance of surface at crossing points. The objective of the plan will be the safety and convenience of pedestrians using the network. The approved plan to be adhered to throughout the construction phase.

REASON: To protect PROW network and in the interest of highway safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.2.1
5
- Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for.

- I Safe access to the site and subsequent reinstatement of the highway
- II vehicle routing,
- III the parking of vehicles of site operatives and visitors,
- IV loading and unloading of plant and materials,
- V storage of plant and materials used in constructing the development,
- VI wheel and underbody washing facilities.
- VII Protection, treatment, and reinstatement of the PROW network
- VIII Before and after condition survey to identify defects to highway and PROW network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer .

REASON: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM

1 of the Highway Authority's Development Management Policies February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005

- 1.2.1
6
- Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
- proposed finished levels or contours;
 - legacy planting proposals
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - proposed and existing functional services above and below ground (e.g. drainage power
 - communications cables, pipelines etc. indicating lines, manholes, supports.)
 - retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme]. Page 166 32. REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

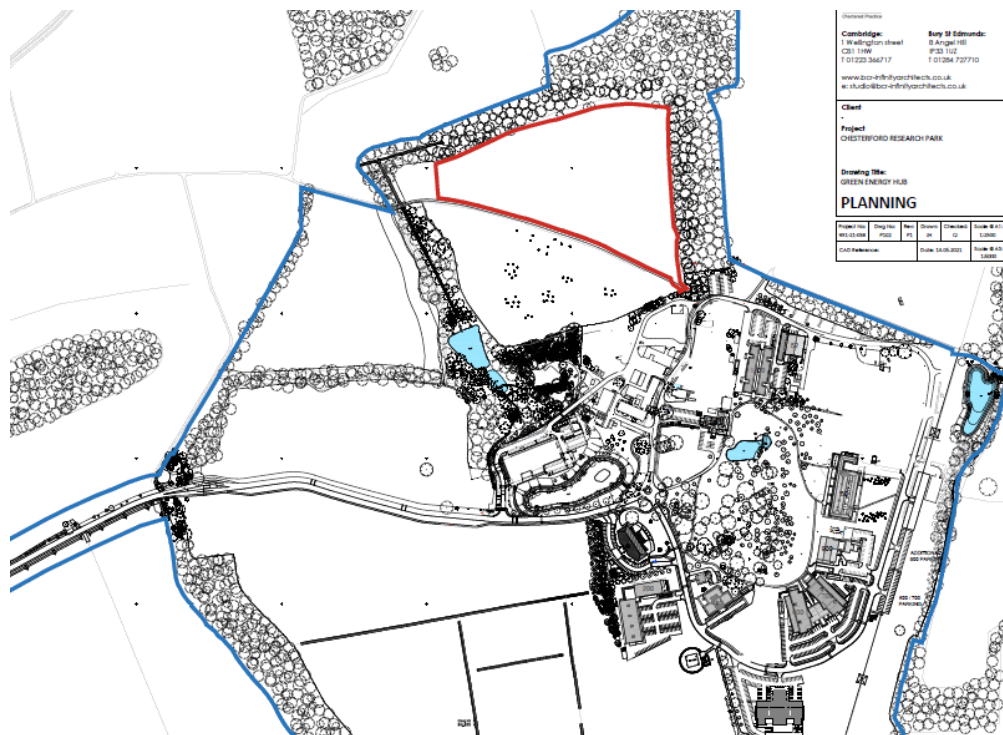
- 1.2.1
7
- A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

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

2. DESCRIPTION OF THE SITE :

- 2.1
- The site lies to the north of the Chesterford Research Park and comprises of a 4.8ha agricultural field which slopes roughly north to south. The field is enclosed by trees and other mature vegetation and is accessed via a gate at the south-east corner.

- 2.2 Access to the Chesterford Research Park (CRP) is from the B184 Walden Road, which runs between Sawston in the north and Saffron Walden in the south. The CRP lies just under a mile (1.5 km) east of the Walden Road and is accessed via a dedicated highway which only serves the park.
- 2.3 The site is bounded to the north by Bassingbourne Wood, to the west by Fishpond Plantation and to the east by Heathfields Grove. A public footpath runs through these woodland areas linking Little Walden and Little Chesterford. To the south there is a private track running from the CRP into the surrounding farmland. To the south of this is the CRP's own private 7-hole golf course.
- 2.5 Plan 1- Location Plan

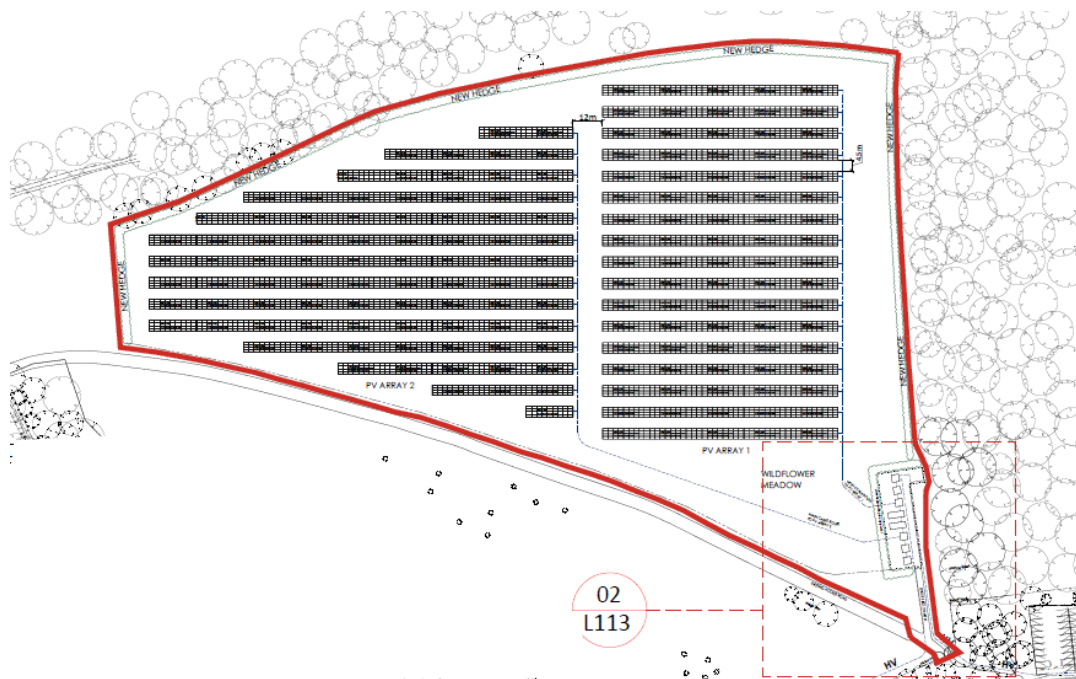


2.6 PROPOSAL

- 2.7 This application seeks planning permission for the construction of a Green Energy Hub for the Chesterford Research Park comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV.
- 2.8 The Green Energy Hub will have a total rated capacity of approximately 2.8MWp (Megawatt peak) which is the maximum electrical output in optimum sunlight conditions. The proposal comprises a total of circa. 170 fixed photovoltaic (PV) solar 'tables'. The proposed Green Energy Hub is intended to provide renewable and low carbon energy infrastructure to primarily serve the Research Park, providing a source to clean energy to the park owner and tenants and supporting EV Charging Points. It is envisaged this resource will help tenants achieve their own net-carbon zero targets and will make the research park an attractive place

for businesses to be based, supporting and enhancing its local designation as a key employment site.

- 2.9 Two localised battery storage units of 480 kWh each will be housed in containerised units within the field. These will store surplus energy for use overnight, during peak periods and/or on occasions when there are sub-optimal solar conditions.
- 2.10 The proposed solar panels will occupy the majority (approximately 4.4 hectares) of the field, with a deer fence and green buffer zone around the perimeter of the site. This buffer zone will avoid excess shading of the PV panels by overhanging foliage (which would otherwise reduce their efficiency) and also prevent any damage to trees and their root systems.
- 2.11 The layout is planned to allow a spacing of 9m between rows with wild flower planting in between for the purpose of enhancing biodiversity. This arrangement will also enable easy access between the rows for purposes of cleaning and maintenance and occasional mowing of the grasses to preserve their species diversity.
- 2.12 Plan 2- Proposed Layout Plan.



- 2.13 Photo 1- Location of Energy Hub shaded in red.

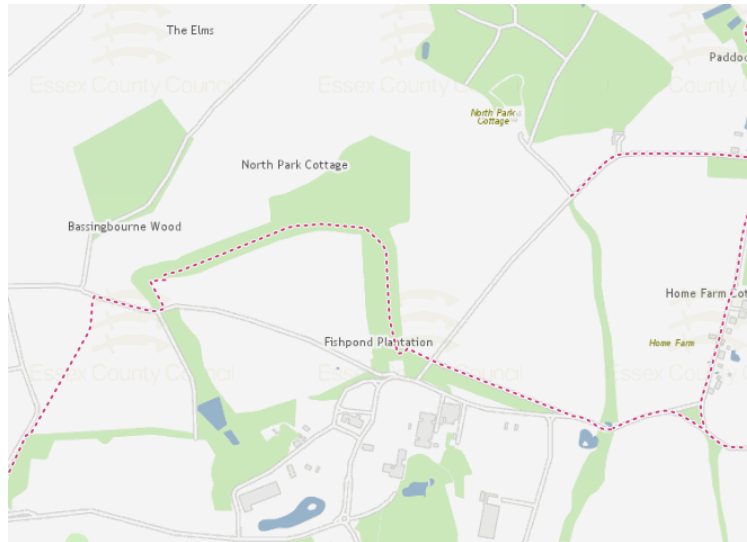


2.14

Photo 2- Location of Energy Hub shaded in red



2.15 Plan 3- Foot Path Network



3 ENVIRONMENTAL IMPACT ASSESSMENT

3.1 Town and Country Planning (Environmental Assessment):

The proposal has been screened and is not a Schedule 1 development. The proposal falls within the description of Schedule 2, paragraph 3(a) Industrial installation for the production of electricity, steam, and hot water. The proposal exceeds the threshold of 0.5ha as the size of the site exceeds 5ha, however the site is not located in wholly or partly within a sensitive area as defined in the Regulations

A Screening Opinion has been provided by the Council (UTT/21/1485/SCO) and it is confirmed that Environmental Impact Assessment was not required for the development.

And

Human Rights Act considerations:

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

4. APPLICANTS CASE

4.1 The following documents have been submitted in support of the application:

- Planning Statement,
- Design and Access Statement,
- Ecological Impact Assessment,
- Flood risk Assessment,
- Archaeological Assessment,

- Landscape and Visual Assessment,
- Statement of Community Involvement

Drawings:

- Location Plan - PI02 P1
- Site Plan- L113 P3
- Landscaping Proposal 13A
- Enclosures Plan - QD2952/E0302 P2

5. RELEVANT SITE HISTORY

5.1 UTT/21/1485/SCO

Screening Opinion for the development of a Solar Farm and associated infrastructure to provide energy for Research Park.

Opinion Given- EIA not required.

6. CONSULTATION RESPONSES:

Little Chesterford Parish Council

6.1 Little Chesterford Parish Council continue to object to this proposal

Little Chesterford Parish Council are supportive of green energy provision and welcome such proposals where adverse impacts on the local community and environment can be adequately mitigated. We are also pleased to see that the visual impact (especially on the adjacent footpath) has been partly addressed through the provision of green screening. However, this site is located on the sensitive chalk uplands of the Cam Valley, and we are concerned that this application omits some key elements which are vital to its success and until these are resolved must continue to object to this proposal.

- The visual screening from the adjacent footpath needs to be further specified. Whilst the minimum width of the hedges has been specified in the landscape plan the minimum height has not. The slope of the land means that in order to effectively screen the panels from view this should be to a height of 7-8m. The height of the solar panels is given as 3m so this should be the minimum required. The ecological assessment assumes a minimum height of 2m, but this is insufficient. The native mix specified does not appear to include an evergreen element, and so will be ineffective in shielding the panels from during the autumn/winter/spring. Similarly the maturity/height of the trees forming the western edge of the site and contributing to screening from more distant perspectives has not been specified. If additional natural screening (eg hazel hurdling) is need to provide an effective visual barrier whilst growth is established

or when leaf cover is absent, this should also be specified, as should plans for ongoing maintenance.

- Similarly, a plan to maintain and monitor the ongoing biodiversity gains from the wildflower meadow on the main site should be established.

- The environmental impact assessment is wholly inadequate with regard to the surrounding wood (Bassingbourne wood) and grassland areas. This perhaps is to be expected from an assessment that took place in January. For example, Bassingbourne wood is characterised as a low priority woodland due to lack of native species yet is carpeted in early summer by bluebells, a key native species and an indicator of ancient woodland (see photographs).

- Similarly, the woodland provides a habitat for native bird species such as the nightingale [Classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015)], great spotted woodpecker and many others. Bee orchids have also been observed in the grassland area. A more robust environmental impact assessment must be made to accurately determine the impact on the surrounding area and any appropriate mitigations made.

- We appreciate the past efforts of Chesterford Research Park to ensure that their contractors do not disrupt local residents by taking short-cuts through the villages. This should be included as part of this construction plan.

- The public consultation process was inadequate. Whilst we much appreciated the distribution of a flyer giving the details of a virtual event, these did not place the site in the context of the footpath, this being omitted from the maps included, so many residents did not realise its location. A virtual event only disenfranchised the significant proportion of the population unable to use such technology. No effort was made to make a recording available to those unable to attend or provide materials in any other way than the UDC website. We suggest that an in person event focusing on the residents of Great and Little Chesterford as those most likely to be impacted be held, and the relationship of the development with the adjacent well used and loved footpath be prominently disclosed.

The Highways Authority

- 6.2 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Place Services- Ecology

- 6.3 No objection subject to conditions, including;
- Development to be in accordance with the ecology appraisal,

- Submission and approval of construction management plan,
- Submission and approval of biodiversity enhancement strategy,
- Approval of landscaping and ecology management plan,

UDC - Environmental Health

6.4 No objections or further recommendations.

Lead Local Flood Authority

6.5 No objections subject to conditions regarding;

- Submission and approval of surface and ground water scheme.

Anglian Water

6.6 No Objections or further recommendations

Affinity Water

6.8 No objections

ECC Archaeology Consultant

6.9 No Objections subject to conditions, including:

- Approval of written scheme of investigation.
- Mitigation strategy,
- Submission of post excavation assessment

UDC Landscape Officer

6.10 No objections subject to condition for landscaping enhancement recommendation have made. It is noted the location of the development is well screened with mature trees which would significantly mitigate harm to the visual extent of the development.

The development has the potential to be visible from this nearby public right of way. There is a strong chance the site could be viewed through the landscaping of the foot paths having some impact to the users of these networks. Further landscape enhancement mitigation will be required to overcome these concerns.

Due to the location of the solar farm within the lower site levels of the landscape and distance from other local settlements it is considered the potential visibility of the development from outside the site is limited from outside the site.

However the proposal would ultimately would likely conflict with the aims of ULP policy S7 due to the introduction of the solar farm and its encroachment on the rural character of the site and landscape character impact. That being said in view of the great weight should be given to the positive of the proposal in terms of renewable energy.

Historic England

- 6.11 No objections

Built Heritage Officer

- 6.12 Upon review of the submitted documents, whilst the application site and the proposed Green Energy Hub will be visible from wider views as shown within the landscape and visual appraisal, I do not consider the proposals to result in harm to the significance of the designated heritage asset, the Scheduled Monument. Thus, I raise no objection to this application.

BAA Aerodrome Safeguarding

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

BAA Safeguarding

- 6.14 No Objection

National Air Traffic Safeguarding

- 6.15 No Objection

7 REPRESENTATIONS

- 7.1 The application has been advertised on site and within the local press. 78 neighbouring residential occupiers have been consulted regarding the application.

No objections or comments have been received.

