



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 13th April, 2022

**Time:** 12.00 pm

**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

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**AGENDA  
PART 1**

**Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**  
To receive any apologies for absence and declarations of interest.
  - 2 Minutes of the Previous Meeting** 5 - 16  
To consider the minutes of the previous meeting.
  - 3 Speed and Quality Report** 17 - 31  
To note the Speed and Quality report.
  - 4 UTT/21/3108/FUL - Land to the North-West of Bishop`s  
Stortford, Farnham Road, FARNHAM** 32 - 92  
To consider application UTT/21/3108/FUL.
  - 5 UTT/21/3095/FUL - Falaise and Mountjoy, The Street,  
TAKELEY** 93 - 120  
To consider application UTT/21/3095/FUL.
  - 6 UTT/21/3204/FUL - Tandans, Great Canfield Road, GREAT  
CANFIELD** 121 - 140  
To consider application UTT/21/3204/FUL.
  - 7 UTT/21/2719/FUL - Land North of Braintree Road, GREAT  
DUNMOW** 141 - 181  
To consider application UTT/2719/FUL.
- The following items will not be considered until after 3.00 pm**
- 8 UTT/21/3182/FUL - Land to the East of Station Road, LITTLE  
DUNMOW** 182 - 220  
To consider application UTT/21/3182/FUL.

- 9 UTT/21/2649/FUL - Land to the Rear of Malt Place, Cornells Lane, WIDDINGTON 221 - 253**

To consider application UTT/21/2649/FUL.

- 10 UTT/22/0086/FUL - Three Elms Cottages, Langley Lower Green, LANGLEY 254 - 272**

To consider application UTT/22/0086/FUL.

- 11 Late List 273 - 276**

This document contains late submissions, updates or addendums to existing agenda items which are received up to and including the end of business on the Friday before Planning Committee. The late list is circulated after 12.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 16 MARCH 2022 AND THURSDAY, 17 MARCH 2022 at 10.00 am**

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

Officers in attendance: W Allwood (Principal Planning Officer), H Ashun (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), A Emanuel (Planning Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), M Kitts (Conservation Officer, Place Services, Essex CC), S Marshall (Planning Enforcement Team Leader), M Shoesmith (Development Management Team Leader), E Smith (Solicitor) and C Tyler (Senior Planning Officer).

Public Speakers: L Buhagiar, C Bunten, C Cant, C Day, Councillor A Dean, A Edwards, Councillor J Evans, R Freeman, G Gardner, Councillor N Gregory, A Haddad, D Hall, Councillor N Hargreaves, C Houston, K Hutchinson, J Kingdom, A Knowles, C Loon, F Palmer, C Peacock, R Porch, J Redfern, J Reid, Councillor G Sell, C Southcott, O Spencer, P Whalley, S Wighton and C Wragg.

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

Apologies for absence were received from:

- Councillor Fairhurst; Councillor Light substituted.
- Councillor Loughlin; Councillor Caton substituted.
- Councillor LeCount.

Non-pecuniary declarations of interest were made by:

- Councillor Lemon as Ward Councillor for Hatfield Heath and Member of Hatfield PC (Items 8 – 10).
- Councillor Emanuel as Ward Councillor for Newport (Item 17)
- Councillor Bagnall as Ward Councillor for Takeley (Item 14).
- Councillor Sutton as Ward Councillor for Takeley. (Item 14).
- Councillor Pavitt as Ward Councillor for Littlebury, Chesterford and Wenden Lofts (Item 6).
- Councillor Reeve as Ward Councillor for Broad Oak and the Hallingburys (Item 11).
- The Chair as Ward Councillor for Felsted and Stebbing and Member of Stebbing PC (Item 7).

## PC104 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 16 February 2022 were approved.

**PC105 SPEED AND QUALITY**

The Development Manager presented the speed and quality statistics. He said that there would be a deep dive into the figures at the next meeting as the agenda for this meeting was substantial.

The report was noted.

**PC106 CHANGES TO THE CONSIDERATION OF MAJOR PLANNING APPLICATIONS AND CONSULTATIONS ON MAJOR APPLICATIONS SUBMITTED DIRECTLY TO THE PLANNING INSPECTORATE**

The Development Manager outlined the changes as detailed in the report. He highlighted that there was to be an addition to the Municipal Calendar to include Reserve Planning Committee days midway between scheduled Planning Committees.

Councillor Light questioned the value and impact of becoming consultees; she asked for a review to take place after six months.

The Development Manager stated that the role of the Committee would be critical as being the only way in which the Council could have any input into the process and would run in parallel with the Planning Inspectorate.

The Committee noted the additions to the Municipal Calendar.

**PC107 ADOPTED ENFORCEMENT POLICY**

The Planning Enforcement Team Leader presented her report relating to the adopted Enforcement Policy which was being brought to the attention of the Committee.

There were some discussions around the S188 register, target resolution times, the resolution time of notices, local performance indicators and milestones.

The Committee noted:

- The adopted Planning Enforcement Policy and the fact that it sits within a Corporate Enforcement Strategy.
- The planning enforcement training for Councillors that had taken place on 3 March 2022.
- There was training programmed for officers on 29 March 2022.
- There was a topic-based Parish Forum session due to take place on 29 March 2022.

*The meeting adjourned from 10.20 am to 10.35 am whilst some technical issues were addressed.*

PC108 **UTT/20/2724/OP - LAND EAST OF LONDON ROAD, LITTLE CHESTERFORD**

The Senior Planning Officer presented an outline application for the erection of up to 124 dwellings with all matters reserved except for access.

The application was recommended for approval subject to conditions.

Members discussed:

- Flooding concerns, including raw sewage problems.
- Lost landscape.
- Footpath issues; narrow paths with a pinch point at Church Street.
- Access concerns.
- Clarification of the site boundary of the developable area; no evidence of an indicative site plan.
- Sustainability.
- Conservation; nature corridors.
- Car dependant site.
- The possibility of a bridge being unrealistic.
- Highways issues; concerns at the letter from Highways Essex not being on the public portal but only on the internal system.
- Potentially dangerous junctions; consideration of a roundabout being built instead.
- High density potential crowding of the development, particularly when compared with the development across the road.
- Biodiversity.
- Lack of an adequate 5-year land supply.
- Apparent lack of consideration of the harms within the tilted balance.
- Consideration that this was a “whitewash”.
- Schooling implications.
- The possibility of a Grampian style condition to be included for the sewage works; the Development Manager advised that this would be an unreasonable condition and the Solicitor advised that this should not be included.

Councillor Emanuel proposed deferring the item as there was no indicative site plan, the Highways Essex letter had not been shared, Essex CC were not seeking secondary education contributions, and because of flood risk.

The Development Manager responded that he was concerned that there would be an appeal if this application was not approved. He said that an indicative plan did not have to be supplied at this point and that the Highways letter could have been requested. He said that a secondary education contribution had not been requested but would have been if there was a need, and that the flood risk had been addressed by the statutory consultees who had said there was no risk. He emphasised that the Environment Agency had been consulted as well as Essex County Council.

Councillor Pavitt seconded the proposal to defer. This proposal was lost.

Councillor Bagnall proposed refusal of the application on the grounds of S7, Tilted balance, ENV 1, 2 and 8 and Highways GEN 1.

Councillor Pavitt seconded the proposal for refusal. This proposal was lost.

The Chair raised the possibility of archaeology matters being taken forward and also asked that the construction management condition detailed in conditions 14 and 25 identify a named Clerk of Works with contact details. Various other possible conditions were put forward but advised against by the Development Manager.

Councillor Light had previously indicated during the course of the discussion that with a very heavy heart she might be driven to approve this application. She had said that it was a sad day for democracy. She said that she had been driven to this position and proposed approval of the application with the additional information as requested in conditions 14 and 25 above. An additional condition was added by Councillor Emanuel that a density condition be imposed specifying that the development would not exceed 35 dwellings per hectare. Both the Development Manager and the Agent agreed that this would be acceptable.

Councillor Lemon seconded the motion.

At this point Councillor Pavitt stated that in light of the way that this application had come forward and was being pushed through on the basis that the tilted balance and 5-year land supply were the only things that mattered, he was resigning from the Committee and did not wish to vote on this item, and he would not waste his time.

Councillor Light said that she supported Councillor Pavitt's stance; and that he was right to resign, that it was a travesty and undemocratic, but that as a substitute she was not in a position to resign.

*Councillor Pavitt left the meeting at 12.41 pm.*

RESOLVED to approve the application with additional information required in conditions 14 and 25 and also the density condition as specified.

*Councillor N Gregory, C Day, P Whalley, F Palmer, Councillor J Redfern (on behalf of Little Chesterford PC) and Councillor D Hall (Great Chesterford PC) spoke against the application.*

*C Houston (Agent) spoke in support.*

*The meeting adjourned and then reconvened at 1.50 pm.*



PC109 **UTT/21/2082/FUL - LAND EAST OF BRICK KILN LANE & NORTH OF POUND GATE, STEBBING**

The Principal Planning Officer presented an application for the proposed erection of sixty dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.

The application was recommended for approval subject to conditions and Section 106 Agreement.

Members discussed:

- The significant weight that should be given to the conflict with the Stebbing Neighbourhood Plan, given that there had been a 95% response from the community.
- The fact that the proposal was outside Development Limits.
- Significant Highways issues and access arrangements.
- Water supplies and flood risk assessments.
- Lack of consultation with Clinical Commissioning Groups. The need to consider community needs on the edge of the district.

Councillor Reeve proposed that the application be refused on the grounds that it was contrary to Steb 9, S7, GEN 6 and NPPF Para 49.

Councillor Freeman seconded the proposal.

RESOLVED to refuse the application on the grounds as stated above.

*Councillor J Evans, C Cant, L Buhagiar, A Haddad and Councillor J Kingdom (Stebbing PC) spoke against the application.*

*C Wragg (Agent) spoke in support.*

PC110 **UTT/19/3164/LB - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed renovation of barns, including change of use to seven dwellings.

The application was recommended for the grant of listed building consent.

Members spoke in support of the barns restoration development.

Councillor Lemon proposed that the application be approved. Councillor Freeman seconded the proposal.

RESOLVED to grant listed building consent.

PC111 **UTT/19/3163/LB - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the 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.

The application was recommended for the grant of listed building consent.

Members discussed the need to ensure that the hall ceiling was not removed and also the possible reuse of the floor's flagstones.

The Conservation Officer said that the developer would be obliged to produce methodology and materials in the full schedule of works and that the conditions would assist.

*Councillor Freeman apologised and left the meeting at 3.45 pm.*

Councillor Lemon proposed that the application be approved. The Chair seconded the proposal.

RESOLVED to grant listed building consent.

PC112 **UTT/19/3173/FUL - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to eight dwellings. Demolition of existing stables to be replaced by three dwellings with cart lodges and associated landscaping.

The application was recommended for approval with conditions subject to S106 Legal Obligation.

Members discussed:

- The S106 Legal Obligation that was still being worked on.
- The values to be attached to the three new builds.
- The need to ensure that the heritage works were completed first prior to any new builds being sold.
- The need to ensure the 12% Planning Policy Guidance figure of Gross Development value was adhered to and kept under review.

Councillor Lemon proposed that the application be approved with conditions subject to S106 Legal Obligation, with the S106 to be brought back to the Committee. Councillor Emanuel seconded the proposal.

RESOLVED to approve the application with conditions subject to S106 Legal Obligation with the S106 to be brought back to the Committee.

*M Kitts (Place Services, Essex CC) contributed to the discussion.*

*S Wighton (Agent) spoke in support of the application.*

*The meeting was adjourned and reconvened at 4.50 pm.*

The Chair announced that following consultation with the Lead Officer, Agenda Item 14, UTT/21/1488/OP Land East of Parsonage Road, Takeley had been withdrawn in order that a site visit could take place.

PC113 **UTT/21/02755/OP - CANNONS YARD, BEDLARS GREEN, GREAT HALLINGBURY**

The Senior Planning Officer presented an outline application with all matters reserved for 14 dwellings (Class C3), parking, landscaping and all associated development.

The application was recommended for conditional approval subject to Section 106 legal obligation.

Members discussed:

- The provision of 42% affordable housing that equated to six dwellings.
- The fact that this was Brownfield land.
- Trees and hedges boundaries.
- Appropriate arrangements being in place prior to occupation.
- Information on the Construction Management Plan

Councillor Lemon proposed that conditional approval be given, subject to S106 Legal Obligation and that 1) Trees and hedges boundaries be retained and protected in line with the Parish Council's request, 2) Commitment to appropriate arrangements being in place prior to occupation and 3) The Construction Management Plan to include the name of a contact person/ clerk of the works and their details.

Councillor Reeve seconded the proposal.

RESOLVED to approve the application in line with the proposals above.

*O Spencer (Agent) spoke in support of the application.*

PC114 **UTT/20/1882/FUL - LAND AT SUNNYBROOK FARM, BRAINTREE ROAD, FELSTED**

The Principal Planning Officer presented an application for the construction of twenty-four dwellings and school related community car park served via a new access from Braintree Road complete with related infrastructure and landscaping.

The application was recommended for approval subject to conditions and Section 106 Agreement.

Members discussed:

- The compliancy with the Development Plan.
- The excellent collaboration between the Parish Council and the agent.
- The car parking arrangements, triple tandem parking.
- The possible extension of the school.
- New pedestrian access and the upgrading of footpaths.

The Chair acknowledged the significant contribution made to this application by Clive Theobald, Senior Planning Officer, who had recently left the authority.

Councillor Light proposed that the application be approved subject to conditions and a S106 Agreement.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application subject to conditions and a S106 Agreement.

The Principal Planning Officer had stated his thanks to Members as he was moving on; the Chair thanked him for his contribution to the Planning Committee

*Councillor R Freeman (Chair of Felsted PC Planning Committee) and C Loon (Agent) spoke in support of the application.*

*The meeting adjourned for the day at 5.50 pm and reconvened at 10.00 am on Thursday 17 March.*

In the absence of the Development Manager, the Development Management Team Leader took on the role of Lead Officer for the remainder of the meeting.

Additional apologies for absence were given by Councillors Freeman and Light.