8. POLICIES

- 8.1 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.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.3 National Policies

National Planning Framework (2021)
Planning Practice Guidance

8.4 Uttlesford District Local Plan 2005

Policy S5- Chesterford Park Boundary
Policy S7 – The Countryside
Policy ENV3 – Trees and Open Spaces
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Risk
Policy GEN4 – Good neighbourliness
Policy GEN7 – Natural Conservation
Policy ENV15 – Renewable Energy
Policy E4 – Farm diversification
Policy ENV5 – Protection of Agricultural Land
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV11 – Noise Generators
Policy GEN8 – Vehicle Parking Standards
Policy ENV2- Listed Buildings
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

8.5 Supplementary Planning Document/Guidance

Essex Design Guide
Uttlesford District Council Interim Climate Change Planning Policy (February 2021)
Landscape Character Assessment of Uttlesford District (2006).

8.6 Great and Little Chesterford Neighbourhood Plan

Post Regulation 14 Publication- very limited weight attached.

9 CONSIDERATION AND ASSESSMENT:

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

A Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area

- (Uttlesford Local Plan Policies S5, S7, E4, ENV5, ENV8, ENV11, ENV15, and the NPPF)
- B Heritage (Uttlesford Local Plan Policies ENV2, & ENV4 and the NPPF)
 - C Impact on neighbour's amenity (Uttlesford Local Plan Policies GEN2 and GEN4)
 - D Access and highway safety (Uttlesford Local Plan Policy GEN1)
 - E Impact on biodiversity (Uttlesford Local Plan Policy GEN7)
 - F Whether the development would increase flood risk issues (Uttlesford Local Plan Policy GEN3 and the NPPF,)
 - G Contamination (Uttlesford Local Plan Policies ENV14)
 - H Other material considerations: Section 106 Agreement and Decommissioning

A Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area (NPPF, Uttlesford Local Plan policies S5, S7, E4, ENV5, ENV8, ENV11, ENV15)

- 9.2 The application site is located outside the development limits of Chesterford Research Park (ULP Policy S5) and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 9.3 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of up to 50 megawatts installed capacity (under the Town and Country Planning Act 1990). The applicant has advised that it is estimated that the proposed development would generate approximately 2.8MWp of renewable energy. It has been estimated that the Hub will provide 2.7 million kilo watts per hour (kWh) annually, removing approximately 1,160 metric tons of carbon dioxide (CO₂) emissions each year. The development is not a commercial solar farm development as its primary purpose is not to export electricity to National Grid or to supply third parties outside of the CRPsite.
- 9.4 These benefits need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.
- 9.5 In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget,

Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

- 9.6 Following the above at a local level, Uttlesford District Council voted to declare a climate emergency and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.
- 9.7 The application site is located outside the Development Limits and includes subgrade 3a (53%) and Grade 2 land (47%) agricultural land according to the MAFF Agricultural Land Classification Guidelines 1988. The applicant also advises that the field is not currently let for any agricultural use and consequently no operational farm holding is affected by its loss.
- 9.8 In terms of the loss of the agricultural land i.e. Best and Most Versatile agricultural land, the proposed development would lead to the loss of 4.80ha 'best and most versatile' agricultural land. However due to the solar panels being secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore it is considered that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations. It is noted no objections of further recommendation have been raised by Natural England and therefore it is considered the proposed development will not have significant adverse impacts in this respect nor on statutorily protected nature conservation sites or landscape.
- 9.9 The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. In view of the sensitiveness of the site, in this regard, specialist landscape advice has been sought.
- 9.10 In response to discussions, the applicant has advised that key elements of the design approach have included the following:
- Preserving existing trees, hedgerows, woodland, and ecological features both within and in close proximity of the site where possible.
 - Orientating the solar panels south to benefit from maximum solar irradiation.

- Providing additional screen planting, including where there are currently gaps or no vegetation, to minimise the visual impacts of the proposed development on surrounding sensitive receptors, including nearby PRowS
- Providing significant habitat improvements within the site, including the conversion of arable farmland to higher value grassland, the provision of wildflower meadow land the provision of new hedgerows and trees.

9.11 The Council's Landscape Officer has advised that were there to be a recommendation for approval of this application, that it is conditional on the provision of mitigating planting of boundary hedging and additional tree screening to the eastern boundary of the site. The proposed landscaping enhancement is considered appropriate however further details of this should be submitted and approved by the LPA and secured by way of a condition. Whilst the planting would take time to establish and would take the agricultural land out of production, this should be balanced against the increase of tree planting in the district and the potential biodiversity gains.

9.12 The Landscape and Visual statement included with the application set out the potential landscape effect from the proposal and includes:

- Landscape effects relate to the effects of the proposed development on the physical and other characteristics of the landscape and its resulting character and quality.
- Visual effects relate to the effects on views experienced by visual receptors (e.g. residents, footpath users, tourists etc) and on the visual amenity experienced by those people.

9.13 It was concluded that in consideration of the location of the site, the small-scale and the nature of solar farm development means that the Chesterford Research Park solar farm is judged to have no significant landscape or visual effects. Pedestrians using a short section of PRow Footpath 34 would experience Moderate adverse effects in the winter of Year 1, but these would reduce to None to Negligible adverse effects as the proposed hedgerow planting matures.

9.14 Taking into consideration the advice from the Council's Landscape Officer the application site can easily accommodate the development with minimal impacts. The site is enclosed by surrounding woodland and the Chesterford Research Park and is a significant distance from the nearest residential property. Local topography also helps conceal the site. The only sensitive receptor which could be affected is the footpath which runs through the surrounding woodland, which it is unlikely to lead to any unacceptable impact. The proposal nevertheless includes new hedgerow planting to the north, east and west of the site, including around the infrastructure compound to mitigate this impact.

9.15 In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal

is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.

9.16 Policy ENV15 of the adopted Local Plan 2005 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. However, the adopted Local Plan is silent on policies relating to large scale proposals such as this, other than that it is expected that acceptable schemes in the district would be relatively small scale. The application therefore needs to be assessed based on other material considerations, and therefore guidance contained within the National Planning Policy Framework 2021 (NPPF) and recently approved Interim Climate Change Planning Policy (February 2021) is material to the consideration of this planning application.

9.17 In this regard, the NPPF states that:

“Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”

9.18 Section 14 of the NPPF – *Meeting the challenge of climate change, flooding and coastal change*, states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

9.19 The NPPF further advises that new development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

- 9.20 To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable, or low carbon energy.
- 9.21 Further, the NPPF states that in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.
- 9.22 Finally, the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 9.23 On balance, and with appropriate mitigation, it is considered that this proposal is consistent with the provisions of the National Planning Policy Framework 2021, together with appropriate policies contained within the Uttlesford Local Plan 2005.

B Heritage (ENV2, ENV4 and the NPPF)

- 9.24 To the north of the site a Scheduled Ancient Monument known as 'Moated site in Paddock Wood' is located. Historic England and the Council's Heritage Officer have been consulted, it is considered the distance of the application site from the

Scheduled Ancient Monument is significant and will not result in any harmful impact to its setting. Furthermore no concerns are raised in regards to the setting of any local listed building or heritage assets. Taking into consideration the above assessment it is considered the proposal accords with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2 and the NPPF).

- 9.25 The development has the potential to affect archaeological remains. The Council's Archaeological Consultant has recommended that any planning permission should include conditions to conduct a programme of assessment, secured and undertaken in accordance with a written scheme of investigation. The works would enable due consideration to be given to the historic environment implication and would lead to the preservation in situ of historic artefacts and/ or the need for further investigation. Taking into consideration the comments from the Council's Archaeology consultant the proposal accords with ULP Policy ENV4 and the NPPF.

C Impact on neighbour's amenity (Uttlesford Local Plan policies GEN2 and GEN4)

- 9.26 In terms of nearby residential properties, North Park Cottage is located 350m from the north boundary of the site; Home Farm is 620m from the western boundary of the site. The existing boundary of the site includes significant woodland screening. Twenty 100kVA inverters are proposed which will convert the solar energy generated to AC power and a number of smaller and quieter 100kW inverters will be installed. DC power cables will be located behind the PV modules, and underground AC power cables will connect the inverters located behind the PV modules on the easterly side of each PV array. Given the location of the inverters at the centre of the development zones, and the existing background noise, there would be no adverse noise impact on any neighbouring receptors.
- 9.27 The UDC Environmental Health Officer has assessed the proposal and does not make any objection to the development associated with noise from the operational phase of the development. Therefore it is considered the proposal is unlikely to cause any adverse impact to amenity and accords with Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

D Access and highway safety (Uttlesford Local Plan policy GEN1)

- 9.28 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network

- c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

9.29 In this regard, Essex County Council as Local Highway Authority have advised that from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies. The application site is location within the Chesterford Research Park of which includes a private highway access, although during the construction of the development vehicle movement will increase this will mainly cease on completion of the development. Following this any increase in vehicle movement will be for the occasional maintenance of the site.

9.30 Due consideration has been made to the impact of the nearby Public Right of Way, whether the construction of the development will to result in any obstruction or impact to the users of the Public Right of Way. The Highways Authority have recommended a number of informatives that should be included if the application is approved, these include:

- Construction workers are notified of the Public Right of Way network, appropriate signage shall be provided by the developer from and along the access road to the development site. No vehicles associated with the development shall affect the ease of passage along the PROW.
- The proposal would access off the private road of Chesterford Research Park.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 11 (Little Chesterford) shall be maintained free

9.31 From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

E Impact on biodiversity (Uttlesford Local Plan policy GEN7)

- 9.32 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 9.33 Policy GEN7 of the adopted Uttlesford Local Plan 2005 seeks to protect biodiversity, protected species and habitats. The application is supported by an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied that there is sufficient ecological information available for determination.
- 9.34 Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the NPPF.

F Whether the development would increase flood risk issues (NPPF, Uttlesford Local Plan policy GEN3)

- 9.35 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objections to the proposals, subject to conditions.
- 9.36 As such, the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021

G Contamination (ENV14)

- 9.37 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No objections have been made however a planning condition should be included if contamination found during construction. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

H Other material considerations: Section 106 Agreement and Decommissioning

- 9.38 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and they advise that the development will not conflict with any aerodrome safeguarding policies.

9.39 The planning application will be accompanied by a robust s106 Agreement under the terms of the Town and Country Planning Act 1990, as amended.

9.40 UDC as Local Planning Authority requires a decommissioning plan, prior to construction. This plan typically includes:

- The anticipated life of the project
- The anticipated present value cost of decommissioning
- An explanation of the calculation of the cost of decommissioning
- The physical plan for decommissioning
- A broad understanding of the lease arrangements with the Landowner
- A surety or bond to cover the cost of decommissioning
- In addition, or augmentation to the above, we recommend using

9.41 In addition, or augmentation to the above, we recommend using the following requirements:

- Financial security in the form of surety bond, letter of credit, or cash escrow held by an appropriate insured financial institution.
- Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security.
- A reserve factor to the cost projections to protect against changes in market values.
- A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and
- A process to require decommissioning if the solar energy system is no longer operational

9.42 Such an Agreement will be secured in advance of the release of any planning Permission to ensure the long term restoration of the site once the site would be decommissioned.

10. EQUALITIES

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

10.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the

need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

11. CONCLUSION

11.1 The proposal would lead to loss of 4.8 ha of subgrade 3a (53%) and Grade 2 land (47%) agricultural land, however, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the localised landscape and rural character of the area, especially those experienced by the users of the many adjacent Public Rights of Way, at a lower level. The far wider landscape character impacts would be limited due to the form of the enclosed character of the site. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.

11.2 The location of the development will not result in any harmful impact to heritage assets.

11.3 The proposal would not result in any material detrimental loss of residential amenity.

11.4 The impact on the local highway would be minimal during and post construction phase given the limited number of vehicular movements.

11.5 The proposals would not adversely affect protected species. There would be an opportunity to establish new hedgerows and other landscape features and the planting of new trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity.

11.6 The proposals would not result in increased flooding.

11.7 The location of the proposal would not impact on airport safeguarding.

11.8 It is considered when taking the Framework as a whole, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, it is considered to outweigh the harm which would be caused to the character of the rural area and loss of agricultural land.

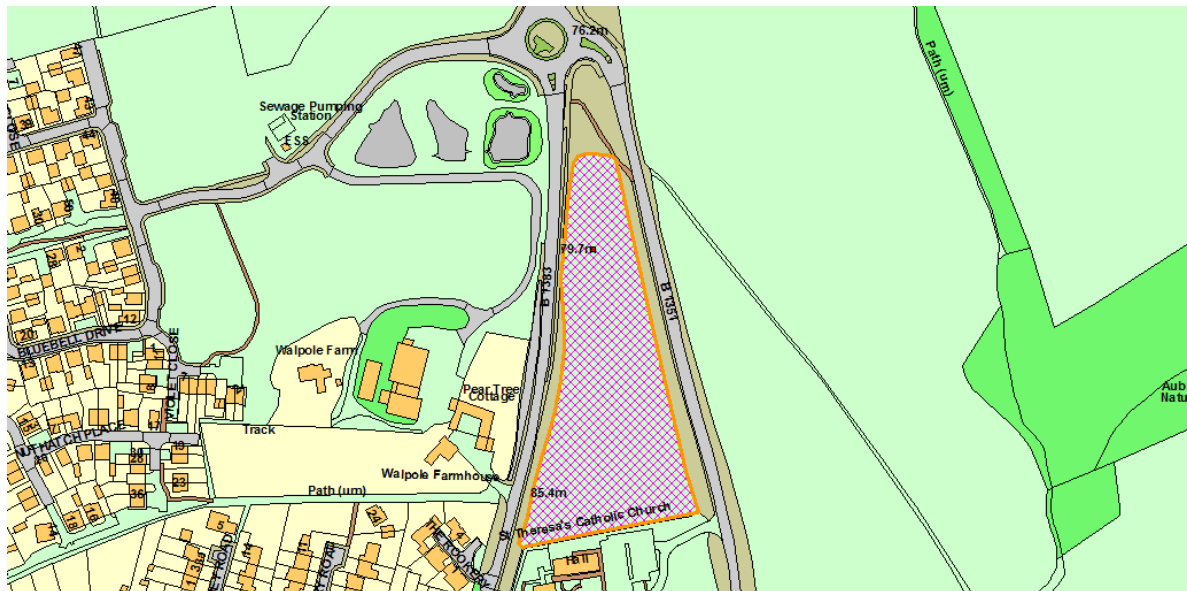
11.9 **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

Agenda Item 16

REFERENCE NUMBER: UTT/21/2376/FUL

LOCATION: Land To The West Of, High Lane, Stansted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 28th February 2022

PROPOSAL: Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

APPLICANT: Amherst Homes

AGENT: Tayla Morhall (Amherst Homes)

EXPIRY DATE: 18th March 2022

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON AT COMMITTEE: Application deferred for site visit at 15th December's Planning Committee

1. RECOMMENDATION: APPROVE VARIATION OF CONDITION 18 - SUBJECT TO CONDITIONS

1.2 CONDITIONS:

1.2.1 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

1.2.2 The development hereby approved shall be full accordance with the remediation details approved under condition 2 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.3 The development hereby approved shall be full accordance with the validation report approved under condition 3 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.4 The development hereby approved shall be full accordance with the noise protection details approved under condition 4 of planning application

UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with ENV11.

- 1.2.5 The development hereby approved shall be full accordance with the construction management plan approved under condition 5 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, also to ensure there is not any significant impact or loss of amenity to neighbouring properties in accordance with ULP Policies GEN1, GEN4

- 1.2.6 The development hereby approved shall be full accordance with the surface water drainage details approved under condition 6 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.7 The development hereby approved shall be full accordance with scheme of off-site flooding details approved under condition 7 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.8 The development hereby approved shall be full accordance with the maintenance plan approved under condition 8 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.9 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around sets prior to closure, plantings to include grassland and fruiting trees to increase forage for badgers.