Non-pecuniary declarations of interest were given by:

- Councillor Caton whose wife is Chair of Stansted Mountfitchet PC (Item 16)
- Councillor Emanuel as Ward Councillor for Newport but with no involvement in the case (Item 17).
- Councillor Reeve as the Portfolio Holder for the Economy, Investment and Corporate Strategy (Item 15)

Prior to the resumption of normal business, Councillor Bagnall raised an issue in respect of the Grampian pre-commencement condition that had been suggested in respect of Agenda item 6. The Council's Solicitor confirmed that the Town and Country Planning(Pre Commencement Conditions) Regulations 2018 coming into effect in October 2018 meant applicants now had to consent to pre-commencement conditions.

PC115 **UTT/21/2509/OP - LAND SOUTH OF (EAST OF GRIFFIN PLACE) RADWINTER ROAD, SEWARDS END**

The Principal Planning Officer presented an 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.

The application was recommended for refusal.

Members discussed:

- Capacity, accessibility, ecology, climate change and possible mitigation.
- The proposal being contrary to the NPPF 2021, the County Highway Authority's Development Management Policies and the adopted Uttlesford Local Plan 2005.
- Urban protrusion and the joining two settlements, outside the development limits of the Saffron Walden Neighbourhood Plan.
- The impact on local schools.
- The apparent lack of consistency from the Highways Authority.
- The possibility of deferral pending a site visit.

Councillor Lemon proposed that the application be refused on the grounds outlined in the reasons for refusal in Paragraph 1.1 of the report. Councillor Reeve seconded the proposal.

RESOLVED to refuse the application on the grounds detailed in Paragraph 1 of the report.

*K Hutchinson, Councillor A Knowles (Sewards End PC) and Councillor R Porch spoke against the application.*

PC116 **UTT/21/2488/OP - LAND EAST OF PARSONAGE ROAD, TAKELEY**

This item had been withdrawn the previous day.

PC117 **UTT/21/2846/FUL - GREEN ENERGY HUB, CHESTERFORD PARK, GREAT CHESTERFORD**

The Senior Planning Officer presented an application for the proposed 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.

The application was recommended for conditional approval.

Members discussed:

- The concerns expressed by Little Chesterford PC.
- The consistency with the Climate Change Plan in making the Research Park carbon neutral.
- The need to encourage the scheme as a pathfinder project.
- The possibility of reducing time limits from 3 years to one; officers advised against this.
- The need to strengthen conditions.

Councillor Caton proposed that the application be approved subject to:

- Condition 1.2.4 paragraph 2 replacing the word “may” with “will”
- Conditions 1.2.5 and 1.2.6 being tied into the responsibilities of the ecological clerk of works.
- Condition 1.2.13 to refer to traffic management signage and to include a named contact person and their details.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application subject to the condition changes as specified.

*A briefing note from the Agent was read out.*

#### PC118 **UTT/21/2376/FUL - LAND WEST OF HIGH LANE, STANSTED**

The Senior Planning Officer presented an application for the proposed 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.

The application was recommended for conditional approval.

Members discussed:

- The concerns that the two footpaths had not been delivered and that this was a retrospective application.
- The possibilities of upgrading landscaping and vegetation as well as provision of enhanced acoustic fencing.
- The possibility of compensating residents for lack of the facilities; officers stated that this would not be possible.
- The possibility of taking enforcement action; officers highlighted that any civil action would be a long process.
- The apparent lack of consultation with the Chelmsford Housing Partnership, the owner of the affordable dwellings.
- Crime concerns.

Councillor Bagnall proposed that the application be deferred to enable further discussions to take place between officers, the RSL and the Parish Council as to how to move forward. Councillor Sutton seconded the proposal.

RESOLVED to defer the application as proposed.

*Councillor A Dean and Councillor G Sell (on behalf of Stansted Mountfitchet PC) spoke against the application.*

*The meeting adjourned at 12.10 pm and reconvened at 1.00 pm, during which time Councillor Sutton had apologised and left the meeting.*

PC119 **UTT/21/2137/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON**

The Senior Planning Officer presented an application for the proposed erection of four detached dwellings and associated works.

The application was recommended for conditional approval.

Members discussed:

- Access (to include concerns about gradient), parking and transport.
- Concerns in respect of the advice provided by the Highways Agency.
- The protected lane status, with a score of 20 and safety concerns.
- Character, appearance, landscaping, views and heritage.
- Climate change and ecology.
- Sustainability.
- Engineering issues.
- NPPF inconsistencies.
- Permitted Development rights.
- The potential harms as identified by the public speakers against the application.
- The possible benefits of four new dwellings and the tilted balance argument

Councillor Reeve proposed deferral to seek further clarifications. There was no seconder.

Councillor Emanuel proposed that the application be refused on the following grounds: NPPF paragraphs 196,197,199, 202, 203 and 206, ENV 1, 2 & 9 and S7.

Councillor Bagnall seconded the proposal.

RESOLVED to refuse the application on the grounds listed.

*Councillor N Hargreaves, A Edwards, C Peacock, C Southcott and G Gardner (on behalf of Widdington PC) spoke against the application.*

*C Bunton and C Loon (Agent) spoke in support.*

*Two statements in support were read out from R Reed and D Waterman.*

*The meeting adjourned at 2.45 pm and re-convened at 2.55 pm. Councillor Reeve had apologised and left the meeting during the adjournment.*

PC120 **UTT/21/3410/FUL - DUNMOW CRICKET CLUB, ST EDMUNDS LANE, GREAT DUNMOW**

The Planning Officer presented an application for the proposed demolition of the existing building and erection a of new cricket pavilion.

The application was recommended for conditional approval.

Members commented very positively on the proposals as clearly benefiting the local community. The reasons for the location of parking and practice nets were clarified.

Councillor Emanuel proposed that the application be approved with the condition that there be a three-year commencement clause and that an ecological clerk of the works be appointed; this could be filled by a volunteer.

Councillor Lemon seconded the proposal.

RESOLVED to approve the application in line with the proposal.

*J Reid (Chairman of Dunmow CC) spoke in support of the application.*

*The meeting ended at 3.12 pm with the Chair thanking officers.*



**Committee:** Planning Committee  
**Date:** 13 April 2022  
**Title:** Speed & Quality of Planning Decision  
**Author:** Nigel Brown  
Development Manager

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## Purpose

1. Since January 2022 Planning Committee has been receiving details of the Speed & Quality of decisions around the Government's Four Key Indicators of Speed for Majors Planning Applications, Speed for Non-Majors Planning Applications, Quality of Majors Planning Applications and Quality of Non-Majors Planning Applications.
2. Following the Formal Designation Notice dated 8 February 2022 from the Minister of State for Housing (Department of Levelling Up, Housing & Communities) the Planning Committee on 16 February 2022 requested further details and explanation of the data behind the Council's Performance against the Government's Quality of Majors Target.
3. The purpose of this report is to explain further this data.

## Summary

### Criteria for Designation – Speed and Quality

4. Members will be now familiar with the living table that has been provided to the Committee on a monthly basis the latest is appended to this report as Appendix 1.
5. The Criteria for Designation are around Speed and Quality of decision. Both are measured over a two-year period.
6. The **Speed of Decision** criteria consists of a two-year rolling period. The periods being reported are the 2018-20 and 2019-21 periods. These periods are known as the assessment period. There are separate criterion for Major and Non-Major Planning Applications.
  - For Major Planning Applications the Statutory Period to determine a planning application is 13 weeks (or 16 if there is an Environmental Impact Assessment). The target is **60%** of all major applications determined either within the 13 weeks (or where an Extension of Time

(EOT)has been agreed or secured through a Planning Performance Agreement (PPA)).

- For Non-Major Planning Applications, the statutory period to determine a planning application is 8 weeks. The target is **70%** of all non-major determined either within the 8weeks (or where an Extension of Time (EOT)has been agreed or secured through a Planning Performance Agreement (PPA)).
7. To fall **under** these targets 60% (for majors), 70% (for non-majors) would lead any Local Planning Authority being open to designation.
  8. Members will note that on both measures across both two-year periods, the Council has exceeded this target with a further improvement in 2019-21. These figures are monitored and reported quarterly, they are embedded within the team's performance management culture. Whilst clearly not close to the criterion the Authority is still required to be vigilant.
  9. The **Quality of Decision** is a measure of allowed appeals as a percentage of all applications determined of that type. The period for the determined planning applications is a rolling two-year period. For the related appeal data, it is the same rolling period **plus nine months** to accommodate the period to determine any subsequent appeal. The time periods continue to be rolling.
  10. The designation period for both major planning applications and non-major planning applications is **10%**. To **exceed** this criterion on either would lead to any Local Planning Authority open to designation.
  11. On Non-major applications members will note that the Council has remained well clear of the 10% threshold. Again, whilst not close to the criterion the Council remains vigilant and the Council will be looking at its local target of 2.5%

On Major Applications the Council has exceeded this criteria. Members will note from Appendix 1 the current reporting available from DLUHC.

### **Appeal**

12. For the Committee's information. attached at Appendix 2 is the list of **Allowed Appeals** for the periods 2018-20 and 2019-21. Please note that as this is based on a rolling two-year periods some appeal decisions appear on both tables.
13. For information all the decisions are highlighted delegated and Committee refusals. By definition all refused application during this period were delegated

to officers and therefore all refusals by Planning Committee would be overturned recommendations for approval by officer. In reverse all the delegated refusals would have had no input from the Planning Committee.

14. The appeal information provided is deliberately confined to allowed appeals, as it is these appeals decisions that are front and centre to the Council's designation situation.
  
15. Committee are now aware that the Interim Director of Planning and Building Control has used her discretion and has requested that currently all major applications **regardless of recommendation** will now be reported to Planning Committee. This will allow the breaking of the dichotomy of delegated and Planning Committee decisions.

### **Appeal Trending**

16. Appended at Appendix 3 is a summary of the 2018-20 appeal decisions. A similar exercise will be carried out for the 2019-21 allowed appeals and will be reported to Planning Committee in May.

### Policy Challenges and 5YLS

17. Members will note, of the sixteen appeals the subject of this analysis 12 were allowed where the Inspector had engaged the tilted balance. Nine of these twelve were specifically around the matters refused on the basis of S7 (Countryside) or S8 (CPZ). In considering the CPZ Inspectors consistently considered Policy S8 on the same basis as S7 in terms of its partial compliance with the NPPF. With respect of the CPZ, Inspectors did not accept that the CPZ should be protected for its own sake and made judgements based upon the harm, and the functioning of the CPZ.
  
18. Three of the cases allowed, where the tilted balance was engaged, also balanced the less than substantial heritage harm against the public benefits. With respect of the site at Joyce Franklin Academy, Newport and the twin proposals at Parsonage Lane, Takelely, the Inspector concluded that the public benefit outweighed the less than substantial harm to heritage assets of the development.
  
19. The two cases at Little Walden Road & Thaxted Road, Saffron Walden were primarily refused, with regards the quantum and quality of the public open space. The Inspector had no concerns with the public open space proposed on either site. Both Inspectors did highlight the lack of local plan policy regarding public open space provision, in addition there was a lack of evidence of the demand/supply for public open space.

20. One case at The Commercial Centre, Ashdon Road, Saffron Walden was refused primarily due to the loss of commercial land and lack of robust marketing of the commercial land. The Inspector concluded here again, the policy vacuum in this area. The Council had no detail of the commercial land supply or any appropriate local plan policy
21. The policy situation during this period is very much the same as we are presently in. Uttlesford does not have an up-to-date Local Plan, its 2005 Local Plan is partially compliant with the NPPF. This policy vacuum cannot be overstressed, the Council is very much operating without appropriate policy. Both in terms of restricting development or shaping development to the standards we as a Council desire.
22. The combination of the policy vacuum and the inevitable lack of 5YLS does mean that the tilted balance is increasingly being engaged at appeal, and more than often it is in favour of the benefits of development.

#### Other Matters

23. Three of the appeals in Felsted, were timed adjacent to the emergence of the Felsted Neighbourhood Plan. The three application sites were not identified within the emerging FNP. The FNP had not reached the examination stage when the applications were considered. Committee were keen to offer advanced weight of an emerging Neighbourhood Plan, sadly the weight was low at the point when Committee considered the applications, and indeed when the Inspector allowed the appeal. This continues to be a difficult path on all emerging Neighbourhood Plans.
24. Two of the cases are the twin sites at Radwinter Road and Shire Hill, Saffron Walden. These sites are the non-residential elements of the former Manor Oak site, where Linden (now Vistry) are completing the residential development. This was solely on the terms of the S106 agreed by Committee. Due to the lack of progress on the completion of the S106, officers enacted the counter-recommendation to refuse. The Section 106 discussions at appeal become an academic discussion, and whatever the decision of the Inspector would have resulted in an allowed appeal with a Section 106 secured. In this case it was a reduced version of the Section 106 package with the Travel Plan element secured through a Unilateral Undertaking.
25. Finally returning to the two cases in Little Walden Road and Thaxted Road. Notwithstanding the policy vacuum on the point of the public open space, it is considered that both appeals could have possibly been avoided had the developer actively engaged at the pre-application stage, specifically with Saffron Walden Town Council regarding the final delivery of the open space.

With regards the site at Little Walden Road, a parallel scheme was agreed and approved by Planning Committee parallel to the appeal. Frustratingly, the developer is implementing that allowed at appeal.

26. That concludes the analysis of the allowed decisions related to the 2018-20 period.

### **Recommendation**

**It is recommended that the Committee notes this report for information.**

# Criteria For Designation – Speed and Quality

The government have published the latest performance figures for planning applications and updated the published figures for the period 01 April 2018 - 31 March 2020 (appeal decisions to end December 2020).

The updated figures now incorporate the data corrections provided by Uttlesford and the Quality of Major decisions (% overturned at appeal) - 16.5%. The live tables can be viewed at [Live tables on planning application statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/live-tables-on-planning-application-statistics) This does not alter Uttlesford's designation status.