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

- 1.2.10 The development hereby approved shall be full accordance with the ecology details submitted under condition 10 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7

- 1.2.11 The development hereby approved shall be full accordance with the Biodiversity Enhancement Layout, submitted under condition 11 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

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

- 1.2.12 The development hereby approved shall be full accordance with the archaeological programme of trial trenching and excavation submitted under condition 12 of planning application UTT/18/1993/FUL and formally discharged under application UTT19/2586/FUL (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

- 1.2.13 The development hereby approved shall be full accordance with the hard and soft landscaping details as approved under condition 13 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.2.14 The development hereby approved shall be full accordance with the tree protection plan as approved under condition 14 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of this condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005).

- 1.2.15 The development hereby approved shall be full accordance with the materials approved under condition 15 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

- 1.2.16 First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.2.17 Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and

along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1

1.2.18 The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1

1.2.19 The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

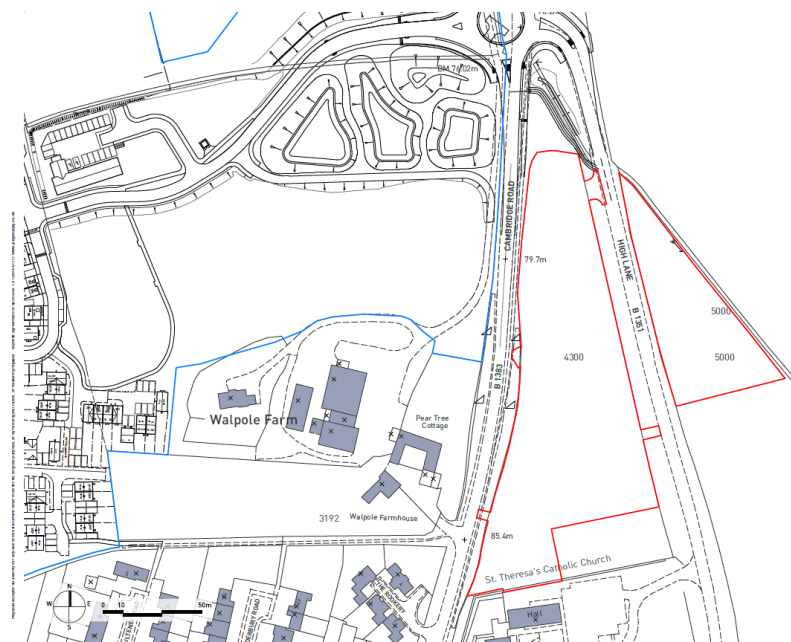
1.2.20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

2. DESCRIPTION OF THE SITE :

2.1 The application site is to the west of High lane in the parish of Stansted Mountfitchet. The application site has recently been constructed and includes a development of 35 dwellings and associated works. As set in plan 1 (below) the overall site is bound by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church.

2.2



Plan 1- Location Plan

2.3 **PROPOSAL**

2.4 The application is to variation the wording of condition 18 (footpaths) of planning permission UTT/18/1993/FUL.

The current condition includes;

The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres. REASON: In the interests of accessibility and in accordance with ULP Policy GEN1.

This application proposes to vary the condition to state:

"The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres REASON: In the interests of accessibility and in accordance with ULP Policy GEN1. "

Also the proposal includes the omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

2.5 The variation of the condition will result in the requirement for footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres and the removal of two of the approved pedestrian access points to the site, as demonstrated on plan 2 (below).



Plan 2 - Originally Approved Scheme

■ = Foot path to be omitted from the approved scheme.

2.7 It is also noted that the provision of the foot paths were secured in the S106 agreement as part of the original planning approval for the development (UTT/18/1993/FUL). As such a subsequent application (UTT/21/2399/DOV) requests for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance. However the Deed of Variation is not being considered under this application.

- 2.8 The application considered by the Planning Committee on the 15th December 2021 and was deferred, pending a site visit, also subsequently the description of the proposal has been amended and a re-consultation has been made.

3 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 Town and Country Planning (Environmental Assessment):
The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

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

4. APPLICANTS CASE

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

Points raised;

- Extensive excavation works will be required to accommodate the access,
- The lack of adoption of the footpath steps requires the construction to be 5m from the existing highway foot path.
- Loss of trees and width clearance of around 8-10m to accommodate the footpaths,
- A significant steep angle will compromise the usability of the footpath,
- Footpaths 2 and 3 do not meet the design specification in manual for Streets (2007),
- The tunnelling enclosure design of the foot path may result in antisocial behaviour,
- The verge will need to be excavated to allow for 3.5m (h) and 5m (L) retaining walls,

- 4.2 Additional comments have been provided by the applicant on the 6/1/2022 setting out the reasons for the proposal as set out in the planning statement, these are briefly listed below:

Health and Safety - Slope

- Footpath "2" proposed at Cambridge Road is a 1:3 fall, far exceeding the maximum 1:20 fall outlined in the Manual For Streets (2007) (6.3.18).
- As both angles are so severe, the footpaths will need to be constructed with concrete steps. Highways are unwilling to adopt footpaths

containing steps and have requested a 5m buffer from the highway boundary.

- We are extremely concerned over the angle of both footpaths as we do not believe they will be safe or fit for purpose for the residents or the wider community.
- As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, children, etc, will be unable to these steps.

Extensive Excavation Works

- Due to the sloping angles, both footpaths require retaining walls. Our engineer has calculated the retaining walls required for each footpath need to be 3.2m high and 5m long.
- To safely construct the footpath and retaining walls, excavation would be required at 42° from the retaining walls. This will result in a further 10m in width of clearance in the treeline and vegetation from each road verge.
- The retaining walls will be constructed either side of the steps (at 3.2m high). This will create a structure most similar to the pedestrian steps at a subway underpass or a tunnel without a roof.

Road Closures

- To accommodate the excavations required for footpaths “2” and “3”, road closures will be required for both High Lane and Cambridge Road for several days. These road closures will cause disruptions to local residents, notably on Cambridge Road as this is a main route into Stansted Mountfitchet’s centre.

Crime

- Due to the large retaining structures that are needed for both footpaths, we are also very concerned over the potential for crime around the footpaths, particularly anti-social behaviour.
- Both footpaths are situated at the rear of residential properties, and we do not want these properties to become a subject of crime.
- The footpath is set in a road verge which is dense in vegetation, and without street lighting. The concrete retaining walls enclose and darken the steps further. During the winter and at night these footpaths will be blind spots within the development, with no natural surveillance. We are truly concerned the footpaths will become hotspots for crime.

5. RELEVANT SITE HISTORY

- 5.1 UTT/18/1993/FUL- Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.

Approved - 30/5/2019

- 5.2 UTT/19/2586/DOC- Application to discharge conditions 2 (remediation strategy), 3 (validation report) 4 (noise protection) 6 (surface water drainage) 7 (offsite flooding) 8 (maintenance plan) 10 (Natural England licence) 12 (archaeological programme) 15(material samples) attached to UTT/18/1993/FUL.
Approved 30/3/2020
- 5.3 UTT/19/3075/DOC- Application to discharge conditions 11 (Biodiversity) and 13 (Landscaping) of planning application UTT/18/1993/FUL.
Approved- 27/3/2020
- 5.4 UTT/20/0562/FUL-Single storey rear extensions to plots 8 and 9 approved under UTT/18/1993/FUL.
Approved- 23/4/2020
- 5.5 UTT/21/2399/DOV- Request for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance, leaving footpath "1" and the emergency access footpath "4" for access.

Under consideration.

6. CONSULTATION RESPONSES:

Stansted Mountfitchet Parish Council

- 6.1 Objection on Health and Safety grounds and conflict with UDC policy on Active Travel.

The removal of the variation forces residents to 'travel' away from the facilities/services of the village, walk in the road to reach a safe route, as well as along a footway which Highways recommended should be improved.

Condition 17 states "Prior to occupation - provision of an access formed at right angles to High Lane to include but not limited to:

- a - Min 5m carriage way width, min radii of 6m (this is King Charles Drive)
- b - 2 no 2m footways

There are no walkways/footways on the site - removing the footpaths creates risks to pedestrians who will be forced to walk on the road, known as King Charles Drive.

The only retained footpath forces pedestrians to use the unimproved footway along the Cambridge Road, rather than the new footway into the centre of Stansted along High Lane.

The footpaths should be retained. The natural screen has deteriorated, traffic noise is obvious. Some trees have been cut down or are in poor health (possibly Highways), UDC should also discuss with Highways the need to plant trees along the verges to mitigate the volume of traffic noise.

The Highways Authority

- 6.2 It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not be accessible to all dependent upon the developer's design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer. The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL.

UDC Landscape Officer

- 6.3 No Objection,

From a landscape perspective the removal of the foot paths will reduce the impact to the landscape and boundary of the site.

7. REPRESENTATIONS:

2 letters of objection received, comments include

- The removal of trees and vegetation has resulted in a 25m open gap to the boundary of the site,
- Increase of noise from loss of vegetation and boundary treatment,
- Light pollution
- Objection to the existing constructed path,
- Lack of appropriate landscaping.

7.1 Case Officer Comments:

The current application does not result in any changes to the existing foot paths the 2 objections are in relation to. This application sets out to omit the remaining 2 foot paths to be built and reduce the harm caused by these.

8. POLICIES

- 8.1 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.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.3 National Policies

National Planning Framework (2021)

8.4 Uttlesford District Local Plan 2005

- S7 -The Countryside
- GEN1 – Access
- GEN2 – Design
- GEN7 – Nature Conservation
- ENV3 – Open Spaces and Trees

8.5 Supplementary Planning Document/Guidance

Essex Design Guide- Urban Place supplement planning document (2007)
Manual for Streets (2007)

8.6 Stansted Mountfitchet Neighbourhood Plan

Pre regulation 14 consultation stage not adopted therefore no weight given.

9 CONSIDERATION AND ASSESSMENT:

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

- A Accessibility to the development (ULP Policy GEN1 and the NPPF)**
- B Design (ULP Policy GEN2 and the NPPF)**
- C Landscaping and Ecology(ULP Policies S7, ENV3, GEN7 and the NPPF)**

A Accessibility to the development (ULP Policy GEN1 and the NPPF)

9.2 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks.
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
- d) It must be designed to meet the needs of people with disabilities
- e) The development encourages movement by other means other than driving car

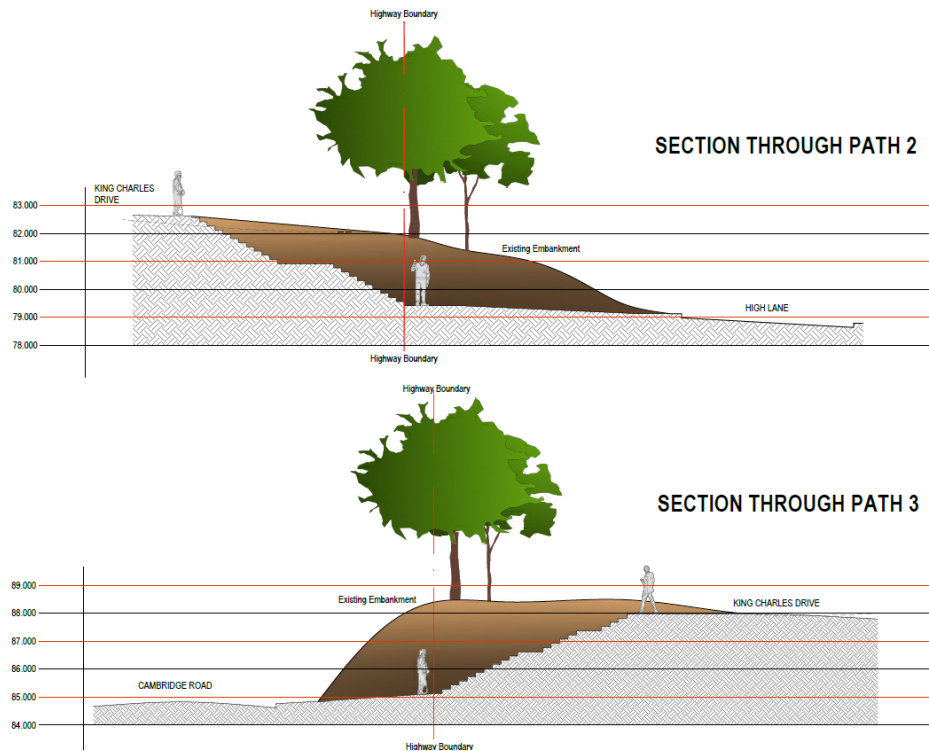
- 9.3 Paragraph 100 of the NPPF (2021) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.
- 9.4 The approved pedestrian links as approved under planning application UTT/18/1993/FUL would require extensive excavation works. Footpaths 3 and 4 will require a steep angle to accommodate the access to the site. Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities. The design of the footpaths would only be appropriately accessible for a minority of the residents and not in accordance with ULP Policy GEN1.
- 9.5 Footpaths 2 and 3 do not meet the design specification set out in the Manual for Streets (2007) where longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety.
- 9.6 The Highway Authority have been consulted and although it is considered regrettable to lose the approved access points it was previously noted by the Highway Authority that due to the constraints of the site it may not of been possible to provide the foot paths. Therefore no objections are raised in regards to the loss of the footpaths.
- 9.7 It is noted the Parish Council have objected to the proposal in regard that the loss of the footpaths would result in the occupiers of the residential development to have further to travel to get to High Lane or Cambridge Road. It is agreed this is the case, but in the retention of these foot paths will result introduction of foot path/ steps that may compromise public health and safety, which is not considered to be outweighed by requirement to travel further to access the Highway network.
- 9.8 As such it is considered the footpaths will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1. Therefore the variation of the condition to only include footpaths 1 and 4 is considered acceptable.

B Design and Appearance (ULP Polices S7 and GEN2 and the NPPF)

- 9.9 From access and movement perspective footpath to be removed from the scheme are situated to the rear of the site and provide an isolated route in and out of the site. The Essex Design Guide advises there should be no need for segregated spine footpaths within development and instead pedestrian routes should be mainly along residential roads.
- 9.10 The location of the proposed foot paths to the rear of plots 13 and 27 and surrounded by vegetation along the embanked verges. Both High Lane and Cambridge Road do not include streetlights along this section of the highway, as such the 3.5m high retaining walls will create a tunnel like enclosure. The dark environment will create blind spots with limited natural surveillance. The use of the footpaths would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), The Manual for Streets Guide (2007) and the paragraph 92 (C) of the NPPF.

9.11 The large section of steep angles steps and surrounding retaining wall detailing (as shown in Plan 3 below) will result in the introduction of obtrusive feature in the existing boundary of the site. This additional built form along the boundaries of the site will have urban affect to the existing rural appearance of the highway verge. This is considered out of place and not compatible with the rural appearance of the site and will have harmful impact to the character of the site and its surroundings. This is in conflict with the aims of ULP Policies S7 and GEN2 (b) which safeguards the rural appearance of the site and advises development will only be permitted if it protect or enhances the particular character of the part of the countryside.

9.12



Plan 3 - Site Sections.

C Landscaping and Ecology(ULP Policies S7, ENV3, GEN7 and the NPPF)

9.13 ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value. The introduction of the footpaths will require significant of trees and the existing boundary vegetation of the site of a minimum of 10m per footpath.

9.14 ULP Policy S7 considered development in the countryside and advised development will only be permitted if it protect or enhances the particular character of the part of the countryside.

9.15 The retention of the trees and boundary vegetation has been a positive contribution to the character of the development and has provided some appropriate level of mitigation. The loss the trees and vegetation of this will detrimentally impact the rural setting and local distinctiveness of the site. The loss of these trees cannot be replicated by new planting.

9.16 The Parish have objected to the removal of the condition and to not building the footpaths, however the introduction of the footpaths will result in the loss of

a significant section of trees and boundary treatment adjacent both High Lane and Cambridge Road. Some sections have already had to be removed to accommodate the existing development, as such the loss of further existing soft landscaping is not considered to be outweighed by requirement to travel further to access the Highway network.

9.17 The significant loss of the mature trees and existing boundary treatment to the site will have harmful impact to the character of the site and is not considered to be outweighed by the need of the footpaths. Although the foot paths were previously approved under planning application UTT/18/1993/FUL the developer has since been advised by the Highways Authority that they will not enter into an adoption agreement and the foot paths and construction of the stairwell would have to be set back 5m from the highway verge. This will result in significant excavation to allow for the works that would not necessarily protect or enhance the particular character of the part of the countryside. As such it considered the proposed variation of the condition is in accordance with ULP Policies S7, ENV3 and the NPPF.

9.18 Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Taking into account the proposal will retain the boundary vegetation and trees it is considered that this will not result in any harmful impact to ecology, wildlife or biodiversity. No objections of further recommendation have been received from the Council's Ecology Consultant, as such unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with ULP Policy GEN7.

10. EQUALITIES

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

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

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

11. CONCLUSION

11.1 The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2*

metres" is considered acceptable and in accordance with Local and National Planning Policies.

Footpaths 1 and 4 will remain as constructed.

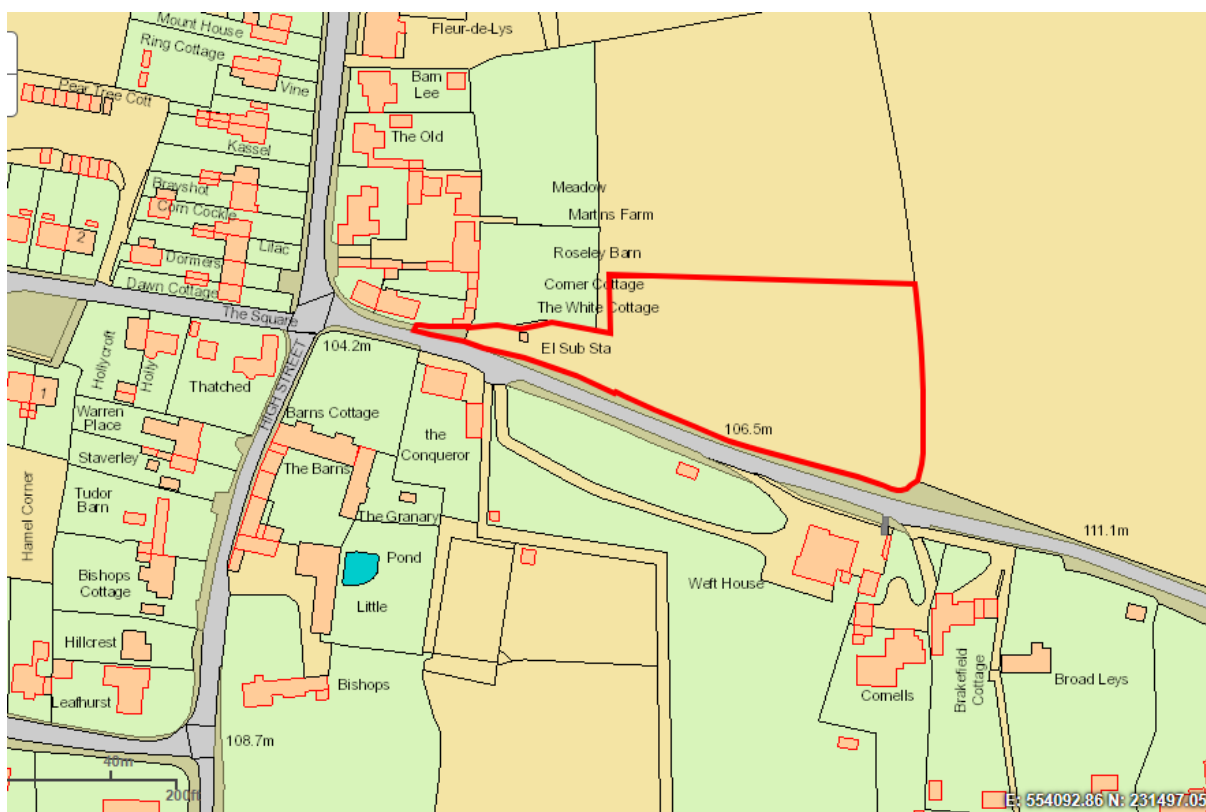
- 11.2 Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area, in conflict with ULP Policies S7 and GEN2 and the NPPF.
- 11.3 The introduction of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form. The loss of the trees will result in a harmful impact due to the established boundary features and the proposed amendment would preserve this. This is in conflict with ULP Policies S7, GEN7, ENV3 and the NPPF.
- 11.4 The design of the footpaths as approved would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), the manual for Streets (2007) and paragraph 92 (c) of the NPPF.
- 11.5 Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1.
- 11.6 No objections have been raised by the Highways Authority.
- 11.7 The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable. The omission of foot paths 2 and 3 due to reason set out in this reports is considered acceptable.
- 11.8 All previous conditions imposed on planning approval UTT/18/1993/FUL will be included and any formally discharge will still apply.
- 11.9 **RECOMMENDATION:
APPROVE VARIATION OF CONDITION AND REVISIONS
SUBJECT TO CONDITIONS**

Agenda Item 17

REFERENCE NUMBER: UTT/21/2137/FUL

**LOCATION: Land To The North Of
Cornells Lane, Widdington, CB11 3SG**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council : 28th February November 2022

PROPOSAL: Proposed erection of 4 no. detached dwellings and associated works

APPLICANT: Mr and Mrs M. Tee

AGENT: Mr Chris Loon- Springfields Planning and Development

EXPIRY DATE: 18th March 2021

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits,
Protected Lane;
Conservation Area and Listed Building (adjacent).

1. RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS
1.1 CONDITIONS:

1.1.1 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

1.1.2 Prior to occupation of the development, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

1.1.3 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. B (Title– Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

1.1.5 The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.6 The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.7 The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (SES, June 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.10 Prior to the commencement of the development above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (SES, June 2021).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

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

REASON To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the Natural Environment and Rural Communities Act' 2006 (Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.12 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a

sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.13 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.14 The applicant/developer shall submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). The assessment shall comprise 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 indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.15 Prior to the commencement of the development above slab level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.16 Prior to commencement of the development hereby approved a detailed hard and soft landscaping scheme (including planting, hard surfaces, footpaths and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority.

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

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.17 Prior to commencement of the development hereby approved, a detailed cross sections drawing including the details/ materials and appearance of any retaining features for the construction of the highway access and internal road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.18 Prior to commencement of the development hereby approved a detailed plan of the proposed Ecological Area as shown on Drawing no. P5004-10 B (Proposed Site Layout Plan); and future maintenance details shall be submitted to and approved in writing by the Local Planning Authority.

The completion of the ecology area shall all be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner.

REASON: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act' 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.19 If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

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

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

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)”.and in accordance with the guidance in Approved Document S 2021.

- 1.1.21 Prior to first occupation of each dwelling hereby approved the renewable features/ climate control measures associated with that dwelling as specified in the submitted Sustainability Statement (Abbey Consultants June 2021) shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

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

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

- 1.1.23 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

- 1.1.24 Prior to the commencement of the development hereby approved details of surface and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall not be changed without the prior written consent of the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

2. DESCRIPTION OF THE SITE :

- 2.1 The site is located to the north of Cornells Lane, Widdington. It comprises an undeveloped field with an access in the south-west corner and a public footpath inside its eastern boundary. The application site measures 0.48ha and comprises part of a much larger area of managed paddock land measuring approximately 1.34ha.

2.2 PROPOSAL

- 2.3 The application is for planning permission for the erection of 4 no. detached dwellings and associated works. A vehicular access off Cornells Lane would be formed near the south-west corner of the site, and a footpath would be formed to the south of the site to the public right of way to the east of the site.

2.4 The proposal will include the following housing scheme;

Plot	Type	Bedrooms	Garden Size sqm	Open Market/Affordable	Parking
1	House	3	100+	Open Market	2
2	House	3	100+	Open Market	2
3	House	3	100+	Open Market	2
4	Bungalow	2	100+	Open Market	2

3 ENVIRONMENTAL IMPACT ASSESSMENT

3.1 Town and Country Planning (Environmental Assessment):
The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:
There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

4. APPLICANTS CASE

4.1 The applicant has provided a Design and Access Statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

4.2 Other documents included with the application include:

- Access Assessment,
- Arboriculture Impact Assessment ,
- Ecological Appraisal,
- Energy Statement,
- Flood Risk Assessment,
- Heritage Statement,
- Sustainability Appraisal

5. RELEVANT SITE HISTORY

5.1 UTT/18/0885/FUL- Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping
REFUSED- 16/10/2018
APPEAL DISMISSED

5.2 UTT/19/2623/FUL
Construction of 15 new dwellings, including 6 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping

REFUSED 3/3/2020

6. CONSULTATION RESPONSES:

Widdington Parish Council

- 6.1 The Parish Council have provided a 41 page objection letter to the proposed development, the subjects of the objection include:

The Development Plan
Sustainability and Spatial Strategy
The Access and the Protected Lane
Other Heritage Assets
Countryside and landscape character
Agricultural Land

The application has some deficiencies:
one of the main objections is the impact on the banking (including trees and hedgerow) on the northern side of Cornells Lane (a Protected Lane), yet the nature of that impact (of whatever scale) is not illustrated either as detailed and annotated drawings and sections or as photomontages

Access to the site is by way of a 5.5m access road which would have a steep incline to meet the difference between the level of Cornells Lane (104.7m AOD) and the general site level (approximately 108m AOD1), just how this would be achieved and the extent of earthmoving or retaining walls is not shown.

The Location Plan shows the red line site boundary. There seems to be land outside the land ownership/red line (including highway land) which is shown with proposals on it in the Site Layout Plan, Access Assessment plan and Arboricultural Impact Assessment Report plan. These plans should also show a red line boundary with an explanation of how proposals can be carried out on land outside the site. The RPTC report also states that the creation of the access road and swept path will require land outside the site (part of Roseley Barn), and there is a strip of land to the south of Roseley Barn which is outside the red line.

Further information should be sought on the mitigation and boundary treatment along the northern boundary to the site – the current planting on Block Plan appears arbitrary.

The principal reference is the Appeal Decision² made recently on 30.1.20. This clearly has significant implications for consideration of this application, but is briefly referred to in two paragraphs of the Planning Design and Access Statement (PDAS)

Other important references for the consideration of this application must be the decisions taken on previous applications as recorded in Section 2 below (history) Both previous applications for 20 dwellings (UTT/18/0885/FUL) and 15 dwellings (UTT/19/2623/FUL) were refused permission by UDC for reasons still valid for the current application.

- 6.2 The Development Plan;

The Development Plan essentially comprises the Adopted Uttlesford Local Plan 2005 (ALP) and the relevant policies were 'saved' by the Secretary of State on 21

December 2007. The ALP, being the development plan, should be given full weight unless material considerations indicate otherwise. The case for WPC includes that the proposals are contrary to its principal policies.

Whilst it is accepted that UDC is currently unable to identify a five-year supply of housing land, such that NPPF para 11 d) is engaged, the adverse impact of granting permission would significantly and demonstrably outweigh any benefits. Whatever benefits may be claimed there is no benefit being offered to the community of Widdington in terms of new or enhanced facilities.

Tilted Balance;

It is accepted that UDC cannot demonstrate a five-year housing land supply so that this is a material consideration and NPPF para 11d) ii is engaged.

Our case is that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefit of the development of the site with 4 dwellings.

The 'significant and demonstrable harms' which outweigh that limited benefit are set out in this Section of the Statement, making specific reference to the Appeal Decision.

6.3 Sustainability and Spatial Strategy;

Spatial strategy

The Spatial Strategy of the ALP6 is to concentrate development at the existing main settlements of Great Dunmow, Saffron Walden and Stansted Mountfitchet together with new development along the A120 corridor.

The spatial strategy of the ALP reflects the need for a sustainable development pattern in the district which should not be abandoned just because the housing land supply is deficient. New development should still be located in sustainable locations rather than scattered anywhere in the District just to make up the numbers. The site is not "in the right place" (NPPF para 8).

Widdington was defined in the ALP as one of the 'other villages' where new development should be. Where these have development limits, those boundaries will be tightly drawn. There is some limited potential within these boundaries on small previously developed sites, including gardens of existing houses. Local affordable housing and community facility needs may be met on "exception sites" outside development limits.

Policy H1 (Housing Development) indicates the pattern and location of development which reflects the spatial strategy. It indicates where housing is to be located at the main towns – Gt Dunmow, Saffron Walden, Stansted Mountfitchet, and smaller other settlements - Birchanger,

Takeley, Thaxted, Gt Easton. There is no mention of Widdington.

Whilst ALP Policy H3 is entitled 'Houses within Development limits' it makes reference to 'windfall sites' which is relevant to the appeal. H3 begins as follows

Infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and

settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- a) The site comprises previously developed land;
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

The list of settlements which follows includes Widdington.

There can be no dispute that the proposal is not 'within the development limits' nor 'infilling'. It is clearly within the category of 'windfall' and it at least fails the important tests of H3 a) and c) in a list where 'all' of the criteria must be met.

Accordingly, it is our case that the proposed development is contrary to ALP Policies H1 and H3 and therefore cause significant and demonstrable harm

Widdington is not expected to accommodate any new development apart from infill which means a single dwelling in a gap between others. The site cannot be considered 'infill' in anyway.

The proposal for further residential development in this small, attractive, rural village is contrary to the principles of any reasonable spatial strategy for the District.

6.4 Sustainability:

The planning statement makes brief reference to sustainability in the Summary and Conclusions. NPPF para 8 is referred to in PDAS para 7.7 claiming the social benefit is the delivery of 4 dwellings. It is claimed that the development is within walking distance of the facilities and services of the village which are essentially:

- a village hall
- public house
- church
- playing facilities
- allotment
- various weekly mobile facilities

It is clear that such facilities fall well short of weekly needs for schooling, retailing, employment, medical facilities, social facilities. To get to these facilities in larger settlements in the District would be mainly by car because the bus service is sporadic. There is no evidence that walking or cycling to locations outside the village would be anything more than very rare. The Inspector's comments in December 2020 remain valid:

I accept that there may never be any guarantees, that I should have confidence it [the bus service] will continue beyond that period [after 2021] is simply not borne out in the evidence before me. Whilst an initial public consultation should be given little weight, it nevertheless indicates the potentially fragile and uncertain nature of the future of this service.

There can be no other conclusion that Widdington and the site are not sustainable locations for residential development. Travel out of the village is very unlikely to be by way of walking, cycling or by bus. It will be overwhelmingly by private car. This would be contrary to ALP Policy GEN1 and NPPF paras 105, 110 and 112

6.5 The Access and the Protected Lane:

The means of access is dealt with in full by the Railton Transport Assessment and impacts in the Alison Farmer Landscape Review submitted by the Parish Council.

In essence, the nature of the site access would create an ugly 'urban gap' with severe effects on the bank and vegetation to the north side of Cornells Lane, which is vital to the preservation of the character of the Preserved Lane. Even as proposed, significant earth works, and/or retaining walls together with loss of vegetation would occur. Details are seriously lacking about what this would look like, but the basics can be worked out.

Furthermore, the proposed access does not meet the ECC highway standards in the Essex Design Guide Highways Technical Manual (HTM). The application Access Assessment at p6 'As determined in Section 4.1, the access drive will have a gradient of 8%, as required by the Essex Design Guide', but does not make reference to para 6.10 (Appendix of the RTA) which requires that 'For all junctions, the approach gradient should be no steeper than 2.5% within 10m of the junction.' This is for obvious reasons that too steep a slope could lead to vehicles having difficulty entering and leaving the site

The RTA states para 4.4 'If the road were to be constructed as proposed it would be dangerous both for vehicles entering the site being destabilised by turning sharply from a flat to a sloping surface, and dangerous for vehicles leaving the site on a steep slope with a risk of skidding out into the existing carriageway, especially in wet or icy weather.

In conclusion, the proposals suffer from a lack of opportunities for sustainable travel. The design of the access (such that it is) shows an access which is dangerous for vehicles and pedestrians, and lacks adequate sight lines. Moreover, the applicant has failed to provide important and necessary information to demonstrate how access can be achieved (without impacting on third party land). It is also clear that the extent of earthworks and the retaining walls would have a significant adverse impact on the bank and vegetation at the important entry to the Protected Lane (Cornells Lane) and the immediate Listed Buildings.