## **Uttlesford's latest figures are as follows:**

### Speed of Decision Making (Jan 2020 - December 2021)

Majors - 86.4% (*threshold greater than 60%*)

Non-Majors - 85.1% (*threshold greater than 70%*)

### Quality of Decision Making July 2018-June 2020 (and appeals to March 2021)

Majors – 18.5% (*threshold less than 10%*)

Non-Majors – 2.7% (*threshold less than 10%*)

### Quality of Decision Making Oct 2018-Sept 2020 (and appeals to June 2021)

Majors – 16.5% (*threshold less than 10%*)

Non-Majors 2.7% (*threshold less than 10%*)

The next assessment period with regards designation, for Quality, covers the 1st April 2019 - 31 March 2021 (appeal decisions to the end December 2021) - the figure currently stands at 17.65%. However, the figures need to be clarified with the government department.

## Criteria For Designation – Speed and Quality

### Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Live Table
	October 2018 - September 2020	October 2019 to September 2021	January 2020- December 2021	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (86.4%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	P153

*UDC performance in red % greater than the threshold is good*

### Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Latest figures Published by DLUHC	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	July 2018 - June 2020 (appeal decisions to end March 2021)	October 2018 - September 2020 (appeal decisions to end June 2021)	
Quality of major Development	10% (16.5%)	10% (17.65%)	10% (18.5%)	10% (16.5%)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	P154

*UDC performance in red - maximum threshold is 10%*

**To consider Appeal Decisions 01 April 2018 - 31 March 2020**

Reference no.	Recommendation drafted by Officers	Level of Decision	Committee & Officer in agreement	Decision	Appeal Decision
UTT/18/0440/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/17/3573/OP		Delegated	n/a because it was delegated	Deemed Refusal because UDC did not make a decision. Applicant appealed.	Allowed
UTT/17/3413/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/19/0022/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/19/0394/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/19/0393/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/18/0739/FUL	Approve	Committee	NO	Refused	Allowed
UTT/17/3426/OP	Approve	Committee	NO	Refused	Allowed
UTT/18/0460/FUL	Approve	Committee	NO	Refused	Allowed
UTT/18/0784/OP	Approve	Committee	NO	Refused	Allowed
UTT/18/1011/OP	Approve	Committee	NO	Refused	Allowed
UTT/17/3429/OP	Approve	Committee	NO	Refused	Allowed
UTT/18/2959/DFO	Approve	Committee	NO	Refused	Allowed
UTT/19/2355/DFO	Approve	Committee	NO	Refused	Allowed
UTT/19/0437/OP	Approve	Committee	NO	Refused	Allowed
UTT/18/3529/OP	Approve	Committee	NO	Refused	Allowed

*Of the Allowed appeals - 37.5% were officer delegated refusals and 62.5% were Member overturns of a recommendation for approval at planning committee.*

*N.B. Major applications that are to be recommended for refusal do not go to planning committee unless specifically called in by a Cllr. That is why planning committee only normally see major planning applications recommended for approval.*



### Appeal Decisions 01 April 2019 - 31 March 2021

Reference no.	Recommendation drafted by Officers	Level of Decision	Committee & officer in agreement	Decision	Appeal Decision
UTT/18/0460/FUL	Approve	Committee	NO	Refused	Allowed
UTT/17/3573/OP		Delegated	n/a because it was delegated	Deemed Refusal because UDC did not make a decision. Applicant appealed	Allowed
UTT/18/2959/DFO	Approve	Committee	NO	Refused	Allowed
UTT/19/2355/DFO	Approve	Committee	NO	Refused	Allowed
UTT/20/0864/FUL	Approve	Committee	NO	Refused	Allowed
UTT/19/2354/OP	Approve	Committee	NO	Refused	Allowed
UTT/20/0614/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/19/0437/OP	Approve	Committee	NO	Refused	Allowed
UTT/19/2470/OP		Delegated	n/a because it was delegated	Deemed Refusal because UDC did not make a decision. Applicant appealed	Allowed
UTT/19/0022/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/18/3529/OP	Approve	Committee decided not to make a decision	NO	Deemed Refusal because UDC did not make a decision. Applicant appealed.	Allowed
UTT/19/0394/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/19/0393/OP	Refuse	Delegated	n/a because it was delegated	Refused	Allowed
UTT/20/0604/OP	Approve	Committee	NO	Refused	Allowed

*Of the Allowed appeals - 43% were officer delegated refusals and 57% were Member overturns of a recommendation for approval at planning committee.*

*N.B. Major applications that are to be recommended for refusal do not go to planning committee unless specifically called in by a Cllr. That is why planning committee only normally see major planning applications recommended for approval.*

**Analysis of Allowed Appeals 2018-20**

Reference no.	Address	Application	Level of Decision	Basis of Refusal	Inspector's Theme in Allowing Appeal
UTT/18/0440/OP	Land at Pound Hill, LITTLE DUNMOW	18 Dwellings	Delegated	Rejected on basis of overdevelopment GEN2	Urbanised/Ribbon development effect accepted by Inspector however harm outweighed by benefits (tilted balance)
UTT/17/3573/OP	Land to North West of Henham Road, ELSENHAM	350 Houses	Delegated <sup>1</sup>	Appeal Against Non Determination. Putative Reasons, S7 (Countryside), ENV13 (Air Quality) and GEN6/H9 (S106)	Highways and Air Quality addressed up to inquiry. S106 secured through the inquiry.  Accepted that proposal would conflict with S7, albeit limited harm. Outweighed by benefits (tilted balance)
UTT/17/3413/OP	Commercial Centre, Ashdon Road, SAFFRON WALDEN	55 dwellings & Mixed Use	Delegated	Residential development on commercial element of mixed site (UTT/13/2423/OP). reduced employment supply and lack of robustness of marketing of site.	Lack of policy/evidence of employment land supply/demand. Inspector content with marketing. Lack of 5YLS (tilted balance)
UTT/19/0022/OP	Land to North of Stewarts Way, MANUDEN	22 dwellings & children's nursery	Delegated	Rejected on basis of S7 (countryside harm), GEN1 (sustainable transport) Ecology Details (GEN7 & ENV8), GEN6/H9 (S106)	Accepted that there would be a moderate level of harm to the character of the area and would conflict with S7. The harm outweighed by the benefit (tilted balance)

					<p>Concluded that access to the alternative transport modes such as cycling and public transport, also good services within village. Therefore, no conflict with GEN1.</p> <p>Ecology Addressed through the appeal (Partial Costs awarded <b>against</b> Council)</p>
Page 27	Land east of Parsonage Lane, TAKELEY	66 Bed Care Home	Delegated	Rejected on basis of impact on CPZ (S8) and impact on Grade 1 Listed Church (ENV2)	<p>Concluded that the impact on the landscape (including CPZ) to be limited harm. Concluded that the proposal would not harm the open nature of the area around the airport or create any coalescence.</p> <p>Less than substantial harm to the setting of the church.</p> <p>Public benefit (ENV2) and tilted balance (S8). Benefits outweigh harm</p>
UTT/19/0394/OP	Land east of Parsonage Lane, TAKELEY	66 Bed Care Home	Delegated	Rejected on basis of impact on CPZ (S8) and impact on Grade 1 Listed Church (ENV2)	<p>Concluded that the impact on the landscape (including CPZ) to be limited harm. Concluded that the proposal would not harm the open nature of the area around the airport or create any coalescence.</p> <p>Less than substantial harm to the setting of the church.</p>
UTT/19/0393/OP	Land east of Parsonage Lane, TAKELEY	119 Dwellings	Delegated	Rejected on basis of impact on CPZ (S8) and impact on Grade 1 Listed Church (ENV2)	<p>Concluded that the impact on the landscape (including CPZ) to be limited harm. Concluded that the proposal would not harm the open nature of the area around the airport or create any coalescence.</p> <p>Less than substantial harm to the setting of the church.</p>

					Public benefit (ENV2) and tilted balance (S8). Benefits outweigh harm
UTT/18/0739/FUL	Joyce Franklin Academy, Cambridge Road, NEWPORT	24 Dwellings & Sports Facilities	Committee	Rejected on S7 (countryside harm) and impact on Conservation Area (ENV1). Loss of Playing Field Provision (LC1 & LC4), GEN6/H9 (S106)	Considered less than substantial harm to the countryside. Majority of site outside of Conservation. S106 reduced affordable housing product, accepted by Inspector that reduced affordable housing justified by investment into school. Proposal included provision of additional school sports provision so loss of playing field fell away. Public benefits outweighed harm (tilted balance)
Page 28					
UTT/17/3426/OP	Land South of Radwinter Road, SAFFRON WALDEN	Extra care Facility	Committee <sup>2</sup>	Two twin sites the subject of a joined appeal. Both related to an overarching outline permission UTT/13/3467/OP, Residential covered by reserved matters and built out. Resubmitted outlines. Both approved at Planning Committee subject to S106 covering matters not covered by residential. No progress on S106s therefore refused	Academic discussion at appeal over nature of S106 requirements. Matter allowed subject to Unilateral Undertakings covering travel plans
UTT/17/3429/OP	Land to the East of Shire Hill, SAFFRON WALDEN	Business Use (B1)	Committee <sup>2</sup>	ditto	Academic discussion at appeal over nature of S106 requirements. Matter allowed subject to Unilateral Undertakings covering travel plans

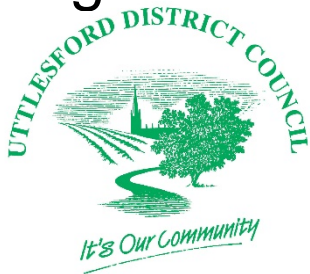
UTT/18/0460/FUL	Stansted Airport	-	Committee		Allowed
UTT/18/0784/OP	Land East & North of Clifford Smith Drive, watch House Green, FELSTED	30 dwellings	Committee	Rejected on S7 (Countryside Harm) Felsted Neighbourhood Plan very much at early stage, Committee gave it high weight.	Concluded harm to the countryside, benefits outweighed harm (Tilted balance)  Limited Weight to the then emerging Felsted Neighbourhood Plan (the Reg 14 pre-examination)
UTT/18/1011/OP	Land West of Maranello, Watch House Green, FELSTED	28 dwellings	Committee	Rejected on S7 (Countryside Harm) Felsted Neighbourhood Plan very much at early stage, Committee gave it high weight.	Concluded harm to the countryside, benefits outweighed harm (Tilted balance)  Limited Weight afforded to the then emerging Felsted Neighbourhood Plan (the Reg 14 pre-examination)
UTT/18/2959/DFO	Land east of Little Walden Road, SAFFRON WALDEN	Reserved matters 85 Dwellings	Committee	Rejected due the quantum of public open space and its quality compared to that indicated on the allowed outline proposal. Resulting in conflict with polices S7 (countryside), GEN2, GEN 7, EN3 & ENV8  Also Space Standard Refusal & Lack of Broadband and Energy Efficiency Measures	Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern regarding quality of open space and its location.  Lack of Local Plan adopting the space standards/  Partial award of costs awarded <b>against</b> the Council as energy measures (specifically charging points) could have been secured through condition

UTT/19/2355/DFO	Land east of Thaxted Road, SAFFRON WALDEN	Reserved Matters 150 Dwellings	Committee	Rejected in terms of lack of sufficient or adequate greenspace and concerns over location of play area (GEN2)	Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern regarding quality of open space and its location.  Cited the importance of housing deliver and lack of 5YLS
UTT/19/0437/OP	Land South of Rush Lane, ELSENHAM	Up to 40 Dwellings	Committee	Rejected on S6 (harm to the CPZ)	Inspector concluded that the site was adjacent to Elsenham Village Centre and its facilities, was doubtful as to whether the site was open countryside. Limited harm to the edge of village setting outweighed by benefits of development (tilted balance).
UTT/18/3529/OP	Land South of Braintree Road, FELSTED	30 Dwellings	Committee <sup>1</sup>	Revised scheme of reduced number, 30. Committee deferred decision to allow Felsted NP to progress. Applicant appealed against non-determination. Report to Planning Committee, to seek guidance for defence of appeal. Recommended that appeal not be defended. Committee resolved to defend the appeal based on landscape harm and being contrary to emerging Felsted NP (then at Regulation 16).	In allowing the appeal the Inspector identified harm to countryside (albeit reduced for the previous scheme) however due to a lack of 5YLS engaged the tilted the balance. He gave low weight to the still emerging Felsted NP but anyhow noted that the Council couldn't demonstrate a 3YLS.

<sup>1</sup>Appeal Against Non determination

<sup>2</sup>Refusal following failure to complete Section 106

# Agenda Item 4



**ITEM NUMBER:** 4

**PLANNING COMMITTEE DATE:** 13<sup>th</sup> April 2022

**REFERENCE NUMBER:** UTT/21/3108/FUL

**LOCATION:** LAND NORTH WEST OF BISHOPS STORTFORD,  
FARNHAM ROAD, FARNHAM



**SITE LOCATION PLAN:**



© Crown copyright and database rights 2022 ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformer, fencing and landscaping works

**APPLICANT:** Endurance Energy Wickham Hall Limited

**AGENT:** DLP Planning Ltd

**EXPIRY DATE:** 1<sup>st</sup> March 2022

**EOT Expiry Date** EOT agreed 19<sup>th</sup> April 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Within Green Belt,  
Adjacent Listed Buildings,  
Adjacent Ancient & Important Woodlands,  
Adjacent Country Wildlife Sites,  
Public Rights of Way,  
Part Archaeological Site.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application.

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**1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant (Endurance Energy Wickham Hall Limited) for the erection of a solar photovoltaic farm alongside associated works at the site known as 'land to the north west of Bishops Stortford, Farnham Road, Farnham, Essex'.
- 1.2** This is a cross boundary application with East Herts District Council. The whole of the site amounts to an area of 114 hectares in which 35.77 hectares falls within the jurisdiction of Uttlesford District Council and is designated as Metropolitan Green Belt as per the Adopted Local Plan (2005).
- 1.3** A detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 1.4** The proposal benefits because of the development for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas

emissions. In addition, the proposal would secure some limited ecological enhancement in terms of biodiversity enhancements. The above economic and environmental benefits can be given considerable weight in the overall planning balance.

- 1.5** In respect to harm, it is the view that the proposed solar farm and associated works would have an unacceptable impact on landscape character and on the visual appearance of the local area, thus resulting in significant harm to the openness and character of the Green Belt. Furthermore, a lack of information has been submitted to demonstrate that the application would not amount to significant harm in respect to highway safety, protected species, and their habitats, and archaeological.
- 1.6** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposals are contrary to policies S6, ENV4, GEN6, and GEN7 of the adopted Local Plan and the NPPF.