6.6 Other Heritage Assets

The Inspector in the 2020 dismissed appeal was highly critical of the then proposals because (in addition to the Protected Lane paras 29, 30) of the impact on heritage assets which he listed in paragraphs 18 - 28:

The Fleur-De-Lys Public House
Church of St Mary the Virgin
White and Corner Cottages
Widdington Conservation Area

- 6.7 Some of the criticism arose because the views from the public footpath system across the (proposed) site and larger paddock would be cut off by the then proposed development.

The applicant has since erected a tall fence which is described as follows:¹⁷ The 1.8m fence to the east of the site was recently erected under permitted development rights, in response to trespass and amenity problems arising. Its erection has had the effect of curtailing or limiting views across the application site and the wider paddock. At time of writing there is a central section of fence beyond the application site (adjacent the retained paddock's eastern boundary) which has a frame with mesh netting but has not yet been completed with close boarding but could occur under permitted development rights.

Further north along the paddock's eastern boundary, the final section of fence has been close boarded.

Whilst the 'trespass and amenity problems' are unspecified (and could conceivably been achieved by a wire type fence which would have allowed views through it) it has been made clear that the effect has been 'of curtailing or limiting views across the application site and the wider paddock'. It may be that much of the Inspector's previous objections have been nulled by this act, and walkers along the footpath have been denied a view of the Conservation Area and Listed Buildings by the fence, but which would be exacerbated by the proposed development.

NPPF para 196 may be relevant: *'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'*.

In any event, the Conservation Area and its setting would be adversely affected by the development being of an entirely different character. The Inspector concluded (para 26):

The significance of the Widdington Conservation Area ('the WCA') derives, in part, from its intimate, linear form closely following the boundaries of properties along High Street. There is a looser and more spacious pattern of development to the north of the village around the green and church, including some 20th century development within its setting. There are a number of open spaces including residential gardens, amenity land and open fields and countryside that connect the settlement with the surrounding countryside and gives the village and the WCA a strong agrestic setting. The appeal site allows for a clear appreciation of the historic form and appearance of the WCA in its rural setting. Although setting is not referred to in the WCA appraisal that is not uncommon as such appraisals tend to focus on the WCA not its setting, which can alter over time.

The Inspector also listed the impact on the Grade II building William The Conqueror: This 2 storey former public house, fronts directly onto Cornells Lane and is located in close to the carriageway and opposite the location of the proposed passing place and pedestrian entrance to the site. The proposal would result in an increase in noise, vibrations and vehicle emissions from additional vehicular traffic. The passing place would increase dwell times for vehicles using the lane, directly outside and close to the building, including Heavy and Light Goods Vehicles and agricultural machinery. This would exacerbate these effects,

potentially affecting its fabric and resulting in visual distraction from the asset and diluting the appreciation of it from the lane.

On entering the lane there is a notable absence of development within the appeal site and only a limited perception of residential development further up the lane. The eye would be unacceptably drawn to the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Overall, there would be some harm to the setting by virtue of such development and activity associated with it, within its setting.

The 'passing place' has now become an access which will destroy a section of the bank, trees and vegetation to create an engineered structure far more damaging to the setting of this listed building.

The Inspector's conclusion on heritage assets was (para 31):
The appeal site is an important component of the setting of a number of listed buildings and the WCA and accessed from a non-designated asset. For the reasons given above it would harm the significance of these by virtue of such development within their setting. In Framework terms, the harm in each case would be less than substantial. The proposal would conflict with Policy ENV2 of the LP insofar as it would adversely affect the setting of listed buildings. There is some dispute as to the consistency with the Framework and the weight to be given to the heritage policies of the LP. Policy ENV2 does not require the same balancing exercise as the Framework but nonetheless it is essentially reflecting the statutory duty contained in legislation and reflected in the Framework. I return to this in the balancing exercise below.

And at para 50:

The proposal would cause significant environmental harm in terms of its effects on the character and appearance of the area and moderate harm due to its location and accessibility. Although I have found particular policies that protect assets of particular importance do not provide a clear reason for refusing the development proposed, nevertheless, and in accordance with the statutory duty and paragraph 193¹⁹ of the Framework, great weight should be given to their conservation. There would also be notable but moderate harm overall, to the significance of a non-designated heritage asset.

The prominent location of the development along Cornells Lane will impact on the heritage assets and Conservation Area and would be contrary to ALP Policies ENV1, ENV2, Sections 66 and 72 The Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF para 199..

6.8 Countryside and landscape character

The Landscape Review Alison Farmer (Appendix 2) deals more fully with landscape and heritage issues. In terms of harm to settlement form and setting it concludes (emphasis added):

This layout is not considered to reflect the existing settlement form and character. The proposed dwellings will sit in an elevated position c. 2-3m above Cornells Lane and in close proximity to each other. Although arranged in a linear fashion, their single access arrangement, and location behind the High Street will mean they will be perceived as back land development

In conclusion, the development is outside the built-up area of Widdington and is within the countryside. It does not satisfy the test of ALP Policy S7 “needs to take place there, or is appropriate to a rural area” nor NPPF para 174 b) “enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside”.

Moreover, the development would cause significant and demonstrable harm to character and setting of Widdington, the Protected Lane and its setting and the mature tree and shrub belt along its northern side outside the site, and Heritage. This would be contrary to ALP Policies ENV8 and ENV9

6.9 Agricultural Land

The site is classified Grade 2 in the Agricultural Land Classification²², which means ‘Best and Most Versatile’ (BMV) to which ALP Policy ENV5 applies which seeks to protect it:

Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

The issue of BMV agricultural land is effectively ignored in the application documents. No evidence is presented in the application documents that “opportunities have been assessed for accommodating development on previously developed sites or within existing development limits, or that any areas of poorer quality land have been assessed.

Ward Member

6.10 Scale of objection

This may carry little weight but as at 8th August there were 119 objections. This is a very significant percentage of the population of the village. Not everything gets objected to and indeed a house now under construction has strong community support despite reservations from the officer.

There is significant development taking place at the north end of the village and some redevelopment at the east side on Church Lane.

There is considerable annoyance that a site refused at appeal, refused again by officers on a new application, and then for a third time set for refusal, presumably, and withdrawn, has now been submitted for a fourth time with the same number of houses and damaging access.

What may however carry weight is that the continuing level of development in Widdington means that there is no local need for housing. Call for sites. Please can it be noted that the whole site as previously refused at appeal for 20 houses has been put forward in the Call for Sites. As this is not an application it might normally carry no weight. But a key issue is that the access intended for only four houses must therefore be capable in the view of the applicant of taking considerably more.

The application layout does not allow for further access to the meadow, so it is possible that any permission for four would not be built but used as leverage,

having got one access cut through the banking, to widen it by removing more trees and flattening more of the steep bank.

Blocking of the view

The Design and Access Statement says:

Views from the surrounding PROW network have been restricted by the recent erection of fencing to the east side of the paddock (a further section awaiting completion)

This in my opinion this has been done to push through the application by blocking the very pleasant view from the path across the meadow to the roof tops of houses in the CA and out to the other side of Widdington, and the kinetic experience of the changes of the view including towards the church tower. As impact on the views has been a previous consideration the Design and Access Statement is now effectively claiming that it is lost anyway and so cannot be a consideration

The applicant has offered to me other reasons for the fencing, which I found implausible, and when I consulted a nearby resident they confirmed my opinion. The view is only blocked because the applicant has blocked it. Elsewhere on footpaths in Widdington there is low metal fencing combined with hedging which provides a boundary and security but still affords a view and supports wildlife. This could be done here and should this application be approved it would be good to have the restoration of these views made a condition.

It would however be most disappointing if this act was rewarded. The fencing is 2m height of grim nasty estate fencing which has no place here.

'Benefits'

To offset the conflicts with policies the sole benefit is provision of four houses. There would be no contribution towards education, health or highways. Each incremental 'it is only a few houses' adds to the burden on already over stretched services. This also includes burden on the not-fit-for-purpose Newport sewage works (see Hyder Consulting 2010 report for the Local Plan – no upgrade has been done since then despite over 500 houses being added to the catchment with another 100 planned). A point of failure noted in the Hyder report is the combined storm and foul sewers. The result is that in heavy rain raw sewage floods out on Spring Hill. There is no financially viable solution to this, but adding more houses onto a system not built to take it just makes it worse. It does not only flood in Widdington, but in particular onto a footpath in Newport on the final run under the Cam to the works. This includes the output from Widdington. Photo 2 Feb 2021 and further below 7 Feb 2014

Despite there being more rain and serious flooding in 2014, note that the sewage pollution was worse in 2021. Anglian Water had to remove the topsoil this time. My conclusion is that the never ending addition of housing without a major upgrade is throwing ever more sewage out of hatches.

Note that paying council tax is not a benefit, as it is to ameliorate the extra burden on services and UDC council tax covers less than half the running cost of the council.

Cornells Lane

The damage to the banking and trees and hedgerow would be significant.

Much of the Arboricultural Report appears not directly relevant to the application and is a general statement of what might be done regardless of a planning application. It refers to the hedgerow and trees to the east by the path and north bordering the pub (distant from the proposed estate) needing some attention and the application being 'an opportunity' for improvement. It is not stated who owns the hedgerows but it would be the owner's responsibility and there is no commitment to do any work. As the section by the proposed houses has been fenced off it is questionable as to whether anything would be done by an owner who has already despoiled the location. This potential improvement cannot add weight to the application unless it could be enforced, and my experience elsewhere is that conditions for retention and hedgerow tree work are difficult to enforce.

The Land Registry record appears to show that the applicant does not own the boundary trees on Cornells Lane. Therefore the same comments apply in that any improvement work on the trees is the responsibility of the Highway Authority and should have no weight in the application. My experience of ECC is it would be unlikely to be done.

The report says:

The new planting on the roadside in particular will enhance the 'green tunnel effect' which has 'an important aesthetic significance' as cited from the planning inspectors report on the previous appeal

The tunnel effect does not need enhancing, and as noted it appears not the applicant's green tunnel to enhance. The 'important aesthetic significance' would be reduced by having the 'entrance' to the tunnel removed, and the banking flattened and replaced by a tarmac road access which the site plan shows as being significantly wider than Cornells Lane.

Looking east, the section to be removed on the left. 20th July 2021
It is noted that despite the 69 page professional report there is no artist's impression of what the access would look like.

Bus services

These are suitable for school use, but otherwise the claims of viability for pretty much all travel are ludicrous. Almost all requirements, and going to work, and everything else would be by private vehicle or delivery van up and down the narrow winding road to the B1383. Note this is the high vehicle diversion route for Newport railway bridge and so vehicles, cyclists and walkers may find they are competing with the largest vehicles permitted on UK roads.

The application notes that the bus provider wants the service to continue. Of course they would say that as it is subsidised by ECC. The deciding body is ECC who have already once proposed its cessation. The financial assessment provided to new councillors following the recent elections showed £130m of unspecified savings to be made (c13% of the total budget) and the cost of bus subsidy was specifically highlighted.

Even as it stands the bus service should be given little weight. The houses would be there in perpetuity and I think no weight should be given to the long term existence of a service.

Site drainage

For the application refused at appeal, the drainage engineering drilling concluded that the land is deep clay and soakaway was not possible. Highways and Anglian

Water declined to take the storm water into their (already full) systems. Therefore assuming nothing has changed, there is no solution to the flood drainage. Flooding along roads is already a problem. Setting a condition will not solve this so an agreed rain drainage strategy would be advisable prior to a decision.

Conclusion

Road access to the outside world from Widdington is poor, and so all development should factor this disadvantage. However, all other developments, both historic, C20th and C21st have good direct access to the immediate highway. **This one does not.** It is a backland development on a meadow, which has high intrinsic ecological and visual value, as not ploughed and as far as I know not chemically treated, with a poor access doing damage to a Protected Lane. The fact that it is not in intensive agricultural use is an indicator of the difficult access.

The lane surely is designated in order to be protected, and the application's claims to improve it seem implausible and not needed. The urbanisation created by the access, at the 'gateway' to the tree tunnel in planning publicity speak, must weigh strongly against this application.

Built Heritage Officer

6.11 06/08/2021

The application site is located immediately adjacent to the Widdington Conservation Area, the boundary of which is located to the west, with access to the site located from within the Conservation Area. In close proximity to the site are the other designated heritage assets of:

- William The Conqueror, Grade II listed (list entry number: 1238376);
- Corner Cottage/White Cottage, Grade II listed (list entry number: 1238374) and
- Martins Farmhouse, Grade II listed (list entry number: 1238383).

Cornells Lane is also considered a non-designated heritage asset, as has been identified and designated as a protected lane (Ref: UTTLANE158). A Public Right of Way is located to the eastern boundary of the site and continues northwards.

The application site is an area of undeveloped agricultural land located within the setting of several heritage assets, as identified above. The existing site positively contributes to the agrarian setting and rural character of the settlement of Widdington, and the designated heritage assets, including the Conservation Area. It is felt that there would fundamentally be an impact upon the setting of the heritage assets when assessed against Historic England's publication, *The Setting of Heritage Assets, GPA 3 (2017)*. The publication provides a checklist of potential attributes of a setting which contribute to significance, this being 'surrounding landscape, views, tranquillity, land use' and other environmental factors such as noise, light pollution and general disturbance should be taken into account. The proposals are considered to inevitably result in an impact, resulting in less than substantial harm to the setting of several designated heritage assets and the Conservation Area.

The application site as evident from historic mapping, and supported by the submitted Heritage Statement, has remained undeveloped agricultural land and

that the legible pattern of development for the settlement of Widdington is that a linear manner along the High Street. The proposed development of four detached buildings and the creation of the access from Cornells Lane would be inconsistent with the pattern of development and would have an adverse impact upon the approach and views into the Conservation Area. It should also be noted that this approach into the Conservation Area, along Cornells Lane, appears to be the last undeveloped approach into the Conservation Area. It is acknowledged that the protected lane has steep banks however the existing undeveloped nature of the site preserves the tranquil and rural character of the non-designated heritage, set within the wider rural context, plus other environmental factors such as general disturbance must also be taken into consideration.

The proposals would result in the harmful urbanisation of the site, inevitably resulting in several impacts to the setting of William The Conqueror, Corner Cottage/The White Cottage, the Widdington Conservation Area and the non-designated heritage asset of Cornells Lane. This harm would be less than substantial, Paragraph 202 and 203 of the NPPF (2021) being relevant. The NPPF also affords great weight to the conservation of the heritage assets under Paragraph 199 and Paragraph 206 states that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.'* The proposals are considered inconsistent with this.

The Highways Authority

6.12 No objections subject to the imposition of conditions regarding:

- No occupation of the dwellings prior to appropriate visibility splays are provided.
- No occupation of the dwellings prior to appropriate parking is provided
- The gradient of the proposal shall be no steeper than 4% for the first 6m and not more than 8% thereafter.
- The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use.
- Approval of construction management plan

Place Services- Ecology

6.13 No objections subject to the imposition of conditions regarding:

The proposal will be in accordance with the mitigation and enhancement detail set out in the submitted ecology appraisal.

A biodiversity enhancement strategy will be submitted and approved prior to slab level of the development.

A lighting scheme will be submitted and approved prior to the occupation of the development.

UDC - Environmental Health

- 6.14 No objections or further recommendations raised

Specialist Archaeological Advice

- 6.15 No objections, subject to the following conditions:

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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.

Anglian Water

- 6.16 No objection

Anglian water are obligated to accept foul water flows from the development and will take steps to ensure that there is sufficient capacity.

Surface Water Disposal

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. We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment and Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

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. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied.