**2. RECOMMENDATION**

<b>REFUSE</b> for the reasons set out in section 17.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land to the North West of Bishops Stortford, Farnham Road, Farnham, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site falls within the jurisdictions of Uttlesford District Council and East Hertfordshire District Council Councils. This planning application relates to the area of the Site which falls within Uttlesford.
- 3.3** The site is situated to the north-west of the A120 Little Hadham bypass, imminently due for completion and north west of the Bishop's Stortford bypass.
- 3.4** The site is part of the Wickham Hall Estate comprising an area amounting to approximately 114.03 hectares in total. Of this 35.77 hectares lies within Uttlesford District Council as defined by drawing ref: D02.2 and is made up of a single large irregular shaped agricultural field which is used for a mix of crop production and pasture. The topography of the field that falls within the jurisdiction of Uttlesford is generally level with a slight slope that falls away from the centre of the site to the north east and north western corners.

- 3.5** The field contains a large agricultural building in its southwest corner which is excluded from the application site. This is access via a track forming the southern boundary of the application site and dividing it from further arable fields to the south. To the east of the site is Wickham Hall, which contains Wickham Hall Business Park (containing mixed retail / office / leisure units / café) and Wickham Farm. To the southeast of the site and east of the A120 is Stortford Fields development, which has planning permission to build 2,200 new houses, a primary school, a secondary school and local centre areas. To the north of this field the boundary is marked by a low hedge where it represents the boundary of the Wickham Hall Estate with further arable fields beyond. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 3.6** There are no designated heritage assets located within the field subject to this application site. There are several listed buildings being located within East Hertfordshire namely those within Wickham Hall itself. The field subject to this application site is more than 300m from the listed buildings within Wickham Hall.
- 3.7** In terms of local designations, the site lies approximately 70m north of Bloodhounds Wood and adjoins Bailey Hills Wood to the northeast. Both woodlands are defined as Ancient Woodland, Important Woodland and Country Wildlife Sites. There are no other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.
- 3.8** The overall Site has four public rights of ways (PRoWs) in the form of bridleways. The principal ones in Uttlesford run from Wickham Hall westwards to Bloodhounds Wood (14\_31) and then north (14\_20) to a point where it crosses the district boundary (and continues as far as the Upwick Road). This route effectively forms the southern and western boundary of that part of the site proposed for development within Uttlesford. A further public footpath (14\_14) runs parallel with Bailey Hills Wood to the northeast.
- 3.9** As defined by the Uttlesford District Council's adopted Local Plan 2005, the site subject to this application falls within the Green Belt and lies in part of an area of interest for archaeology.

#### **4. PROPOSAL**

- 4.1** This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.
- 4.2** It is estimated that the Proposed Development would generate up to 49.9 MW of renewable energy, which could provide approximately enough

energy to power over 15,200 homes and displace up to 23000 tonnes of CO2 per annum.

**4.3** The proposed development containing the whole of the development comprising over both Uttlesford and East Herts would include the construction and operation of the following equipment:

- 4.4**
- Arrays of solar PV panels;
  - 32 No. AC Boxes/Inverters, Transformers and Switchgear units
  - 1 No DNO Substation
  - 1 No. Communications unit
  - 1 No. Storage building
  - 10 No. Battery storage units
  - Enclosure of the solar arrays by deer-proof fencing
  - Secure compound fencing to the electrical infrastructure comprising 2.5m weldmesh fencing
  - CCTV cameras located to provide surveillance to the Site's boundaries, mounted on poles not to exceed 3m height
  - Wildflower meadow planting outside the security fence.
  - Legacy woodland planting, new hedgerows and screening, the creation of wildflower meadows for biodiversity gain distributed across the overall site.

**4.5** The majority of the fixed infrastructure associated with the solar development, including the DNO substation and the battery storage facilities, will be located in Uttlesford. Of the total of 32 No. AC Inverters, 14 No. are proposed to be located in Uttlesford.

**4.6** The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures. There will be a gap of approximately 5.5m between each row. At the lowest edge, the arrays would be approximately 1m above ground level, and up to 3m above ground level on the top edges and would be angled at 25 degrees, the optimum position for absorbing year-round solar irradiation.

**4.7** The solar panel modules are made from photovoltaics which are blue, grey or black in colour and constructed of anodized aluminium alloy. A galvanised steel frame mounting system will support the solar array. Indicative dimensions of the proposed panels and frame are shown on the PV detail provided within the submitted application drawings (DWG no. PL01).

**4.8** The proposed inverters will comprise containerised units or small cabin type structures and will be situated across the site. The proposed inverters will measure approximately 6.6m long, 2.4m wide and 3.5m high.

**4.9** The proposed compound area will be situated centre of the site of the site along its southern boundary (as shown in blue on the Proposed Site Layout) and will contain a 33K DNO substation and switch room together with the proposed battery storage units. The substation will measure

measuring 10m by 3.5m and 3.9m high. Further storage and communications buildings will be located adjacent to the substation.

**4.10** The proposals will also include perimeter fencing that will be installed at a height of approximately 2.5m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of 2.5m.

**4.11** Access to the proposed solar farm for construction vehicles and its ongoing operation will be via existing road which serves Wickham Hall. The access road would be modified to the south of the A120 underpass as shown in Drawing Number ref H5234-1PD-001 Rev A. This primary point of access is located within the District of East Herts Council.

**4.12** **Operation, Construction and Decommissioning**

**4.13** Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with virtually all of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.

**4.14** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.

**4.15** A temporary construction compound would be set up with the site development boundary during construction. The compound would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.

**4.16** Construction working hours would typically be 07:00 – 15:00 Monday to Friday and 0800 – 13:00 on Saturdays as confirmed in the Transport Assessment.

**4.17** It should be noted that the balance of the development is being considered by East Herts District Council Planning Department.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 23rd February 2021 by the applicant. A screening opinion was issued 18th October 2021. This confirmed that an Environmental Impact Assessment is not required to be submitted in support of the proposals.

**6. RELEVANT SITE HISTORY**

6.1 A search of Council's records indicates that there is no relevant recorded planning history for the site.

## 7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The applicant has undertaken a consultation exercise with the public and other stakeholders in their preparation of this application. This was conducted between March and October 2021. This included sending letters and consultation packs to neighbours, writing and holding meetings to relevant Parish Councils and pre-application engagement with both Uttlesford and East Herts District Council.

7.2 Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by consultees, the public and Parish Council, throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

## 8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### 8.1 **Highway Authority - Object**

8.1.1 From a highway and transportation perspective the impact of the proposal is NOT acceptable as the proposals will result in the intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted.

### 8.2 **Local Flood Authority – No Objection**

8.2.1 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 imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

### 8.3 **Environment Agency - No comments received**

### 8.4 **Historic England – No Objection**

8.4.1 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### 8.5 **Natural England – No Objection**

**8.5.1** We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

**8.5.2** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.

## **9. PARISH COUNCILS COMMENTS**

**9.1** Farnham Parish Council - The Parish Council objects to this application on the following grounds:

- 9.1.1**
- Impact on Wildlife – There is a wide variety of wildlife in Farnham and the area. The proposals will result in harm to wildlife and their habitats.
  - Loss of Agricultural Land – The proposals would result in the loss of high quality best and most versatile land.
  - Loss of Public Access – Public Rights of Way would be affected limiting public access which is important for enjoyment and health.
  - Heritage Assets – The proposals would result in harm upon the setting of surrounding heritage assets (listed buildings).
  - Green Belt – Part of the site is located in the Green Belt and the proposals would impact upon the openness and character of the Green Belt.
  - Minister Statements – The words of Minister statements should be taken into account in the decision making process.
  - Security – Intrusive CCTV feature on the solar farm
  - Environment – The Parish Council does not consider a solar farm environmentally friendly.
  - Mitigation – The Council does not consider the mitigating circumstance put forward by the applicant meets the concerns of local residents and councillors.

**9.1.2** Berden Parish Council - The Parish Council objects to this application on the following grounds:

- 9.1.3**
- Whilst this is beyond our parish boundary, we (together with neighbouring parishes in both East Herts and Uttlesford) are being inundated with proposals for solar farms which conveniently are sized just below the 50MW threshold for environmental impact reasons. However, these are all within the same local area and all



located around the Stocking Pelham National Grid substation (“Pelham substation”) which borders Berden parish.

- These solar farm proposals are further supplemented by battery storage proposals which provide a similar adverse impact on the open countryside and local rural views.
- There is a clear need to assess the cumulative impact of these previous and current proposals.
- Three solar and one further battery farms are proposed within a small radius of Pelham substation. There is also an emerging fourth solar farm.
- These three key solar farms should not be dealt with in a fragmented way with scant regard for overall master planning with boundaries merely following landowner’s ownership lines and not properly planned development boundaries with a need for proper structured screening, buffers and regard taken of views, visual impact, noise and fire control measures.
- It is an essential key issue in determining the suitability of any such development proposals to undertake a sequential test. This is needed firstly to question whether the use of agricultural land is necessary and whether other lower grade agricultural, suitable brownfield land or non-agricultural land is available within a reasonable search area.

## **10. CONSULTEE RESPONSES**

### **10.1 Essex CC Specialist Archaeological Advice - Object**

**10.1.1** The Historic Environment Advisor of Place Services, Essex County Council has reviewed the supporting documentation. Under the National Planning Policy Framework paragraph 194 it is recommended that an Archaeological Evaluation comprising Geophysical assessment, aerial photographic rectification and targeted trial trenches. The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.

### **10.2 Essex CC Minerals – No Comments**

**10.2.1** The Mineral Planning Authority has no comments to make in relation to this application.

### **10.3 Essex CC Police – No Objection**

### **10.4 Essex Wildlife Trust – No comments received**

### **10.5 Essex Place Services (Conservation and Heritage) - No Objection**

**10.5.1** It is understood that this is a cross boundary application and that the site intersects both East Herts and Uttlesford Council, with the listed buildings being located within East Hertfordshire. The Conservation Officer confirmed that they raise no objection to this application as there are no potential to heritage assets within Uttlesford District Council.

**10.6 Essex Place Services (Ecology) - Object**

**10.6.1** Holding objection due to insufficient ecological information on Priority species (farmland birds). We are not satisfied that there is sufficient ecological information available for determination of this application. Breeding Bird Surveys found 20 Skylark territories across the site including seven within the Uttlesford District boundary. Insufficient mitigation has been put in place for the loss of nesting habitat for ground-nesting birds such as Skylark. The open habitats that are provided as part of the proposals are not equivalent to what will be lost. Before we can lift our holding objection, an outline of the proposed Skylark mitigation, including compensation measures to be provided offsite in nearby agricultural land, must be submitted and agreed in principle with the LPA. This information is therefore required to provide the LPA with certainty of impacts on priority species and be able to secure appropriate mitigation by a condition of any consent.

**10.7 London Stansted Airport – No Objection**

**10.7.1** The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to a condition requiring that no development to take place until an aviation perspective Glint & Glare assessment is provided to the LPA in consultation with the aerodrome safeguarding authority for STN.

**10.8 NATS Safeguarding – No Objection**

**10.8.1** 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.

**10.9 UK Power Networks – No Objection**

**10.9.1** UK Power have enclosed a copy of their records which show the electrical lines and/or electrical plant and confirm that they hope that the Council find the information useful. They also enclosed a fact sheet which contains important information regarding the use of their plans and working around their equipment to be forward to the applicant. Safety around their equipment is a priority and thereby it is advisable that the applicant have completed all workplace risk assessments before they begin any works.

**10.10 National Grid – No Objection**

**10.10.1** In the response dated 4th January 2022, National Grid requested that further information be provided by the applicant in respect to 2d cad model is overlaid onto the proposed site plan to ensure maintenance could be achieved in a safe and appropriate manor to existing equipment. In their formal response dated 20th January 2022, National Grid issued a Holding Objection due to the failure of the applicant providing a response to their previous request. Following the holding objection, this information was provided by the applicant with the scheme reconsulted to National Grid for further comments. Although the LPA chased National Grid for their formal statutory response, no further comments have been received at the time of this assessment. It is therefore the presumption that National Grid have no further comments to make or no objection.

**10.11 ESP Utilities – No Objection**

**10.11.1** ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

**10.12 Gigaclear LTD – No Objection**

**10.12.1** Having examined our records, I can confirm that whilst Gigaclear Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the specific search area of your enquiry detailed in the reference/location provided.

**10.13 Cadent Gas – No Objection**

**10.13.1** We have received a notification from the Linesearch before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

**10.14 UDC Environmental Health Officer – No Objection**

**10.14.1** No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to noise, external lighting and construction.

**10.15 UDC Landscape Officer – No Comments Received.**

**11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following comments were received;

**11.2 Object**

### 11.2.1

- Precedence - it would ultimately lead to further developments on this land in the future as the land would become known as brownfield and therefore be able to be modified down the line.
- Biodiversity – The proposals by developing the sounding countryside next to ancient and important woodlands would impact upon the delicate ecosystem in the area, protected species and their habitats.
- The land provides a natural environment for a plethora of local wildlife, and should be protected at all cost.
- Arboriculture - The suggested landscape screening is minimal and if only immature trees / hedging plants are used, will take 10/15 years to become effective.
- Public footpaths – The proposals would remove the tranquil environmental of the utilisation of the public footpaths that cross the application site resulting harm to their aesthetic value. Public foot paths help mental wellbeing and health, and this will be ruined if one was to walk through a large solar farm.
- The proposed solar farm does not allow access for horse riders, yet there are numerous bridlepaths that many local riders use throughout the year on the proposed sight.
- Food Production – The loss of agricultural land would result in less food production for the population. The UK already import a significant amount of food from abroad.
- Loss of agricultural land – The proposals are contrary to policy ENV5. It would result in a significant amount of high quality land (best and versatile land) being loss. No justification has been provided by the applicant as to the consideration of other sites of lower quality agricultural land.
- Green Belt - 45%, being about 115 acres, of the application site is within the designated Green Belt and the remainder falls with the Rural Area beyond the Green Belt. The National Planning Policy Framework (NPPF) confirms: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The NPPF goes on to confirm: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- No very Special circumstances exist to outweigh harm on the Green Belt,
- Countryside – The proposals would harm the openness and character of the countryside. The proposals would amount to a large industrial development. The development is inappropriate development in the countryside.
- This development will destroy the countryside and the rural settings of Upwick Green, Hadham Hall and Farnham, and the market town feel of Bishops Stortford.