This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

National Air Traffic Safeguarding (NATS)

- 6.17 Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

BAA Aerodrome Safeguarding

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

7 REPRESENTATIONS:

- 7.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. 103 representations have been received, which raise concerns including:

- The site is located beyond the Development Limits of the village
- Harmful effect on the character and appearance of the area, including the Protected Lane (a 'non-designated heritage asset')
- Adverse effect on the setting of the Widdington conservation area and numerous listed buildings
- Increased vehicle movements on inadequate roads
- Increased traffic congestion and associated pollution
- Unsuitable vehicular and pedestrian access points
- Adverse effect on the safety of road users
- Increased risk of flooding
- Lack of services and facilities e.g. shop, post office
- Lack of sustainable transport options
- Loss of biodiversity
- No need for the development, no support
- The proposal does not provide the homes required e.g. affordable homes, starter homes,
- The development would cause nuisance and damage to roads and property during the construction period
- No local support for the development
- Approval would set a precedent for further residential development
- In conflict with the village design statement,
- Sets a planning precedent,
- Increase in carbon emissions,
- Loss of agricultural land

- 7.2 1 letter of support received, comments include
- The development will provide a number of smaller dwellings,
 - The dwelling appear to be energy efficient,
 - The local village includes a number of local provisions and is accessible to the larger towns.

- 7.3 All material planning merits will be considered in the following report, however please find the following case officer comments.

- Lack of support is not by itself a material planning consideration.
- Due consideration is made to the previous dismissed appeal (20 dwellings) and refused planning application (15 dwellings)
- Lack of services and infrastructure will be considered in the following report
- Highway safety will be considered in the following report.
- The principle, character, appearance and heritage are key considerations

8. POLICIES

- 8.1 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.
- 8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.3 S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area
- 8.4 **National Policies**
- National Planning Framework (2021)
National Planning Policy Guidance Note
- 8.4 **Uttlesford District Local Plan 2005**
- Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN5- light Pollution
Policy GEN6-Infrastructer Provision to Support Development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy ENV1- Design of Development with Conservation Areas

Policy ENV2- Development affecting Listed Buildings
 Policy ENV3- Open Space and Trees,
 Policy ENV8- Other Landscape Elements of Importance for Nature Conservation
 Policy ENV9- Historic Landscapes
 Policy ENV13- Exposure to Poor Air Quality

8.5 **Supplementary Planning Document/Guidance**

Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 Widdington Conservation Area Appraisal and Management Proposals (2013)
 Widdington Village Design Statement (2009)
 Uttlesford Protected Lanes Assessment (2012)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council parking Standards (2009)
 Supplementary Planning Document- Accessible homes and play space homes
 Essex Design Guide Uttlesford Interim Climate Change Policy (2021)

9 CONSIDERATION AND ASSESSMENT:

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

- A Location of housing (S7, GEN1, NPPF)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV1 ENV2, ENV3, ENV9, and the NPPF)
- C Neighbouring Amenity (GEN2, GEN4, ENV10, NPPF)
- D Access, Parking and Transport (ULP Policy GEN1, GEN8 and the NPPF)
- E Light pollution (ULP Policy GEN5)
- F Nature Conservation (ULP Policy GEN7 and ENV8);
- G Flooding (ULP Policy GEN3 and the NPPF)
- H Climate Change (UDC Interim Climate Change Policy 2021)

A Location of housing (S7, GEN1, NPPF)

9.2 The site's location beyond the Development Limits for Widdington, although the south west corner of the site is partially within the Development Limits. ULP Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

9.3 There is a presumption in favour of sustainable development in the NPPF. Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.

9.4 The settlement's spatial relationship with other nearby settlements includes the larger village of Newport lies north-west circa 3km distant and the town of Saffron Walden lies north about 7km distant. Neighbouring villages with a variety of facilities lie within a few kilometres. The local bus service connects various large and small settlements as well as most of the railway stations (serving London to Cambridge) shown, including those at Newport, Audley End and Bishops Stortford.

- 9.5 It is noted the previous planning applications and dismissed appeal for the development of this site for more dwellings considered the development would result in a significant increase in the number of journeys made by car rather than sustainable modes of transport, in conflict with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 9.6 The Planning Inspector advised *'the proposal would give rise to a significant need to travel. Some limited opportunities exist for walking locally and cycling. However, cycling is unlikely to be popular other than for experienced cyclists. Public transport options consist of an hourly service between Bishop's Stortford and Saffron Walden, much larger towns. The timings of the service however would restrict its use for many residents who may require access early in the morning or later in the evening to access employment and public transport opportunities further afield. More importantly I have some doubt as to the longer term provision of the service. The parties confirmed that the existing tender is to the middle of 2021 and beyond that the existing provider states that there are 'no guarantees.'*
- 9.7 The appeal Inspector expressed some doubt as to the longer term provision of the bus service as he had no confidence that it would continue to operate after the middle of 2021. However there is no information provided to suggest this is the case and the bus service continues into 2022.
- 9.8 Information submitted with the application advises the earliest bus service from Widdington is 08:03 hours which arrives adjacent Newport Railway Station at 08:10 hours and outside Audley End Railway Station at 08:15 hours. These times allow for connecting commuter. Furthermore Uttlesford bus consultation of February 2022 states that bus route 301 service which comes through Widdington is proposed for significant improvements, with up to 18 (from 12) services per day. This public transport provision provides an acceptable level of sustainable transport associated to the scale of the proposed development of 4 dwellings and the location of the Widdington within this rural district.
- 9.9 The Planning Inspector considering the previous planning refusal stated *"a development of 20 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private vehicle"*. Although this was the case for the previous applications on this site these application included significant developments of 20 and 15 dwellings. This application has been greatly reduced to 4 dwellings. Therefore although the location of the development has not changed the overall scale of the development has been greatly reduced and therefore the likely transport movements per day cannot be compared. Should an application be submitted in the future for more then this aspect would still need to be considered at the time of assessment.
- 9.10 A number of recent planning applications have been approved within Widdington for smaller scale housing developments, these include:
 UTT/20/1213/FUL- 2 dwellings
 UTT/20/0029/FUL- 1 dwelling
 UTT/18/3279/FUL- 2 dwellings
 UTT/21/1509/FUL- 2 dwellings
- 9.11 The Parish Council have provided a Transport Assessment, this concludes:

- The previous appeals confirms the location of the development is unsuitable for housing due to the lack of sustainable transport.
- The proposed gradients of the access do not meet Essex Design Guide Standards.
- The proposal does not demonstrate it can accommodate the substation,
- The pedestrian route will required to be sloping or stepped,
- The access road is an insufficient to allow service vehicles,
- Larger vehicle will be unable to pass light vehicles and vehicle will be forced to reverse in the vicinity of the junction,
- Insufficient visibility splay are provided,
- Retaining walls will result in a urban character,
- No assessment has been made to the pedestrian routes

9.12 Although the above approved planning applications do not have any planning precedent, they do demonstrate that the smaller developments located close to this current application site and also further outside the central core village of Widdington still were considered as sustainable development. It was considered the occupants of these dwellings would have needed to use a car to access most services, facilities and places of work. However, a regular bus service between Saffron Walden and Bishops Stortford provides a realistic public transport option for some journeys.

9.13 The applicant has sought to demonstrate through their planning statement that there are opportunities to use sustainable transport to access services in the nearby vicinity, by sustainable transport. Whilst this may be the case, in reality, given the rural location of the site, the occupants of the proposed dwelling would most likely use a car/cars for most of their journeys to access services. Whilst this cannot be said to be a positive for the proposed development the NPPF does acknowledge that there are opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

9.14 While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 8(b) of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development, this would also be a consistent approach as per the approval of the above smaller housing developments within Widdington. Therefore the proposed location of the current proposed development of 4 dwellings is largely seen to accord with the social dimension of the NPPF on sustainable development, and with policies S7 and GEN1 of the Uttlesford Local Plan 2005.

B Character, appearance and heritage (S7, GEN2, GEN5, ENV1 ENV2, ENV3, ENV9, and the NPPF)

9.15 The site comprises an undeveloped paddock adjacent the village and its conservation area, which contains numerous listed buildings. Cornells Lane is identified in the Local Plan as a Protected Lane due to its historic character and a public footpath runs along the eastern boundary.

9.16 Following the LPA's refusal of the scheme for 20 no. dwellings, the developers made another planning application (UTT/19/2623/FUL) again on the whole

paddock covering its south to north depth but this time for 15 no. dwellings and with more open space to the east side. This was also refused to similar refusal reasons. The Planning Inspector considered issues of 'character and appearance' regarding the 20 unit scheme and considered the paddock (as a whole) provided a 'transition' from the rear gardens and amenity land adjacent to the west and the agricultural fields and open countryside to the east.

- 9.17 The Planning Inspector advised that the paddock was part of the rural setting of Widdington and the introduction of 20 units onto the whole paddock as an undeveloped site would result in the suburbanisation. The Inspector considered that a comparatively large estate of 2 storey housing, although with some screening from the east, would be starkly visible and of an overall scale and disposition that would harmfully encroach above and across the skyline and would jar with their lower, more modest scale and the linear character and pattern of the village. Such visual effects, the Inspector stated that this would be particularly evident on the approach up and down Cornells Lane, from its entrance and through the site's comparatively wide access and from a number of viewpoints from the surrounding Public Rights of Way.
- 9.18 The current planning application for 4 dwellings is a significant reduction in dwelling numbers and overall scale of the development site. The dwellings will be sited to the south of the paddock and will retain much of the current paddock as the 'transition', connecting west to east. The smaller scaled development will not have an estate appearance and will instead provide 4 detached that provide a linear arrangement. The dwelling will be visible, however given the reduction in the scale of the development it will not be starkly visible from far away views. Furthermore the existing and proposed landscaping will provide some mitigation and will be secured by planning condition should planning permission be granted.
- 9.19 The introduction of the wider access as per the previously refused planning application is no longer required, the previous proposal included an estate road of 9m wide where this is 5m wide. The views from the public right of way to the east of the site are restricted by the existing close board fencing.
- 9.20 The proposed scheme shows that the dwellings at Plots 1, 2 and 3 (1 ½ storey homes) are 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 4 (bungalow) is 5.5m high to its ridge. Plots 1 to 3 are designed as traditional style cottages. Plot 4 forms a 'barn style' single storey dwelling and reflects an agrarian nature of the farmland lying beyond the eastern end of the site.
- 9.21 The dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings, these include:
- soft red brick with lime rich mortar
 - conservation colour painted sand cement render
 - black timber weatherboarding
 - clay plain tiles
 - clay pantiles

- natural slates.

- 9.22 The layout of the proposal includes the dwellings being arranged with spacious garden areas will be in accordance with the size standards as set out in the Essex Design Guide. The single access drive from the highway provides individual accesses to each plot. The proposed footway link is proposed running east to west through the site and will connect with the Public Right of Way network to the east (Cornells Lane to Church Lane) to the High Street.
- 9.23 The proposed landscaping includes significant number of new trees and hedgerows. Apart from the introduction of the access no trees will need to be removed to accommodate the development. The submitted arboriculture report does provide recommendations to replace trees dying/diseased trees in particular, along Cornells Lane, the green tunnel effect can be enhanced and tree protection measure should be conditioned.
- 9.24 The proposed access to the site will require the incursion within Cornell Lane, which is a protected lane, in comparison to the refused schemes the location of the access uses a low part of the bank to Cornells Lane, also where the vegetation at this point is of lower quality. The previous schemes included a significantly larger access and was sited further east along Cornells Lane where it is deeply incised. The required visibility splays for the development will not require the removal of further bank Cornells Lane. Due to the scale of the development the proposed access will be shared surface for pedestrians and cars throughout its length. As advised above a separate footpath will provide an alternative safe route for all who currently walk along the carriageway of Cornells Lane.
- 9.25 The Council's Landscape Officer has been consulted and advised the proposed introduction of the access and works to the bank of the protected lane would inherently result in some degree of harm. ULP Policy ENV9 considers works to protected lanes and advises that proposals likely to harm the protected lane will not be permitted unless the need for the development outweighs the historic significance of the site. The Protected Lane is considered a non-designated heritage asset, the Council's Heritage Officer has assessed the development overall considers the harm caused to be at the lower end scale. Paragraph 203 of the NPPF states;
- "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 9.26 The Parish Council have included a Landscape Review of the proposed development, this concludes:
- *The access will break the lane embankment and due to site levels and constraints and the effect is likely to be substantial and adverse and give rise to a loss of Protected Lane integrity.*
 - *The reduction in development may retain part of the meadow but almost c.43% will be lost to development or planting within the ecological area.*

•Whilst more modest in scale than the appeal scheme, the form and pattern of development will still read as back land development behind the High Street and will sit above Cornells Lane in close proximity to each other.

•The proposed development will impact on views from Cornells Lane and the wider landscape to the east. Whilst it may be partially screened by fencing, the introduction of fencing will have its own characterising effects which are adverse in this rural location.

•Overall the proposed development would give rise to adverse landscape and visual effects. The reduction in extent of proposed development, compared to the previous appeal, will not substantially reduce effects.

The proposed development does not comprise a positive addition to the historic village of Widdington and would result in the partial loss of a small scale meadow on the fringes of the village, which is valued as an integral part of its setting.

9.27 The Uttlesford Protected Lanes Assessment was prepared by Essex County Council in March 2012. This document formalises the identification and assessment process and sets clear criteria for assessing the importance of Protected Lanes. It should be noted that the Lanes are selected not only for their historic interest, but also for their biodiversity, group value and aesthetic value. The full criteria are:

- Diversity
- Group value (association)
- Archaeological association
- Archaeological potential
- Historic integrity
- Biodiversity
- Aesthetic

9.28 In the Protected Lanes Assessment Form (Appendix D) Cornells Lane is identified as UTTLANE158 which scores a total of 20 out of 28.

- It scores 4 out of 4 for Group value, its association with historic or landscape features of 'broadly the same date'.
- It scores 3 out of 3 for archaeological association, its link with 'non-contemporary archaeological features'.
- It scores 2 out of 3 for archaeological potential
- 2 out of 6 for Historic integrity.

This notes that the Lane has experienced 'moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)'. Therefore, while Cornells Lane scores highly for archaeological potential and connections, its integrity has clearly been significantly undermined by later alterations and interventions.

9.29 It is noted adjacent the proposed highway access there is an existing wide access serving William the Conquer and Weft house and as such there are number of points along the Protected Lane that have already included the loss of verge and

the addition of housing. This single smaller access point is not considered unacceptable or inherently harmful. It is also noted the Uttlesford Protected Lanes Assessment confirms that one of the reasons for Cornells Lane scoring 2 on Aesthetics is the 'nice views of houses' from the Lane and as such the view of appropriately sited and designed dwellings being seen from the Lane cannot be deemed as harmful.

9.30 Whilst the 4 units will not be highly visible from the Lane, where views are available e.g. from the new footpath, these should be equally pleasant, given the good design, which reflects the local vernacular, architecture, materials and landscaping.

9.31 Photo 1 and 2 below demonstrate the existing development of the protected lane. Photo 1 is adjacent the proposed access and includes a 1.35m wide concrete and gravel access serving William The Conqueror and Weft House. Photo 2 is the existing 9.8m wide hardened access serving Weft House.

9.32 Photo 1.



Photo 2.



- 9.33 As part of the assessment of the overall impact to the Protected Lane it is considered that the setting of the Lane is an important element of its significance. This is particularly the case in understanding its links with the surrounding settlements and its visual relationship with the surrounding buildings. The Site, as part of its setting provides some rural context and reflects the position of the Lane moving from the southeast extent of Widdington to the east. It is therefore experienced as an entrance and departure point to Widdington. However, the overall contribution of the site to the significance of the Lane as a non-designated heritage asset is limited. This is primarily due to the length and size of this Lane together with its closer connection with other historic and landmark features and that the proposal in terms of scale and introduction of form is small in comparison to the overall significance and setting of the Lane.
- 9.34 As stated above Paragraph 203 of the NPPF applies and as such a balanced judgement will be required, taking into consideration the above assessment it is considered introduction of the access point and built form of the dwellings will result in a low level of harm to Cornells Lane, however it is considered a condition in regards to the detailing and appearance of the access point and require retaining materials should be submitted and approved by the LPA prior to the commencement of the development.
- 9.35 In terms of the designated Heritage asset, this includes the Conservation Area and a number of listed buildings. However it is noted the application site is outside of the Conservation Area. I first consider the impact the development has to the Conservations Area, due consideration is made to ULP Policy ENV1 and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the preservation or enhancement to the character and appearance of the Conservation Area.
- 9.36 The proposed development would inherently alter the rural setting of the application site with the introduction of built form, however this it is considered this will however this would not be appreciable from within the vast majority of the conservation area, including in views from the High Street. A small section to the south west of the application site would result in a small change to the conservation area, through the re-surfacing of part of the access road which will include a sympathetic appearance.