- Cumulative Impact – There have been substantial developments already in such a small area around Wickham Hall. This includes developments at Wickham Hall, two thousand five hundred new homes being built around Wickham Hall. The completion of the A120 bypass and pending development at Upwick Hall. Too much farm land around the proposed development has already been swallowed up and can never be put back to farm land.
- Size/Scale – The size of the development is simply too big. It is vastly out of proportion to any development in the area. This is not small scale as per policy ENV15.
- Heritage assets – The proposals would result in harm to the setting and significance of surrounding ancient monuments and listed buildings.
- Alternative use – Farmland should be used for farming and not for any other use.
- Safety – Lithium batteries are unsafe.
- Sustainability – Solar farms are not the best way to tackle climate change. Offshore wind farms is more efficient and cost effective. The Government does not support large industrial solar farms. The place for solar farms is on brownfield sites.
- Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high-quality land.
- Solar farms are hugely inefficient.
- Whilst green energy is important the use of inefficient large scale solar farms is not the best approach to achieve greener energy and the environmental cost to this particular area is too high.
- Amenity – The proposals would be visually intrusive.
- It will cause a huge disruption to the quality of life for all those living in the surrounding villages and towns noise pollution created by each of the 36,000 inverters along with the transformers will create a constant background electronic hum which will impact on the residents of Upwick and Hadham Hall.
- Temporary permission – Allowing this solar farm will not be temporary and will ruin the countryside forever.
- There is no guarantee that the land will return to agricultural use after the tenure of the Solar farm ceases
- Construction – Local lanes will not be able to accommodate the amount of construction vehicles required to build the proposals.
- The construction of the site will take months and cause major disruption to people living around the site in particular those people living at Stortford Fields.

#### **11.4 Comment**

**11.4.1** The concerns raised within the representations as highlighted above are addressed in the main assessment of this report.

#### **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

**12.3** Section 66(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.

## **12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

**13.1.2** The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the

Government's vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

### **13.2 Uttlesford District Plan 2005**

- 13.2.1** S6 – Green Belt  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
E4 – Farm diversification: Alternative Use to Farmland  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy

### **13.3 Supplementary Planning Document or Guidance**

**13.3.1** Supplementary Planning Documents of relevance to this application:

Energy Efficiency and Renewable Energy (October 2007)  
Essex County Council Adopted Parking Vehicle Standards (2009)  
Solar Farms (July 2021)  
Uttlesford Interim Climate Change Policy (February 2021)

### **14. CONSIDERATION AND ASSESSMENT:**

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

- 14.2** **A) Principle of Development (S7, ENV15 and the NPPF)**  
**B) Green Belt Impact (S6 and the NPPF)**  
**C) Heritage Assets (ENV2 and the NPPF)**  
**D) Archaeological (ENV4 and the NPPF)**  
**E) Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**

**F) Loss of Agricultural Land (ENV5 and the NPPF)**

**G) Transport, access and public rights of way (GEN1, GEN8, and the NPPF)**

**H) Trees, arboriculture & landscaping (GEN2, ENV3, ENV8 and the NPPF)**

**I) Nature Conservation & Biodiversity (GEN7 and the NPPF)**

**J) Flooding (GEN3, and the NPPF)**

**K) Construction considerations and site restoration (the NPPF)**

**L) Planning Obligations (the NPPF)**

**M) Other Issues**

**14.3 A) Principle of Development (S7, ENV15 and the NPPF)**

**14.3.1** Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Statements (NPS), National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Uttlesford District Council.

**14.3.2** The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

**14.3.3** The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.

**14.3.4** Renewables now account for over one third of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.

**14.3.5** More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 4352



million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.

- 14.3.6** In August 2019, Uttlesford District Council declared a Climate and Ecological emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 14.3.7** On 9 February 2021, Uttlesford District Council approved as non-statutory development management guidance an Interim Climate Change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation, however, it mainly refers to guidance in the green and intelligent design section of possible sources of renewable energy which could be upscaled for local housing developments and not specific to renewable energy schemes.
- 14.3.8** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 14.3.9** Paragraph 158 of 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.
- 14.3.9** 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.
- 14.3.10** All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) 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.

- 14.3.11** The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.
- 14.3.12** There are several local policies that are relevant to the consideration of a solar farm application. Those being Policies S6 and ENV15 of the Adopted Local Plan
- 14.3.12** The entire application site is located within the Metropolitan Green Belt as defined by Uttlesford District Adopted Local Plan 2005 where Policy S6 applies. This specifies that the development compatible with the countryside setting, and purposes of the Green Belt will be permitted.
- 14.3.13** Policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be supported providing it can be demonstrated that they do not adversely affect:
- i) The character of sensitive landscapes;
  - ii) Nature conservation interests; or
  - iii) Residential and recreational amenity.
- 14.3.14** The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.
- 14.3.15** In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning applications should be considered in light of national and local requirements. The SPD was considered at Policy Board on 14th October 2021 where it was agreed to recommend to the Council's Cabinet that the SPD be adopted subject to a schedule of proposed changes.
- 14.3.16** Uttlesford District Council therefore supports the development of solar PV development in principle provided there are no significant environmental or visual impacts that cannot be appropriately managed through the planning application process.
- 14.3.17** The approach in the NPPF, similarly to local planning policies and the draft Solar SPD, is to be supportive to the principle of solar energy

developments provided that the environmental impacts can be appropriately managed.

- 14.3.18** A key environmental benefit is that the proposal has capacity to generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11,000 tonnes of CO2 per annum.
- 14.3.19** This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.
- 14.3.20** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 14.3.21** The “Planning Balance” is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

#### **14.4 B) Green Belt and Visual Impact (S6, and the NPPF)**

##### **14.4.1 Green Belt**

- 14.4.2** There is a strong national and local support to protect land within the defined Green Belt from inappropriate development. The adopted Policies Map and Policy S6 identify that the application site is located within the defined Green Belt.
- 14.4.3** Chapter 13 of the NPPF considers Green Belt land in relation to development proposals. This states that the fundamental purpose of including land within the Green Belt is to preserve its openness. Para. 147 of the NPPF sets out that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, harm to the Green Belt and any other identified harm resulting from the proposal must be clearly outweighed by an applicant’s case for very special circumstances.
- 14.4.4** The proposed development does not fall within any one of the defined exception categories set out in Policy S6 or paras. 149 and 150 of the NPPF and as such is to be regarded as inappropriate development.
- 14.4.5** The NPPF further confirms this position in its cornerstone paragraph at 151, which states that:

*‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’*

- 14.4.6** The starting point is to attach substantial weight to the inappropriateness of the proposed development within the defined Green Belt. The proposed development would, by definition, harm openness and undermine the purpose of including the land within the Green Belt. This is contrary to the NPPF and Policy S6 of the adopted Local Plan and carries substantial weight.
- 14.4.7** The PPG advises that *‘assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case’*. It is considered relevant in this case to address the specific circumstances in order to arrive at a sensible conclusion of the proposal’s impact on openness.
- 14.4.8** The solar panels and associated equipment would have a significant adverse effect on the openness of the Green Belt. Although the applicant refers to the part of the site set within the Green Belt, it is considered that they have understated the likely impact of the scheme on openness. The scheme includes security fencing and electrical equipment, which would also adversely affect the countryside. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt.
- 14.4.9** Paragraph 138 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale proposed the solar panels, if installed on the site and together with the associated buildings and industrial type fence that would surround them, would result in significant encroachment into the countryside.
- 14.4.10** The proposed development would, therefore, harm the Green Belt. Officers next consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined further below.
- 14.4.11** Landscape Character
- 14.4.12** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.4.13** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Berden and Farnham Chalk Upland' landscape character area with extends from Ford End in the north to the environs of Farnham in the south.
- 14.4.14** The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes descending to the Bourne Brook. The field pattern varies in the same way - rather large and regular in the northern and middle part of the area, becoming more irregular and smaller in scale towards the south. There are quite a few pedestrian footpaths crisscrossing the area, and the settlement pattern is very widely dispersed, comprising isolated farms and a few hamlets.
- 14.4.15** The changing undulations of the landform characterize this area, and the sense of moving up and down, in and out from closed to open, expansive views. Infrequent settlements offer variety and interest with their colour-washed plaster buildings and the occasional red brick outbuildings. Farm buildings vary from medium to large. The texture of this landscape changes with the landform; moving from smooth expansive fields to winding lanes to steeply sloping mature woodland.
- 14.4.16** Further to the above the site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The *'Summary' section of the published assessment describes the NCA86 as: "It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous small scale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."*
- 14.4.17** 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 with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.
- 14.4.18** The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.

- 14.4.19** The development would be located across a series of agricultural fields with gently sloping gradients. The fields within the site are delineated and divided by existing tree belts woodland, and some hedgerows. The field subject to this planning application is approximately 35.77 hectares as defined by drawing ref: D02.2 and is made up of a single large irregular shaped agricultural field.
- 14.4.20** The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 14.4.21** This is none so more evident by the acceptance of Local Policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas.
- 14.4.22** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on flat land within east-westerly arrays (rows).
- 14.4.23** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 14.4.24** This 37ha of land is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure, including the security fencing would be new elements within the landscape.
- 14.4.25** Whilst the countryside is able to accommodate many forms of development, the long rows of panels, and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site.
- 14.4.26** For the duration of the development (40 years) the proposal would markedly alter the character of the site. The metal structures of the frames and the construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The man-made structure would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element of significant scale into the local landscape. This intensification would harm the character of the area. The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling slopes'. It is considered that this area has medium sensitivity to the type of development proposed. With a

moderate/high magnitude of effect, the proposal would have an adverse effect on the landscape resource of moderate significance.

**14.4.27** Consideration has been given to the new bypass and flood alleviation scheme under construction which to the southwest of the site and the transmission towers and electricity cables that pass through and over the site from north to south which represents new man-made engineered features into the landscape. However contrary to the applicants' statements, this does not provide reasonable justification to allow the proposals which cumulatively with the above infrastructure projects would further erode and cause significant harm to the landscape character.

**14.4.28** Visual Effects

**14.4.29** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.

**14.4.30** Bloodhounds Wood to the south and Bailey Hills Wood to the north east of the site provide some screening from further beyond these woods. The existing hedgerow with some mature trees that bisects the application site from the proposals that lie within the district of Easts Herts and along the northern boundary would also help to break up views of the whole development from the west and north.

**14.4.31** It is also acknowledged that the applicant proposals woodland planting to the east and south of the application site as shown on drawing ref: D03 B, however, this planting is outside the boundaries of the application site as defined by the red line on the location plan. This drawing also conflicts with drawing ref: DO4 which only shows new woodland planting within the proposals to the north that is to be assessed by East Herts. This plan does not show any additional planting to the east of south of the site.

**14.4.32** When one considers the LVIS submitted in support of the application, it is noted that only 3 of the 20 viewpoints relate to the proposals to be considered by Uttlesford with the remaining being within the district boundary of East Herts. These being viewpoints 1, 14 and 18 with only viewpoint 18 being a viewed from outside of the site. It is apparent that a limited assessment of the application site has been provided within the LVIA in respect to the agricultural field forming part of this proposal.

**14.4.33** In part, landscaping would assist in minimising any adverse impacts when one views the site from the northeast and south. However, the proposed panels and associated works would be more prominent from views from the southeast from the A120 and the laneway leading to Wickham Hall, the southwest from the soon to be new Little Hadhem Bypass, and to the east beyond the application site.

- 14.4.34** From these viewpoints the full width of the scheme would be apparent, stretching across a wide part of the landscape. The proposed development would be evident, giving an impression of considerable scale. Furthermore, as the land rises up across a shallow valley towards the appeal site neither the existing or proposed planting would provide an effective screen. Any woodland planting on land within the appeal site to the southeast, southwest and east of the proposed panels and associated works would, because of the local topography, take considerable time to soften the visual impact, and would be unlikely to ever fully screen out views towards the site.
- 14.4.35** Views from these points are important and opportunity for those using the surrounding highway networks to take more time to admire the local landscape. In this context the proposed panels and associated works would appear as an intrusive feature cutting across the rural landscape. With high sensitivity receptors, and a high magnitude of change the proposal would result in a change of major/moderate significance to the visual amenity of the area to the southeast, southwest and east of the application site.
- 14.4.36** The greatest harm to the visual amenity of the area would be for those using the footpaths that cross the site. The area is popular with locals and visitors utilising PWOW within and surrounding the site and, as a consequence, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. The surrounding woodlands and hedgerow along the field would provide a degree of screening for the proposed development from public vantage points.
- 14.4.37** Although screen in part, those using the footpaths (14\_14, 14\_21 & 14\_31) for recreational purposes would have a high sensitivity effect and the scheme would be likely to have an adverse effect on their visual amenity of a major/moderate significance. The visual experience for users of these footpaths, would be wholly unsatisfactory. Rather than passing through a field with attractive views all round, walkers would enter an industrial tunnel with only forward views to the countryside beyond the site.
- 14.4.38** The proposals would also be seen from further public receptor including motorists using surrounding highways including the future Little Hadham Bypass which is currently undergoing constructions. The proposal would result in major/moderate adverse visual impacts rather than 'negligible' visual change as described within the appellant's Landscape and Visual Impact Assessment.
- 14.4.39** The applicant maintains that there is no to little evidence that the development will have an incongruous or inappropriate appearance as it will have the appearance of a solar farm which is now an accepted form of development in the countryside of the UK. However, a solar farm can



only be an accepted form of development if it does not cause unacceptable harm that is not outweighed by other considerations.

**14.4.40** The scheme would harm the character of the area but would have a limited and localised adverse effect on its appearance. Overall, the proposal would have an adverse effect of moderate significance on the local landscape.

**14.4.41** With regard to visual harm, the harm would be unacceptable because the development, particularly for motorists utilising surrounding highways and for walkers on footpaths, who are regarded to be in the highest category of sensitivity to the visual effect of development, would have an incongruous and inappropriate appearance that would be alien to its countryside location. The proposed solar farm would have a significant adverse effect on the visual amenity of the area which could not be adequately mitigated.