- 9.37 The location of the dwellings would cause some alteration to the existing historic linear plan form of Widdington which is particularly evident along the High Street, and actively contributes to the historic interest of the conservation area. However this current proposal only results in the development of the southern boundary of the site and not the entire site as per the previous refused planning applications. The siting of the dwelling would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time.
- 9.38 The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village. The development will retain the majority of the conservation area rural setting to the east of the High Street, maintaining the transition between the settlement and the wider rural surroundings which the Inspector identified as an important feature at the previous appeal.
- 9.39 The location of the development to the southern boundary of the site will also ensure the views from within the wider paddock and any existing from the wider public footpath to the public views to the east and north of the site. Although the Council's Conservation officer has advised that screening mitigation cannot remove harm, however appropriate landscaping and screening should still be considered and weighed against the harm.
- 9.40 The Planning Inspector considering the previous appeal confirmed the larger 20 dwelling scheme would cause some less than substantial harm to the significance of the Conservation Area, this included:
- The location of plots 13-12, the scale and overall coverage of built form would visually compete with the village scape of properties in the Widdington Conservation Area
 - There is some residential development set out in a linear form along Cornells Lane
 - The proposal would erode the sense of openness and diminish views of a significant part of the Widdington Conservation Area from its rural surroundings
- 9.41 However with this current proposal:
- The area of appeal plots 13-20 is now undeveloped; scale reduced from 20 to 4 dwellings; area reduced significantly,
 - The proposed scheme has vastly reduced coverage/scale compared to previous 20 dwelling scheme.
 - An existing linear development runs along Cornells Lane (housing lies opposite).

- A sense of openness will be retained with the remaining paddock area to remain undeveloped and provides a transition area between the village and surrounding rural area.
 - The development will not compete with the character of the Conservation Area.
 - The views from the footpath to the eastern boundary of the site is restricted with a newly erected 1.8m fence. Therefore views to the back of the back of the High Street remains unaffected
- 9.42 The appearance of the dwellings would also be constructed in a simple, vernacular style diminishing in height from west to east. As set out by the Council's Heritage Officer the proposal will result in low level of harm to the Conservation Area. This limited, less than substantial harm should be weighed against the public benefits of the proposals in accordance with paragraph 202 of the NPPF.
- 9.43 Paragraph 206 of the NPPF advises Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserved that make a positive contribution to the asset (or which reveal its significance) should be treated as favourably. The proposal will provide a permissive footpath to the south east corner to the south west corner of the site. This will provide views of the Conservation Area which will better reveal its significance.
- 9.44 In terms of the effects of the setting of Listed buildings, due consideration is made to ULP Policy ENV2 and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The following sets out my assessment to each of the Listed Building affected by the proposed development. This also takes into consideration the consultation response from the Council's Heritage Officer and details of the previous planning appeal.
- 9.45 Martins Farm House;
The proposal would alter the views to and from Roseley Barn, which has been identified as a curtilage listed building and therefore part of the listed building of Martins Farmhouse. The proposal will reduce the current rural context which contributes to the significance of the Farmhouse and Barn by virtue of their related historic uses. There is no current functional link and there is no evidence of a historic functional link between the Site and the farm (with the Site and wider paddock in separate ownership to Martins Farmhouse and the Barn).
- 9.46 It is noted that at the previously appeal hearing that Martins Farm House and associated buildings could not be seen from the application site and was agreed to not be part of the assessment of the heritage assets. Taking a consistent approach any impact can only be viewed as strictly limited, moreover, the conversion of the Barn to residential use, and its subsequent extension, has diminished the legibility of its former agricultural. The proposed development would therefore have no impact on the significance of Martins Farmhouse, with the relationship between the Barn and Farmhouse being unaffected and the legibility of its historic use unchanged. The special architectural and historic interest of the listed building would be preserved. This accords with the Inspector's findings for the much larger scale of development previously dismissed at Appeal.

- 9.47 Corner Cottage/The White Cottage;
There will be limited impact on views. These semi-detached residential properties lie on the corner of Cornells Lane accordingly, there would be some less than substantial harm by virtue of development within their setting, albeit to the lower end of any scale. Also the proposal will include some existing access to the Site, which will be undertaken in conjunction with providing additional planting to screen views, reinforcing the sense of enclosure. Fundamentally the development will not alter its role within the setting of the listed building will subsequently be unchanged. As such it is considered that the proposed development will have no impact on the significance of the listed building. Its special architectural and historic interest will be preserved.
- 9.48 William the Conqueror;
The existing landscaping to the north east of the William the Conqueror and particularly on the southern boundary of the site means that there will be a limited visual impact from the proposed development. One of the main changes will result from the construction of a new access proximate to the listed building, which will involve alterations to Cornells Lane.
- 9.49 Although this will alter the existing semi-rural setting of the listed building it will not diminish the ability to appreciate and experience its significance, particularly given the current context of the listed building, which lies adjacent to the engineered access point into Weft House. It is noted the Planning Inspector of the previous appeal considered the proposed passing bays would cause an increase in noise, vibrations and vehicle emissions from vehicular traffic, potentially affecting its fabric, resulting in visual distraction & diluting appreciation of LB from the lane. However, this application does not include or require the passing bays along then highway.
- 9.50 The Planning Inspector also considered the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Would be some harm to the setting by virtue of such development and activity associated with it, within its setting. That being said, this proposal is of a much smaller scheme, plots 1 to 4 which have a comparable location include 3 chalets and 1 bungalow and notably lower ridge height and eaves heights.
- 9.51 Additional planting and the separation to the dwellings themselves will ensure that proposed dwellings are visually separated from the listed building. These slight changes within the setting of the listed building will have high level of harmful impact on the significance of the William the Conqueror or the ability to appreciate and experience its significance.
- 9.52 Fleur-De-Lys Public House;
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, its setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 9.53 Church of St Mary the Virgin;
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, its setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.

- 9.54 Taking into consideration the consultation responses from the Council's Heritage Consultant, the details of the previous planning appeal and submitted Heritage Statement it is considered the proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area and is in accordance with ULP Policy ENV1 paragraphs 202 and 206 of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.55 As assessed above the significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with ULP Policy ENV2 section 202 of the NPPF and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C Neighbouring Amenity (GEN2, GEN4, NPPF)

- 9.56 The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at 48m), Roseley Barn (45m), William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant. It is advised there are no proposed windows at the first floor level of the west elevation of plot 1. As such taking into consideration the separation distance, siting/ orientation of the proposed dwellings and existing boundary treatment the development will not result in any significant overlooking or loss of privacy that will have a harmful impact. It is therefore concluded that the proposed scheme accords with the above policies.
- 9.57 ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Cornells Lane. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.

D Access, Parking and Transport (ULP Policy GEN1, GEN8 and the NPPF)

- 9.58 Policy GEN1 require development to the main road network that must not compromise road safety, there is an existing access to the site off Cornells Lane is by way of a gated field access located in the south-western corner of the This access also serves an electricity substation. At the site location, Cornells Lane is subject to a 30mph speed limit and comprises a single carriageway with a verge and bank.
- 9.59 The access requires 2.4m by 43m visibility splays, based on the speed zone and prevailing speed of traffic which has been surveyed. Long sections show that these splays are achievable without further removal of the bank along Cornells Lane to create them.
- 9.60 The access will meet highway requirements with a 5.5m width for the first 10m, radii kerbs and suitable gradient, as designed by highway consultants. It has also

been designed to accommodate the manoeuvres of fire tenders, as well as the large refuse vehicles.

- 9.61 The Highways Authority have been consulted as part of the planning application process, no objection have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted.
- 9.62 It is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development. The assessment of this private drive access, to serve 4 dwellings, has been undertaken as required to serve a development of this quantum and type, with due regards to ULP Policy GEN1 and the Essex Design Guide.
- 9.63 ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009).
- 9.64 Each dwelling will include off street parking that is in accordance with adopted standards. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

E Light pollution (ULP Policy GEN5)

- 9.65 ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution however it is recommend a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development.

F Nature Conservation (ULP Policies GEN7, ENV8);

- 9.66 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 9.67 A preliminary ecological assessment (PEA) has been carried out and submitted with the planning application. The Council's Ecology Consultant has been consulted as party of the planning application process, no objections have been made subject to conditions.
- 9.68 All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.
- 9.69 In terms of biodiversity enhancement the proposal includes the provision of an ecological area measuring 0.12 ha (0.29 acres) comprising part of the 2 acres of

retained paddock land immediately north of the site. The detailing of the ecological area should be subject to a condition for the submission and approval of the LPA.

- 9.70 Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

G Flooding (ULP Policy GEN3 and the NPPF)

- 9.71 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. The application site is in flood zone 1 and therefore it is concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with ULP Policy GEN3, and the NPPF.

H Climate Change (UDC Interim Climate Change Policy 2021)

- 9.72 Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance.

- 9.73 The application includes a Planning Statement and Sustainability Statement which have made due consideration to the adopted Interim Climate Change Policy, which advises the proposed development has been designed to address the Climate and Ecological Emergency declared by U DC in 2019 and more recent Interim Policy regarding Climate Change (February 2021).

- 9.74 The statement set out that in respects to energy efficiency the fabric efficiency well above standard requirements in order to reduce energy demand. Furthermore, each dwelling is proposed with an air source heat pump and photo voltaic panels. These measures are in line with professional recommendations and will mean that the development would save over 5 tonnes per annum of carbon dioxide emissions to the atmosphere, compared to a development built to standard building regulations.

- 9.75 The sustainable design of the development has considered numerous factors. These include:

Reducing carbon dioxide through renewable energy and reduced energy demand, including fabric improvements, solar panels, and air source heat pumps

- Water Conservation Measures
- Flood Risk
- The use of recycled, responsibly sourced and sustainably manufactured building materials
- Waste and Recycling
- Landscape Design

- Ecological measures, including a substantial off site Ecology Area in addition to on site ecological measures
 - Promoting sustainable travel choices e.g Electric Vehicle Charging Points, Home Working facilities, new footpath linking the site to High Street bus stops and provision of Travel packs with vouchers for use on public transport
- 9.76 Resource and water efficiency have been maximised, whilst the production of waste and pollution is to be kept to a minimum, ensuring the impact of the proposals on its surroundings and the environment is reduced.
- 9.77 The design to meet energy standards and ensuring the dwellings are capable of adopting future technology, the application will respond directly to the Uttlesford District Council's policies as it targets to significantly reduce carbon dioxide emissions above the Building Regulations 2013 Part L requirement.
- 9.78 The proposed residential units will be designed to reduce their CO2 emissions by 60.95% below the Building Regulations 2013 (TER) minimum requirements. This equates to a saving of 5.11 tonnes of CO2 per year and will be achieved with the use of a highly efficient building fabric, individual ASHPs and the installation of 7.5 kWp of photovoltaic cells (PV). Electric vehicle charging points will be included in all dwellings.
- 9.79 The landscaping strategy provides a harmonious integration with local ecological features as well as protecting habitats for existing wildlife through the planting of native species of trees and shrubs. It will include:
- Mixed hedgerow to all boundaries;
 - Hedge planting to include Hawthorn, Hazel, Blackthorn, Dog Rose, Crab Apple, Field Maple and Dogwood;
 - Bird nesting boxes and bat boxes throughout the site;
 - A number of hedgehog highways will be installed to fences/hedgerows;
 - Selection of fruit trees within garden areas;
 - Selection of plants that rely on limited water for establishment;
 - Selection of local plant materials to minimise transport footprint;
- 9.80 A new 0.29 acre ecological area will be provided to the north of the site. This area is to be planted with trees and wild flowers within the grassland. An ecology pond with a bog area will also be created for wildlife. The pond will provide a 'beach' area for access for wild birds and other animals. The new ecological area will increase wildlife to the locality by increasing habitat.
- 9.81 The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.

I Planning Balance (NPPF)

- 9.82 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52years (Five Year Housing Land Supply update April 2021)
- 9.83 Paragraph 11 of the NPPF considers the presumption of sustainable

development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of date. This includes where the five year housing supply cannot be delivered. As the Council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

9.84 The following breaks down the economic, social and environment benefits of the development:

9.85 Economic:

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers.
- Occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas
- Increased pool of potential customers for the local bus service could bring improved viability
- The dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population

9.86 Social:

- The construction of four dwellings to contribute to the 5 Year Housing land supply,
- 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA
- 1 x 2 bed bungalow to meet other housing needs,
- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies
- High quality built environment, accessible to local services, including those which can be reached via the regular bus service to other nearby settlements

9.87 Environmental;

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save over 5 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets Building Regulations
- Each dwelling would also be provided with an electric vehicle charging point
- Significant new tree planting which will bring ecological and environmental Benefits

- Opportunities to make improvements to certain vegetation along Cornells Lane, secured by landscaping condition,
- Biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres,
- Provision of pleasant landscaped footpath corridor for use by the public via permissive rights
- Removal of overhead power line and apparatus by grounding cables, for visual benefit
- Delivery of high quality design with appropriate scale, form, density, architecture and materials, adding to the overall quality of housing in the village

9.88 As set out in section B of this report the proposal will result in limited low level harm to the character and appearance of the rural site and both designated and non-designated heritage assets. The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (i)).

10. EQUALITIES

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

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

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

11. CONCLUSION

11.1 The location of the current proposed development of 4 dwellings is largely seen to accord with the NPPF on sustainable development, and with Policies S7 and GEN1 of the Uttlesford Local Plan 2005.

11.2 The proposed layout, scale and appearance of the development is acceptable in the context of the character and appearance of the site and surrounding area.

11.3 The level of harm to the designated and non-designated heritage assets is considered low level. The benefits have been weighed against this.

- 11.4 The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.
- 11.5 The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 11.6 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- 11.7 The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.
- 11.8 The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole NPPF Paragraph 11d (i).
- 11.9 **RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS**

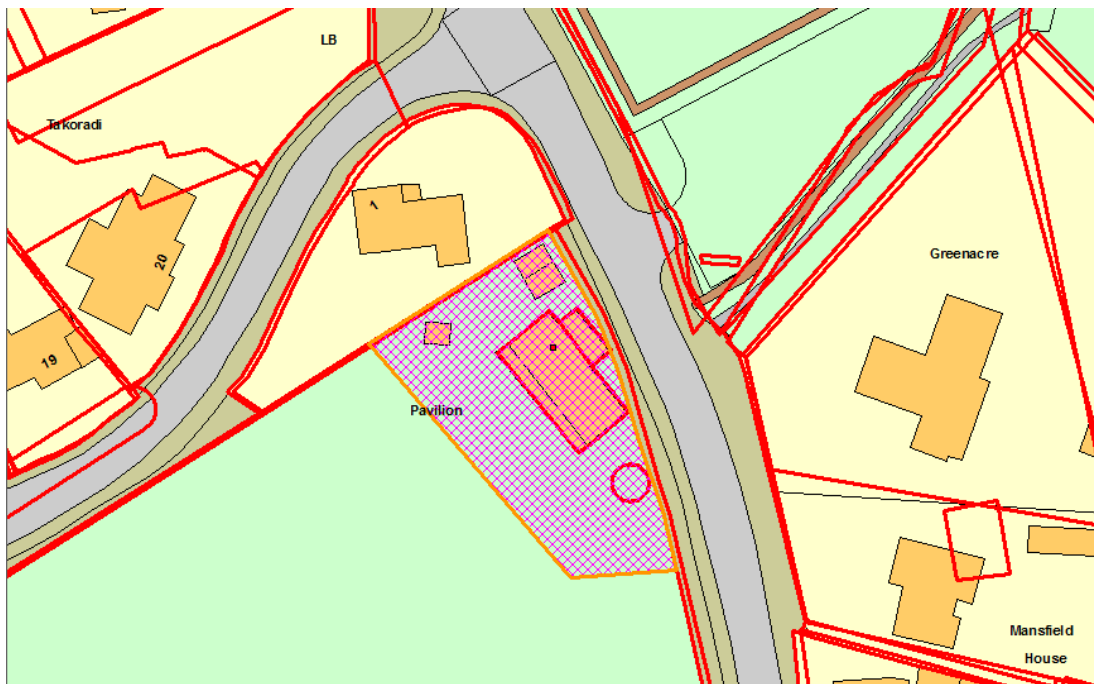
Agenda Item 18

REFERENCE NUMBER: UTT/21/3410/FUL

LOCATION:

**Dunmow Cricket Club
St Edmunds Lane
Great Dunmow
CM6 3AT**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20th December 2021

PROPOSAL: Proposed demolition of existing building and erection of new cricket pavilion.