**14.4.42** The harm identified upon the visual appearance of the area weighs against an approval and thus, the proposals would be contrary to Policy S6 of the adopted Local Plan.

**14.4.43** Very Special Circumstances

**14.4.44** The proposal is contrary to both national and local policy towards the Green Belt. It is for the applicant to demonstrate the existence of very special circumstances sufficient to outweigh the clear harm to the Green Belt by virtue of inappropriateness and any other harm.

**14.4.45** Of the factors cited by the applicant and those contained within the supporting documentation to be weighed in the balancing exercise as 'very special circumstances', significant weight should be given to the generation of electricity from a renewable source, which would make a valuable contribution to cutting greenhouse gas emissions. Paragraph 151 of the Framework provides that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The applicant has submitted the following VSC:

- 14.4.46**
1. Development is Temporary
  2. Saving in over 23,000 tonnes of CO2 annually
  3. Proximity to National Grid Connection and Site Location
  4. Ecological and Biodiversity Enhancements
  5. Contribution to the Secure Operation of the Farming Business
  6. Educational Resources
  7. Limited Other Harm
  8. Other Material Considerations

**14.4.47** The Council have reviewed the 'very special circumstances' submitted by the applicant in detail and taken these into consideration as per below:

**14.4.48** Development is Temporary

**14.4.49** Permission is sought for a period of 40 years. The development would be temporary, but for this period any harm to the landscape would be considered to be long term. However, it would be practical to reverse the effects on both the character and appearance of the area, and the Green Belt, within a generation. The Guidance advises that conditions can require the site to be restored to its previous use. The duration and reversibility of the development is a material consideration, but the loss of openness for this part of the Green Belt for 40 years, and the landscape harm, albeit reducing over time as screen planting matured, would endure for a long time. It is thereby considered that the duration and reversibility of the development are factors that should be given limited weight in the planning balance that applies here.

**14.4.50** Furthermore, there is no guarantee that planning permission would not be granted, after 40 years, for the replacement of the solar panels for a further 40 year period. Very little weight is therefore given to the reversibility of the scheme.

**14.4.51** Saving in over 23,000 tonnes of CO2 annually

**14.4.52** The proposal has capacity to generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11000 tonnes of CO2 per annum. The UK is relying on the cumulative increase in renewable energy generation across a large number of dispersed schemes. The Framework provides that even small-scale renewable energy schemes as acknowledged by Policy ENV15 of the adopted local plan make a valuable contribution to cutting greenhouse gas emissions.

**14.4.53** Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and three dimensions to sustainable development, economic, social and environmental roles, are identified in paragraph 7.

**14.4.54** The environmental role is stated to be 'contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

**14.4.55** The tension in the environmental role of sustainable development between protecting the natural environment and moving to a low carbon economy is encapsulated in Policy S6 and ENV15, which is supportive of low carbon energy schemes (albeit much smaller schemes), only if the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area. Thus, there is a balance to be struck between these factors, but it is reasonable to conclude that if the impact on landscape character and visual appearance, and other factors,

outweighs the low carbon energy benefit of a scheme that it should not be regarded to be sustainable development.

**14.4.56** It is acknowledged that the proposal would make a contribution towards meeting national targets for renewable energy and towards energy security. The proposal therefore gains support from national and local policies which promote renewable energy generation. The contribution of the scheme to renewable energy and the reduction of greenhouse gas emissions is a consideration that should properly be given significant weight in determining this application.

**14.4.57** Proximity to National Grid Connection and Site Location

**14.4.58** The applicant also submits that a material consideration which weighs in favour of the very special circumstances of this site are that it is closely located to the Bishop's Stortford Sub-Station with a connection that can be achieved over land in common control or highway land and that this sub-station is one of a limited number that has capacity to receive the energy generated

**14.4.59** This may be so, but it cannot properly be a consideration to weigh in the 'very special circumstances' balancing exercise, given that targets for renewable energy apply nationally and no sequential testing has been provided to demonstrate that there is no other land suitable for the proposals in the locality that fall outside Green Belt Land.

**14.4.60** Ecological and Biodiversity Enhancements

**14.4.61** The claimed biodiversity enhancements are not, in reality, a significant benefit. This highly rural environment does not require enhancement. The claimed benefits are, at best, mitigation measures, which can only be given limited weight in the balancing exercise. Similarly, visual containment as a result of additional planting is not a benefit.

**14.4.62** Contribution to the Secure Operation of the Farming Business

**14.4.63** The applicant has submitted that to secure the farms long term viability as a single farming entity, the estate has sought to diversify and to make best use of its available assets. This has so far to date included the conversion of existing buildings within the Wickham Hall Estate to provide rural employment, with the creation of a tearoom/café along with buildings used for office space.

**14.4.64** As such, the estate has already currently acquired many different income streams to support and diversity the farm and thereby it is questionable whether there is a need for further diversification in this instance. Currently, no evidence has been presented to the Council that the estate is struggling and is need of further diversification particular given that it already has a number of different incomes as acknowledged above.

- 14.4.65** Nevertheless, the applicant acknowledges that the development of a solar generating station within the estate would be complementary to the continued farming operations on the remainder and provide another assured income over the operating period which will further help support the viability of the estate as a whole.
- 14.4.66** There is no dispute that the development would enable the landowner to generate a further income, thus allowing for a number of diverse income streams where previously just one existed. Whilst this would benefit the landowner financially, it is not clear how it would benefit the wider community. The Council considers that the farm diversification should be for alternative uses that maintain the rural agricultural appearance and character of the locality, and also offer benefits to the local economy. A prime example of this is the recent conversion of the farm buildings to tea/rooms and office space which both maintain the rural character whilst providing benefits to the landowner and the local community. Any benefits to the landowner would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt.
- 14.4.67** Educational Resources
- 14.4.68** In respect of an educational benefit, the applicant claims that the solar array farm would be used in an educational capacity with display boards for passing walkers and school trips. The introduction of display boards would result in further clutter and any educational benefits would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt. Furthermore, no information has been provided as to what schools have been approached or where the letters have been sent to.
- 14.4.69** The applicant has also suggested that there will also be an opportunity for school children to visit the site in the future and walk around the proposed solar site, gaining a better understanding of habitats and wildlife. This is by no means sufficient justification to allow for such an inappropriate development as there are many other educational programs and resources available for schools to provide appropriate educational benefits in respect to these parameters.
- 14.4.70** Equally, there are opportunities for school children to visit other existing renewable sites both solar and wind) to see first-hand the mechanics of solar and wind developments for the purposes of education.
- 14.4.71** Limited Other Harm
- 14.4.72** The lack of harm to local character and appearance is a neutral factor which does not weigh significantly in favour of the proposal.
- 14.4.73** Other Material Considerations

**14.4.74** The applicant highlights Appeal ref. APP/C1950/W/19/3225810 arose following the refusal by Welwyn Hatfield Borough Council of application ref. 6/2018/2199/FULL for the installation of standalone solar farm in which the Inspector allowed the proposals as it was deemed there would only be a slight harm to the character and appearance of the area, but concluded that the harm arising from this would be outweighed by other material consideration, including the fact that it is temporary and reversible. The applicant submits that this demonstrates that harm to the green belt is capable of being outweighed by other factors.

**14.4.75** It is well-established law that previous appeal decisions are capable of being a material consideration because like cases should be decided in a like manner, so that there is consistency in the application process. However, previous Secretary of State decisions do not set a precedent for the assessment of solar farms in Green Belts. The benefits and potential harm, and the levels of each, will depend on the specific characteristics of a site and the proposal. This application differs from the recovered appeals cited by the applicant and thereby no weight has been given in respect to the previous appeal decisions provided by the applicant.

**14.4.76** Summary

**14.4.77** The factors considered above individually do not represent Very Special Circumstances and the question for the Council is whether collectively those factors combine with sufficient weight to represent the 'very special circumstances' that would overcome the harm to the green belt by reason of the openness. When taken together, cumulatively, they are material considerations. Accordingly, weight can be attached to those positive aspects of the development proposal as set out by the applicant.

**14.4.78** However, on balance and taking all of the above into account, it is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that have identified, and the very special circumstances necessary to justify the development do not exist.

## **14.5 C) Heritage Assets (ENV2, and the NPPF)**

**14.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

**14.5.2** There are no designated heritage assets located within the site that lies within the District of Uttlesford, however, there are several heritage assets within the jurisdiction of East Herts in close proximity the site to be assessed by Uttlesford and that surrounding the wider site as a whole.

**14.5.3** These include:

- The historic farmstead of Wickham Hall, which contains 6 listed buildings (list entry number: 1101610)
- Hadham Hall Estate and Hadham Hall which is Grade II\* listed
- Aisled Barn at Hadham Park, Grade II listed (list entry number: 1211107)
- North Barn, Stable, Granary and Hadham Park Grade II listed buildings (list entry number: 1211310).
- There is also a Scheduled Monument in close proximity to the application site boundary, Moated Mound (list entry number: 1005257).

- 14.5.4** Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- 14.5.5** The guidance contained within Section 16 of the NPPF, '*Conserving and enhancing the historic environment*', relates to the historic environment, and developments which may have an effect upon it.
- 14.5.6** The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.
- 14.5.7** The '*setting of a heritage asset*' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'
- 14.5.8** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.5.9** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. Policy ENV2 seeks to protect the historical significance,

preserve and enhance the setting of heritages assets that include both conservation areas and listed buildings.

**14.5.10** The application was consulted to Place Services Conservation Officer who initially confirmed in their formal response 20th December 2021 that further information was required in the form of a Zone of Theoretical Visibility (ZTV) with heritage assets overlay and initial scoping of the heritage assets that may be affected.

**14.5.11** In a further consultation response 7th March 2022, following the response by the applicants Heritage Consultant, the Conservation Officer confirmed that whilst a ZTV with heritage assets overlaid can be a useful exercise for a fully informed assessment, they acknowledge that it is not a standard and that the NPPF instructs that a proportionate approach is undertaken. Thus, upon review of the DBA, its methodology and the distance afforded the nearest designated heritage assets, the Grade II listed buildings of Estate and Earlsbury, the officer confirmed that they do not consider the previously requested information of a ZTV and scoping to be required.

**14.5.12** Therefore, as confirmed by the Conservation Officer, as I do not consider there to be any additional potential impacts to heritage assets within Uttlesford District Council, I raise no objection to this application.

#### **14.6 D) Archaeological (ENV4 and the NPPF)**

**14.6.1** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**14.6.2** The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line. Medieval landscape features were also recovered as part of this project. From a rapid assessment of the aerial photographs on Google Earth it is clear that there are clear archaeological features visible on these and therefore it is recommended that a geophysical survey and aerial assessment is undertaken to define the archaeological deposits and their importance for the planning application.

**14.6.3** The Historic Environment Officer stipulated that the Desk Based Assessment submitted by the applicant concludes that unexpected deposits of significance are unlikely to be located within the site. However,

the Officer continues to state that excavated recordings on the edge of the application site from the new A120 bypass work which extends into the wider area of the proposals show there is aerial photographic evidence for further deposits within the area. This and potentially further archaeological deposits, should be appropriately assessed to identify their significance and extent. Once the significance and extent of the archaeological deposits have been identified, an appropriate strategy of preservation or mitigation can be agreed.

- 14.6.4** As such it is therefore recommended that the applicant undertakes a geophysical assessment and provide an assessment of aerial photographic evidence of the area to support their application to establish the nature and complexity of the surviving archaeological assets.
- 14.6.5** This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.
- 14.6.6** In response to the comments made by the Historic Environment Officer, the applicant stipulated that they would like to highlight that they are awaiting a response from the statutory Archaeology consultee from East Herts to understand whether they also require undertaking a geophysical survey. This would allow the survey to be undertaken together across both districts. As such, we would take this opportunity to ask for an extension of time to be able to provide an informed response to archaeology matters.
- 14.6.7** Although the Historic Environment Officer was willing to agree to an extension of time in relation to the applicant's request, the required information would still be required to be submitted to Uttlesford whether or not East Herts also required the applicant to undertake a geophysical survey.
- 14.6.8** Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development on the historic environment as required by paragraph 194 and Policy ENV4 of the adopted Local Plan.

#### **14.7 E) Neighbouring Amenity (GEN2, GEN4, and the NPPF)**

- 14.7.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.



- 14.7.2** The nearest group of dwellings are those located to the east and southeast of the site known as Bailey Hill Cottage, The Shed, The Bungalow and Wickham Hall.
- 14.7.3** The arrays themselves are passive during operation, they have no running parts and emit no carbon, noise smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.
- 14.7.4** The proposal may have some long-distance views from several nearby residential properties. The panels themselves, at a maximum of only 3 metres in height are not considered to be overbearing in relation to proximity from existing residential properties. The impact of residential properties would not be unacceptable given their separation distance.
- 14.7.5** In relation to glint and glare, the solar panels are designed to absorb light, rather than reflect light. Although the surface is glass, it is not reflective in the same way as a mirror or window.
- 14.7.6** Many residential receptors already benefit from existing vegetation which removes views of the reflective area.
- 14.7.7** The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant a reason for refusal on this ground.
- 14.7.8** Solar panels generate no sound. However, other infrastructure is proposed at the site, such as inverters / transformers, which can generate noise. This infrastructure is required to convert the yield of electrical current for export to the Grid and the proposed Control Building. It is therefore necessary to consider the noise-generating potential of the overall development.
- 14.7.9** The substations, control buildings, inverters and transformer stations will be acoustically rated and can produce sound, but this can be managed and rated such that acceptable noise levels are achieved.
- 14.7.10** Council's Environmental Health Officer raise no objections to the proposal, and it is not considered that the proposal would lead to material adverse impacts on noise.
- 14.7.11** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan be required to minimise against these temporary impacts.
- 14.7.12** Construction/delivery hours will also be restricted to 9am – 3pm (Monday to Friday) and 9 am – 1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.

- 14.7.13** Conditions relating to construction traffic management plan and hours of operation would control the impacts of the proposal during the assembly of the site. The use of the site is not considered to result in unacceptable noise and disturbance.
- 14.7.14** Precise details of the location of CCTV can be secured by condition so that it does not lead to loss of privacy.
- 14.8 F) Loss of Agricultural Land and Farm Diversification (ENV5, E4 and the NPPF)**
- 14.8.1** Paragraph 174(b) of the Framework states *“Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.
- 14.8.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 14.8.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.
- 14.8.4** Most of the land in Uttlesford District Council 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 previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.
- 14.8.5** An Agricultural Land Classification (ALC) site survey was conducted and submitted in support of this application which demonstrates that the agricultural field subject to this assessment of these proposals are comprised of a mix of Grade 2, and Grade 3a quality land and thus the proposed site is best and most versatile land.
- 14.8.6** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.
- 14.8.7** The application was consulted to Natural England who acknowledged that the site was over 20 hectares in size and thereby the proposals may lead to harm upon best and most versatile land. However Natural England confirmed that:

- 14.8.8** *“We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas”.*
- 14.8.9** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.
- 14.8.10** However, it is acknowledged that during the life of the proposed development consisting of up to 40 years that there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 14.8.11** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing field subject to these proposals.
- 14.8.12** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation, biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.
- 14.8.13** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 14.8.14** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 14.8.15** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 14.8.16** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- 14.8.17** a) The development includes proposals for landscape and nature conservation enhancement;

- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
  - c) The continued viability and function of the agricultural holding would not be harmed;
- 14.8.18** The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 14.8.19** In respect to the above, it is considered that the proposals would meet criteria as set in Policy E4. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by providing habitat and landscape enhancements through new planting and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.
- 14.8.20** As confirmed by Council's Environmental Health Officer, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures. This is discussed further in this report.
- 14.8.21** The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.
- 14.8.22** It is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.
- 14.8.23** On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry, in accordance with Policy ENV5 and E4 of the Local Plan.
- 14.9** **G) Transport, access & public rights of way (GEN1, GEN8, and the NPPF)**
- 14.9.1** Access:
- 14.9.2** It is proposed that access to the site would be via Wickham Hall. This would utilise the existing access road and junction, which connects into the northern edge of Newland Avenue. Wickham Hall (both the farm and

business park) will remain operational throughout the construction period of the solar farm.

- 14.9.3** The access road between Newland Avenue to the southern side of the A120 underpass would be improved in order to accommodate two 16.5m articulated vehicles passing. These improvements would be temporary, for the duration of the construction phase, and would comprise widening the carriageway to 5.5m. From the underpass to the Wickham Hall to the north, the access track has already been widened to 5.5m. Four indicative temporary passing places would be provided, to accommodate two articulated vehicles passing. It should be noted that these works would not be within Uttlesford District Council and fall within East Herts jurisdiction.
- 14.9.4** The internal layout will comprise a network of access tracks which will extend from the site compound to all areas of the site to allow operational vehicles to access all areas from the site compound.
- 14.9.5** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld.
- 14.9.6** The application was consulted to the Lead Local Highway Authority, who confirmed that as the majority of the works and potential traffic implementations are outside of Essex County Council jurisdiction, the assessment of the proposals in this regard would be assessed by Hertfordshire County Council who are responsible for highway safety and transportation for East Herts District Council. As such, Essex County Council have assessed the proposals that fall within their jurisdiction and have made relevant comments as per below.
- 14.9.7** The Highway Authority concluded within their initial response dated 8th February 2022 that no pre-application engagement has been undertaken by the applicant with the Highway Authority (Essex) prior to submission of the planning application.
- 14.9.8** The Highway Authority has assessed the plans and information which has been submitted with the planning application and there are concerns/issues that have been identified. It was concluded that further information is required to thoroughly consider the impact of the proposal on the highway to demonstrate to the satisfaction of this authority that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of user safety. Furthermore, the submitted Construction Management Plan does not address the treatment and protection of PROW within the site.
- 14.9.9** Any Public Rights of Way (PROW) through or surrounding the site should remain usable, retain their recreational amenity and character, and be integrated as part of the development proposal. They should remain accessible by the general public during construction and through the

operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.

- 14.9.10** The applicant provided a further letter to address the comments made by the Highway Authority, however in their second formal response, the Highway Authority confirmed that they still had concerns and that the applicant has still not addressed the initial concerns.
- 14.9.11** Specifically, the Highway Authority concluded that the proposed construction access to the site coincides with the definitive route of public footpath no. 31 Farnham and public bridleway no. 20 Farnham and consequentially would intensify the use of the public rights of way network by construction vehicles. The intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted. The plan should include but not limited to the following;
- 14.9.12**
- Stipulation that the PROW network will not be used for construction access to the site (other than appropriate crossing points, where necessary, with banksman and appropriate signage etc), to ensure the integrity of the public rights of way.
  - Details and associated plan of the construction vehicle routing within the site.
  - Treatment and protection of PROW within the site.
- 14.9.13** It is also acknowledged that PROW as amenities for local communities to improve their mental and physical health and wellbeing is important recognised. The character and amenity value of retained PROW should be maintained and buffers between paths and panels should be used. For example, for retained PROW not enclosed by hedges/tree line i.e. those passing within a field used for solar panels and passing between them, a width of 5m for the footpath would be required to provide openness and to avoid walkers feeling hemmed in.
- 14.9.14** Although no information has been submitted regarding potential buffers in respect to the PROWs, a condition would be imposed if permission were to be approved that a buffer of 5-10m to be maintained within the site once it is operational. This will ensure that the proposals still remain a sense of openness and to avoid walkers feeling hemmed in as per the above guidance.
- 14.9.15** Policy GEN1 of the adopted local plan stipulates that 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. Paragraph 100 of the NPPF states planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks

including National Trails. Therefore, for the reasons provided above, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Uttlesford Local Plan Policy GEN1 and the NPPF.

**14.9.16** Parking:

**14.9.17** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards'.

**14.9.18** The site compound, delivery turning area / unload area and vehicular parking area will be located at the eastern section of the site, and will comprise of temporary portacabin-type buildings in addition to an area for material storage. A temporary car parking area will be provided on the site within the compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.

**14.10 H) Trees, arboriculture & landscaping (GEN2, ENV3, ENV8 and the NPPF)**

**14.10.1** Most of the trees and hedgerows are located around the periphery of the field that make up the site, however there are some larger mature trees as well a number of wooded areas (Bloodhounds Wood & Bailey Hills Wood) of varying sizes to the south and northeast of the site.

**14.10.2** Ensuring the protection of woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.

**14.10.3** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

**14.10.4** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.

**14.10.5** Although the surrounding woodlands are not designated as being ancient, in this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.

**14.10.6** The purpose of this zone is to protect woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.

**14.10.7** The standing advice also states that the area within the buffer zone should contribute to wider ecological networks, and only be planted with local and appropriate native species. The proposals will have a buffer of 15m from the woodlands and this area is to consist of semi-natural habitats such as a mix of scrub, grassland and wildflower meadow. The proposals in this respect comply to the standing advice and the NPPF.

**14.11 I) Nature Conservation (GEN7 and the NPPF)**

**14.11.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**14.11.2** The application was consulted to Place Services Ecology Officer who confirmed that they have reviewed all supporting documentation including letters from Aspect Ecology dated January 2022 and 18th February 2022 in response to Place Services original comments dated 23rd December 2021, relating to the likely impacts of development on protected & priority habitats and species and identification of proportionate mitigation.

**14.11.3** In Place Services original response, the Officer confirmed that they were not satisfied that there was sufficient ecological information available for determination of this application. In particular, no mitigation has been put in place for the loss of nesting habitat for ground-nesting birds such as Skylark, where Breeding Bird Surveys found 20 Skylark territories across the site including nine within the Uttlesford District boundary.

**14.11.4** Following Place Services initial comments, the applicant provided a Skylark Mitigation Plan (ref. 5940/SMP). The proposed Skylark Mitigation Plan was to provide 14 Skylark Plots within an area of field approximately 100m x 475m under the existing pylon and cables to the west of the field. However, this is not considered suitable replacement nesting habitat as Skylark will actively avoid nesting in a field within 50m of a predator perch i.e. hedgerows, trees and pylons.

**14.11.5** As the proposed solar farm will contain panels which are closely spaced, it is presumed that the development will result in a permanent loss of nesting habitat for this Priority species, where solar panels are proposed on suitable nesting habitat.

**14.11.6** The Ecologist recommended that a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for. It was suggested that this comprises compensation measures to be provided 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. Any territories that are



unable to be mitigated for on site should be compensated for offsite e.g. two plots in arable crops for every territory lost or displaced or additional foraging habitat to support these territories.

**14.11.7** It was confirmed by the Ecologist, that before they can lift their holding objection, an outline of the proposed Skylark mitigation, including compensation measures to be provided offsite in nearby agricultural land, must be submitted and agreed in principle with the LPA. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to Policy GEN7 of the adopted Local Plan and the NPPF.

**14.11.8** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), we would encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG.

**14.11.9** The Ecologist has confirmed that the Biodiversity Metric Calculations have now been submitted to accompany the Biodiversity Net Gain Assessment (Aspect Ecology, July 2021) which shows a net gain of habitat (+47.34%) and hedgerows (+35.39%) on site. It was also confirmed that the proposed habitats including areas of wildflower meadow should be managed for wildlife. A Landscape and Ecological Management Plan (LEMP) should be produced detailing this management and should be secured by a condition of any consent is granted permission.

#### **14.12 J) Flooding (GEN3, and the NPPF)**

**14.12.1** Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.

**14.12.2** 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.

**14.12.3** Most of the development is solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small in comparison to the overall development site area.

**14.12.4** A check of the Environmental Agency's website and the Council's Policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

**14.12.5** As the proposal is identified as major development, a flood risk assessment has been submitted with the application and both the Environment Agency and ECC SUDS team have been consulted on the proposal.

**14.12.6** Although no comments were received by the Environmental Agency, ECC SUDS within their formal response stated that having reviewed the Flood Risk Assessment and the associated documents that they had no objections to the to the granting of planning permission subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

**14.13 K) Construction considerations and site restoration.**

**14.13.1** Construction methods should minimise disruption to land e.g. intrusive groundworks, such as trenching and foundations, should be minimised and the use of concrete avoided where possible and should be detailed through a CEMP. On agricultural land, frames should be pile driven or screw anchored and not concrete-based, and capable of easy removal, allowing the ground to be fully restored. If permission were to be approved, a pre-comment condition requiring a CEMP would be imposed.

**14.13.2** A restoration plan should be identified at the earliest stage of planning. Solar farms are temporary developments and should be capable of removal and reversible i.e. at the end of the life of the development, the land can be return to its pre-development use. After the use of the site as a solar photovoltaic farm, land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite. This can be secured by way of a Section 106 Agreement.

**14.14 L) Planning Obligations (GEN6 and the NPPF)**

**14.14.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**14.14.2** Following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure will be removed and the majority of the site will be retained as grassland back to its previous condition.

**14.14.3** The restoration process is intended to ensure that the site is restored to the same quality as existing, and the applicant has confirmed within their

supporting documentation that this can be secured with the Council through the use of a Section 106 agreement as has been secured on other solar developments in the district. It is considered that an appropriately worded planning condition would not be strong enough in respect to ensuring the site is returned back to its original state in 40 years' time, and therefore a legal agreement is required. An agreement can appropriately secure and set out limitations on what kinds of obligations should be entered into.

**14.14.4** At the time of issuing this assessment, a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to pPolicy GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

**14.15 1M) Other Issues**

**14.15.1** In addition to the above main considerations, numerous other considerations have been raised with the main ones considered below.

**14.15.2** The applicant has undertaken an appraisal of the site selection process. The application site has been chosen for a combination of reasons including that the site is of a suitable area to accommodate the solar PV arrays, is located in close proximity to an existing grid connection point, it is served by an appropriate access and is well located geographically for solar gain.

**14.15.3** There is no substantiated evidence to demonstrate that the proposal would lead to any other impacts on health of local residents nor interference with radio waves, tv reception and WIFI.

**14.15.4** Essex Police advise that following an increase in solar farms being targeted by thieves in other counties, consideration must be given to providing suitable site security for the proposal. This will be a matter for the developer.

**14.15.5** The Council is aware that there may be services within the area and has consulted with relevant stakeholders. Services, including Cadent and National Grid and Essex Water raise no objection to the proposal. There may be separate arrangements outside of the planning process to notify utilities stakeholders separately.

**14.15.6** In relation to the suitability of other sites, preference for the use of alternative forms of energy such as wind and nuclear and precedent, planning law is clear that applications must be considered on their merits against the relevant development plan and other material considerations that apply. In this regard, the proposal has been assessed against this criterion and any future planning applications will also be considered on a site-by-site basis without prejudice basis to decisions the Council has taken.

**14.15.7** Currently there are no other sites close to this development site that would require the consideration of cumulative impacts.

**14.15.8** Concerns were highlighted within some representations regarding the safety of the development. Any fire risks of proposed solar and (battery) energy storage systems should be considered and appropriately managed to minimise fire risks. A management plan should demonstrate how the facility will be constructed and operated safely, in consultation with Essex Fire and Rescue Service where appropriate. The developer will further be obliged to ensure the safe installation and operation of all apparatus to satisfy insurance requirements.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

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

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

## **16. CONCLUSION**

**16.1** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

- 16.2** In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. There is also general support within the Framework for renewable energy schemes. In addition, the proposal would secure some limited ecological enhancement in terms of biodiversity enhancements. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry.
- 16.3** The above economic and environmental benefits can be given considerable weight in the overall planning balance. Thus, taken these together, moderate weight to the benefits of the development have been considered.
- 16.4** In respect to harm, it is the view that the proposed solar farm and associated works would have an unacceptable impact on landscape character and on the visual appearance of the local area, and that the proposed development thus conflicts with adopted Local Policy S6. Furthermore, as set out in paragraph 137 of the NPPF, "*The Government attaches great importance to Green Belts*". It is the LPA's view that the harm that would be caused by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside, in addition to the harm that would be caused to the character of the landscape, to the visual amenity of the countryside, is not clearly outweighed by the environmental and biodiversity benefits of the proposed renewable energy scheme.
- 16.5** Insufficient ecological information is available for determination of this application. Specifically, the ecologist requires and recommends that further information is provided regarding a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for prior to determination of the application.
- 16.6** Furthermore, due consideration has not been given to the historic environment implications specifically in relation to establish the nature and complexity of the surviving archaeological assets which should be undertaken prior to a planning decision being made.
- 16.7** Also, a lack of information submitted in support of the proposals to thoroughly consider the impact of the proposal to demonstrate to the satisfaction of highway authority that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of user safety. The Council are unable to

accurately assess the potential impact that the proposals may have safety of all users of the PROW's.