APPLICANT: Dunmow Cricket Club

AGENT: Mr Tom Cannon

EXPIRY DATE: 04/02/2022

EXTENSION OF TIME: 31/03/2022

CASE OFFICER: Alishba Emanuel

NOTATION:

- Within Development Limits: Great Dunmow (Riverside)
- TPO Tree Type: Willow
- Outside Development Limits
- SSSI Impact Risk Zones - Natural England

1. RECOMMENDATION – APPROVAL WITH CONDITIONS

CONDITIONS:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

3. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

Noise

4. Entertainment Noise Control

Before the first use of the proposed building as an events venue a noise assessment and report must be submitted and approved in writing by the LPA. The assessment must demonstrate that the Entertainment noise (LAeq,5min) has been controlled to 10dB below the prevailing background noise level (LA90,T) without the entertainment noise present, in each octave band at the nearest noise sensitive location.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

5. Prior to any amplified music being played as part of regularised entertainment an Electronic Sound Level Attenuation System otherwise known as an Automatic Gain Control (AGC) device or noise limiter shall be fitted before the amplifier in the signal chain with the thresholds of the limiter set on both the Left and Right stereo channels. The sound attenuation device shall be set by a suitably qualified acoustician/sound engineer so that it maintains compliance with the criteria in condition 1 above and secured so that it cannot be overridden by persons other than the appointed sound system engineers/acoustic consultant. The sound attenuation device shall not be altered without prior agreement with the LPA or Environmental Health Service. The specification of the Sound Level Attenuation System shall be submitted to and approved by the LPA.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

6. The external area shall not be used for any regulated entertainment outside of the hours of 09.00 to 23.00 on any day of the week.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

Air Source Heat Pump

7. I note that the planning statement that accompanies the application proposes the installation of an air source heat pump. These are a potential source of noise that could impact on the adjacent residential

dwelling unless suitably designed, enclosed, or otherwise attenuated. I would therefore recommend the following condition to ensure this is achieved:

The air source heat pumps to be installed at the dwelling shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

Noise/Odour - Ventilation and Extraction

8. There is no detail of any proposed ventilation or extraction required for the new kitchen preparation. There is the potential for disturbance from noise and odours if plant and equipment is not designed and installed properly and therefore the following condition is recommended.

Prior to the first use of the development hereby approved, full details of all equipment to be installed for heating and ventilation of the building the extraction and control of fumes and odours, including, where appropriate, details of how noise and vibration, will be attenuated together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The scheme shall also be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

2. DESCRIPTION OF THE SITE:

The site is located at the Dunmow Cricket Club, St Edmunds Lane, Great Dunmow. As stated within the design and access statement the Cricket Club occupies an area of land to the Eastern Edge of Dunmow, Essex. It contains a low-profile single storey detached white weatherboarded pavilion surrounded by maintained green landscaping. The site has high visibility to the public realm on riverside road; however, it is well screened by high hedging on St Edmunds Lane.

3. PROPOSAL

3.1 Full planning permission is sought for the proposed demolition of existing building and erection of new cricket pavilion.

3.2 The building proposed will be one and a half storeys, with the first floor for use as a functional space with dormer windows. The building will be 375 sqm of floor space and will be used for the Dunmow Cricket Club and Community use including a:

- Clubroom
- Kitchen, Canteen & bar to serve clubroom
- Home & away changing including WC & shower facility
- Ladies changing including WC & shower facility
- Officials changing including WC & shower facility
- Disabled changing including WC & wet room facility
- General internal storage
- Storage for sports equipment externally
- Function & Clubroom WC's
- First floor function room
- First floor bar to serve function room
- Accessible WC and lift

3.3 The site is accessed from St Edmunds Lane and will be retained for both pedestrian and vehicular access.

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 To support the application, the applicant has provided the following documents.

- **Transport Statement**

- **Ecological Survey**
- **Design and Access Statement**
- **Biodiversity Checklist**

6. RELEVANT SITE HISTORY

- DUN/0045/52 - Additions to the pavilion – APPROVE WITH CONDITIONS
- DUN/0425/66 - Addition of verandah – UNCONDITIONAL APPROVAL
- DUN/0376/69 - Erection of 13ft chain link fence – APPROVE WITH CONDITIONS
- DUN/0463/71 - Addition of ladies & gents cloakroom bar store etc. – REFUSE
- UTT/0895/76 - Change of use of land for part private recreational part private garden or paddock – REFUSE
- UTT/1067/90 - Erection of a new pavilion to replace existing – APPROVE WITH CONDITIONS
- UTT/1042/95/FUL - Renewal for the erection of a new pavilion to replace existing (approved under UTT/1067/90) – APPROVE WITH CONDITIONS
- UTT/1917/08/FUL - Erection of 3 bay cricket net – APPROVE WITH CONDITIONS

7. CONSULTATION RESPONSES

7.1 HIGHWAYS

“From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1”

7.2 Essex County Council Place Services Ecology Service

“No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Biodiversity Checklist (CANNON Architectural Design Ltd., November 2021) and Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are 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.”

7.3 Environmental Health

“This service has no objection to this proposal in principle but notes from comments in the accompanying planning statement that one of the reasons for this proposal is that “the size of the kitchen is unable to cope with the expanding membership and growing use of the pavilion for events” There is therefore the potential for noise disturbance to local residents subject to conditions.”

7.4 Call in From Cllr R Jones

- Overdevelopment of the site
- Lack of information regarding parking provisions

8. REPRESENTATIONS

33 Neighbour Representations have been received,

Two objections were received by the neighbouring occupiers and an agent acting on their behalf. The objections are summarised below:

- Lack of public consultation prior to application submission
- No existing vehicular access of formal parking arrangements
- Concerns regarding loss of privacy for neighbouring dwellings
- Concerns regarding additional overlooking of neighbouring dwellings
- Loss of Light
- Overshadowing
- Overbearing

31 comments written in support were received by neighbours, users of the cricket club and nearby businesses. The comments are summarised below:

- Improves the community hub
- The proposed development will provide sustainable facilities for community use
- There are currently insufficient facilities for sporting use for the current location
- The current building requires renovation

9. POLICIES

9.1 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.

9.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

9.3 National Policies

National Planning Policy Framework (2021)

9.4 Uttlesford Local Plan (2005)

- Policy S7 – Other Development Limits
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy GEN7 – Biodiversity
- Policy LC3 – Community Facilities
- Policy LC4 - Provision of Outdoor Sport and Recreational Facilities Beyond Development limits
- Policy ENV3 – Open Spaces & Trees
- Policy ENV10 – Noise Sensitive Development
- GEN1 – Access
- GEN8 – Vehicle Parking Provision

10 CONSIDERATION AND ASSESSMENT:

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

- A The principle of the development (ULP Policy S7, LC3, LC4, H8 and the NPPF)**
- B Design, Character and Appearance (ULP Policy S7, GEN2 and NPPF)**
- C Access and Parking Arrangements (GEN1, GEN8, NPPF)**
- D Neighbouring Amenity (ULP Polices GEN2 and GEN4)**
- E Biodiversity (GEN7, NPPF)**
- F Impact on Open Spaces and Trees (ENV3 NPPF)**

G Previously Developed Land (NPPF)

A The principle of the development (ULP Policy S7, LC3, LC4, H8 and the NPPF)

10.2 The Local Plan identifies the site to be outside of the Great Dunmow settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development's design and scale conform and respects the immediate character and setting.

10.3 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. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is considered that the development would meet the requirements of Policy S7 of the Local Plan as the community benefit would outweigh the potential harm of the additional built form within the countryside. Therefore, sufficient justification is given to the increase in size, scale and height proposed. This is due to the additional facilities to improve public health and recreational opportunities within the settlement.

10.4 The NPPF has a presumption in favour of sustainable development combining as it does the three strands (or roles) to sustainable development, namely the economic strand, the social strand, and the environmental strand. The NPPF advises that these roles should not be undertaken in isolation as they are mutually dependent where it goes onto say that "Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

10.5 Additionally, the paragraph 93 (b) should "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community" whilst paragraph 84 (d) relating to the rural economy advises that the development plan process should promote "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".

10.6 Paragraph 84 of the NPPF, in supporting a prosperous rural economy, allows for sustainable rural tourism and leisure developments, which respect the character of the countryside. The

Great Dunmow Neighbourhood Plan Policy SOS1 lists the cricket club pitch as a community sporting asset, therefore it is considered improving the use of the cricket club and incorporating greater facilities to increase its useability is a positive contribution to the surrounding settlement.

10.7 Policy LC3 applies which states Community facilities will be permitted on a site outside settlements if all the following criteria are met:

- a) The need for the facility can be demonstrated.
- b) The need cannot be met on a site within the boundaries;
- c) The site is well related to a settlement.

10.8 It is considered there is a proven need for the cricket ground as sporting facilities serving the settlement are limited. It is also noted the expansion of the cricket club will benefit a wider range of the community through the multiple uses the proposed development offers.

10.9 The existing village pavilion building as outlined within the design and access statement, was constructed as a temporary pavilion prefabricated pavilion. Therefore, the replacement of the pavilion is necessary as the current life of the temporary structure has been exceeded. It is also considered as the community expands, the need to improve and increase the facilities is greater. It is considered using evidence provided and the assessment made during the application process there is a strong, proven, and justified community need for a replacement pavilion at the site.

10.10 As such, the proposal would be fully compliant with the provisions of the NPPF (2021) and also the above policies described above. The existing use of the site and regular use by nearby schools (as described within a consultee comment) where this is presently the case would mean that there would be a presumption in favour of sustainable development under the NPPF where it would be difficult to sustain a policy objection under ULP Policy S7 as the proposed development would not cause significant harm to the countryside at this "interface" location.

B Design, Character and Appearance (ULP Policy S7, GEN2 and NPPF)

10.11 ULP Policy GEN2 has a dual role to promote good design in new developments and at the same time through this role to protect residential amenity. The pavilion is located within the north-eastern corner of the site and has little if any architectural merit, this commensurate with its functional use promotes its removal is therefore not resisted given that it would be replaced with a higher standard pavilion.

- 10.12** The significant level of vegetation and hedging surrounding the site boundaries will assist in screening the new building into the local landscape (ULP Policy S7). The design and appearance of the proposed pavilion is considered suitable and proportional for its intended use.
- 10.13** The front elevation of the replacement pavilion as proposed would have a modern appearance with a balanced pitched gable front. The 1 ½ storey building will also have two proportionate symmetrical box dormers with a high level of glazing. It is considered the dwelling although increasing upon the built form of the site, the position, siting, and retention of the grounds will reduce the harm to the countryside setting. It is considered that the pavilion building would represent a design improvement for the site. The accompanying Design & Access Statement indicates that the building would provide an internal environment which would meet the reasonable needs of all potential users as well as meeting sustainable build objectives. As such the proposal would comply with ULP Policy GEN2 in terms of design.
- 10.14** The replacement pavilion will occupy the position of the existing pavilion, reducing the level of meaningful amenity impact on residential properties where the nearest building to the site is 1 Riverside Way located along the western boundary of the application site, whilst any potential increased vehicle movements at the site as a result of the more multipurpose nature of the replacement pavilion would not have any discernible noise or disturbance impact on the occupiers of the nearest residential properties located west of the site. As such, the proposal would not be contrary to ULP Policies GEN2 and GEN4 in this respect. It is therefore considered that the proposed development accords with the above policies in so much as they relate to character and design.

C Access and Parking Arrangements (GEN1, GEN8, NPPF)

- 10.15** The pavilion will utilise the established access into the site from St Edmunds Lane, thereby negating the need for any new vehicular openings onto the highway at this location, the access consists of existing timber gates for both pedestrian and vehicular access.
- 10.16** Essex County Council Highways have been consulted on the application given the community nature of the proposed development and the potentially intensified nature of the existing access point. The comments state the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County

Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 10.17** The proposed replacement pavilion does not result in any material changes to the access or existing parking provision. The local objections which have been raised concerning the lack of on-site parking allocation are noted. However, it is difficult for the Council to sustain an objection under ULP Policy GEN8 in the absence of any parking objections received from Essex County Council Highways. It is also noted vehicular parking is provided via the car park located towards the southwest corner of the Cricket Ground, off Braintree Road. The car park is able to accommodate 20 vehicles which has as noted within the transport statement historically served the cricket club well. The proposal also includes 6 cycle parking spaces, at the pedestrian access along St Edmunds Lane increasing the sustainability of the site. In addition, the site is well served by public transport, bus routes to Stansted Airport and Braintree at regular intervals.

D Neighbouring Amenity (GEN2, GEN4, NPPF)

- 10.18** The siting of the proposed development would prevent any effects on the amenity of neighbouring residents from a loss of privacy or daylight, or from overbearing impacts. Furthermore, the use of the site would be unaltered, such that no significant nuisance is considered likely. In terms of noise and disturbance, the Councils Environmental Health Officer has been consulted and provided the following comments:

- 10.19** “This service has no objection to this proposal in principle but notes from comments in the accompanying planning statement that one of the reasons for this proposal is that “the size of the kitchen is unable to cope with the expanding membership and growing use of the pavilion for events” There is therefore the potential for noise disturbance to local residents.” Therefore, conditions are required to reduce the impact to neighbouring occupiers. The proposed pavilion will be some distance from the properties to the west of the site and therefore the development will not have any material harmful impact that will have a significant impact to the amenity of neighbouring residential properties. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

E Biodiversity (GEN7, NPPF)

- 10.20** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species,

measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 10.21** Essex County Council Ecology were consulted and commented that they had no objection, subject to securing biodiversity mitigation and enhancement measures. Ecology commented “The mitigation measures identified in the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly mobile mammal species and Common Toad.
- 10.22** As bats are likely to continue to forage on site post-development, we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries”.
- 10.23** Ecology also recommended the provision of “reasonable biodiversity enhancements including the installation of two bird nesting boxes, two solitary beehives and a Hedgehog nesting box, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.” The following of the conditions outlined will improve compliance with the Neighbourhood Plan policy SOS1 which states sports facilities which consist of fields should be designed and maintained to support benefits to biodiversity and wildlife corridors.

F Impact on open spaces and trees (ULP Policy ENV3)

- 10.24** The proposed development will be located adjacent to a Willow tree which is subject to a tree preservation order. The proposal will not impact upon any existing trees or hedging on the site. Therefore, the proposal will have a limited impact on the visual amenity and designated trees on site and nearby. harm. The proposal would not therefore be contrary to ULP Policy ENV3 with regard to tree protection.

G Previously developed land (NPPF)

- 10.25** The NPPF encourages the reuse of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard

11 EQUALITIES

11.1 Equality Act 2010

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

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

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

12 CONCLUSION

12.1 The principle of the development is not in conflict with ULP Policy S7, LC3, LC4 and the NPPF.

12.2 The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The development accords with ULP Policy GEN2 and the NPPF.

12.3 The submitted layout plans shows that impacts on residential amenity are likely to be insignificant and therefore accords with ULP Policies GEN2 and GEN4.

12.4 The proposal accords with ULP Policy ENV3, GEN7

12.5 The proposal accords with ULP Policy ENV10

12.6 The proposal accords with ULP Policy GEN1, GEN8