- 16.8** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.
- 16.9** For the reasons given above, the proposals would be contrary to Policies S6, ENV4, GEN6, and GEN7 of the adopted Local Plan and the NPPF. The application is therefore recommended for refusal.

**17. REASONS FOR REFUSAL**

- 1** The site is identified within the area in Uttlesford's adopted local plan as Metropolitan Green Belt. The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate. Consequently, in not complying with the list of exceptions, the proposals would amount to inappropriate development in the Green Belt in which paragraph 147 of the Framework states is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

By reason of the inappropriate size and siting, the proposals by way of the long rows of panels, ancillary buildings and infrastructure would comprise a rather utilitarian form of development not typical of its agricultural context. It would contrast awkwardly with the unspoilt open qualities of the site and would introduce a discordant element of significant scale that would encroach into the local landscape contrary to one of five purposes set out in paragraph 138 of the Framework. As such, the proposal would have an adverse effect of moderate significance on the local landscape and a significant adverse effect on the visual amenity of the area.

It is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that has been identified, and the very special circumstances necessary to justify the development do not exist. The proposals are thereby contrary to Policy S6 of the Adopted Local Plan and the National Planning Policy Framework.

- 2** The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line.

Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment. The proposals are thereby contrary to Policy ENV4 of the adopted local plan and the National Planning Policy Framework.

- 3** Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats particular in relation to Skylarks. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to Policy GEN7 of the adopted Local Plan and the NPPF.
- 4** Insufficient information has been provided in support of the proposals to demonstrated that the the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable. The proposal is therefore contrary to Policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework.
- 5** The applicant stipulates that following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure to be removed and the site to be retained back to its original condition. This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to policies GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

**STATUTORY CONSULTEE RESPONSES:**

**Highway Authority**



Your Ref: UTT/21/3108/FUL  
Our Ref: 52114  
Date: 10<sup>th</sup> March 2022



CC: (by email) *DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Ray Gooding*

Andrew Cook  
Director for Highways  
and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/21/3108/FUL  
Applicant Tim Holmes Endurance Energy Wickham Hall Ltd  
Site Location Land to the North-West of Bishops Stortford Farnham Road Farnham  
Proposal Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters, and a transformers, fencing and landscaping works

### **SUPERSEDES PREVIOUS RECOMMENDATION DATED 8<sup>TH</sup> FEBRUARY 2022**

The Highway Authority has assessed the additional plans and information submitted by the applicant and provides the following updated comments.

**From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:**

1. As far as can be ascertained from the submitted information, the proposed construction access to the site coincides with the definitive route of public footpath no. 31 Farnham and public bridleway no. 20 Farnham and consequentially would intensify the use of the public rights of way network (PROW) network by construction vehicles. The intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW.
2. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted. The plan should include but not limited to the following;
  - Stipulation that the PROW network will not be used for construction access to the site (other than appropriate crossing points, where necessary, with banksman and appropriate signage etc), to ensure the integrity of the public rights of way.
  - Details and associated plan of the construction vehicle routing within the site.
  - Treatment and protection of PROW within the site.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

- i. The applicant has alluded to the creation of PROWs within the development site. Creation of PROWs falls outside the planning system and would be subject to further consultation with the Highway Authority. Any proposed PROW would need to comply with the Highway Authority's requirements, including minimum surface width of 3 metres, and all costs to be borne by the applicant.
- ii. The access and any part of the development must be completely separate from definitive line and width of the public rights of way network.
- iii. 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 the PROWs shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

*NOTE – The proposed development would impact upon the public rights of way network within Essex, however, the routing of construction and maintenance vehicles associated with the site is proposed to take place via the road network in Hertfordshire. Therefore, Hertfordshire County Council Highway Department must be consulted on the application as Highway Authority.*



.....  
pp. Director for Highways and Transportation  
Enquiries to Sophie Currey  
Telephone: 03330 133056  
Email: [sophie.currey@essex.gov.uk](mailto:sophie.currey@essex.gov.uk)

## Local Flood Authority

Essex County Council  
Development and Flood Risk  
Environment and Climate Action,  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> Mar 2022  
Our Ref: SUDS-005679  
Your Ref: UTT/21/3108/FUL

Dear Lindsay Trevillian,

### **Consultation Response – UTT/21/3108/FUL– Land North-West of Bishops Stortford Farnham Road**

Thank you for your email received on 2/12/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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 15<sup>th</sup> 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 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 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.

- Incorporate bunds to help slow and interrupt the surface water flows.
- Provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition. If the ground becomes bare due to lack of maintenance the peak discharge has the potential to increase significantly.
- Provide 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 a drainage plan which details exceedance and conveyance routes, FFL levels of sub stations, levels of battery units, and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### **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 start of construction 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 and soil erosion.

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, soil erosion 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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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.

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

**INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Rohit Singh, Development and Flood Risk Officer**  
Team: Green Infrastructure and Sustainable Drainage  
Service: Climate Action and Mitigation  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)



Ms Lindsey Trevillian  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Direct Dial: 01223 582716

Our ref: **W:** P01448535

17 December 2021

Dear Ms Trevillian

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND TO THE NORTH-WEST OF BISHOPS STORTFORD, FARNHAM ROAD,  
FARNHAM, ESSEX  
Application No. UTT/21/3108/FUL**

Thank you for your letter of 2 December 2021 regarding the above application for planning permission for the erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works.

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

**Sheila Stones**  
Inspector of Historic Buildings and Areas  
E-mail: [Sheila.Stones@HistoricEngland.org.uk](mailto:Sheila.Stones@HistoricEngland.org.uk)

## Natural England

Our ref: 382994  
Your ref: UTT/21/3108/FUL

Lindsay Trevillian  
Uttlesford District Council

BY EMAIL ONLY



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Ms Trvellian

**Planning consultation:** Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works.

**Location:** Land To The North-West Of Bishops Stortford Farnham Road Farnham

Thank you for your consultation on the above which was received by Natural England on 02 February 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### Best and Most Versatile Agricultural Land

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application may impact on 'best and most versatile agricultural. We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the



development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult [Natural England's Technical Information Note 049 on Agricultural Land Classification](#). This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We would also draw to your attention to [Planning Practice Guidance for Renewable and Low Carbon Energy \(March 2014\)](#) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

General guidance for protecting soils during development is also available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02080268326

Yours sincerely  
Camilla Davidge

Lead Advisor – Land Use Planning  
West Anglia Area Team  
Annex A – General Advice

Natural England offers the following additional advice:

#### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

#### **Protected Species**

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

#### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former

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<sup>1</sup> <http://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

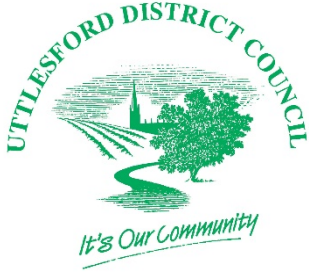
### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to

mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

**Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).



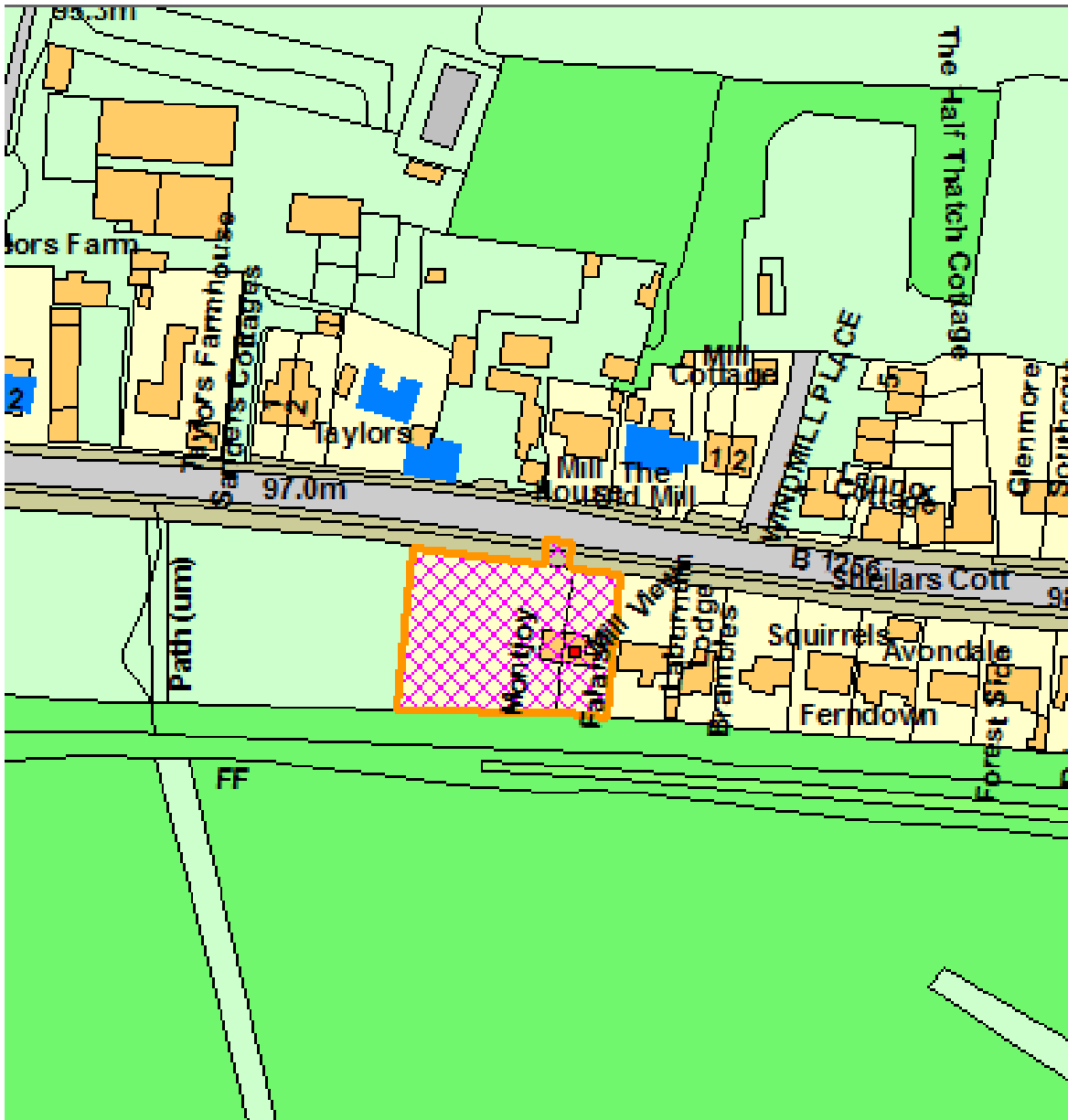
**ITEM NUMBER:** 5

**PLANNING COMMITTEE DATE:** 13<sup>TH</sup> APRIL 2022

**REFERENCE NUMBER:** UTT/21/3095/FUL

**LOCATION:** FALAISE AND MONTJOY, THE STREET,  
TAKELEY

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2022 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Demolition of existing pair of semi-detached dwellings and the construction of six new residential dwellings and associated access, parking and landscaping.

**APPLICANT:** Mr D Amott and Family

**AGENT:** Mr A Stevenson

**EXPIRY DATE:** 10th December 2021

**EOT Expiry Date** 20th April 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Part within Development Limits/outside Development Limits.  
Within 100m of SSSI, Within 100m of Local wildlife site.  
Within 250m of Ancient Woodland.  
Within 6km of Stansted Airport.  
Part of site within Countryside Protection Zone

**REASON THIS APPLICATION IS ON THE AGENDA:** More than 5 dwellings outside Great Dunmow, Saffron Walden and Stansted.

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**1. EXECUTIVE SUMMARY**

**1.1** This application is for the demolition of a pair of semi- detached dwellings and the erection of six dwellings and associated access parking and landscaping.

**1.2** The application site is located within a sustainable location.

**1.3** In view of the lack of 5YHLS the benefits are considered to outweigh the countryside harm.

**2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to <b>GRANT</b> permission for the development subject to those conditions set out in section 17 of this report.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the south of the B1256, Takeley.
- 3.2 The site is 0.19 hectares and consists of a pair of semi-detached properties and residential garden.
- 3.3 To the south of the site is the Flich Way, a local wildlife site and beyond that Hatfield Forest (SSSI).
- 3.4 There are three listed buildings opposite/close to the site. Taylors (1322556) Grade II, Old mill (1168993) Grade II.

**4. PROPOSAL**

4.1 The proposal is supported with the following documents:

- Transport Statement
- Arboricultural Impact Assessment
- Heritage Statement
- Bat Surveys
- Planning Statement
- Preliminary Ecological Appraisal
- Biodiversity Checklist

4.2 The proposal is for the demolition of existing pair of semi-detached dwellings and the construction of six new residential dwellings and associated access, parking and landscaping.

4.3 The proposed dwellings would comprise of semi-detached houses, each having three bedrooms and being two stories in height.

4.4 A planted buffer will be maintained between the edge of the development and the Flich Way and there would be a landscape buffer between the front of the site and the footpath.

4.5 Each dwelling would have two parking spaces and there would be two additional visitor parking spaces provided.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

6.1	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
	DUN/0024/50	Caravan site	Refused.



UTT/21/1577/FUL	Site to west Erection of 2 no. residential dwellings with parking and new access	Approved with conditions
UTT/18/2049/FUL	Site to west. Erection of 8 no. residential units and associated parking.	Allowed at appeal.

**7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 N/A

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority**

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

**9. PARISH COUNCIL COMMENTS**

9.1 The Parish Council object to this application.

9.2 Existing overburdening of water and sewerage amenities will be amplified. Residents already experience incidences where sewerage floods into their properties. Low or non-existent water pressure is also a significant issue for residents throughout the village.

9.3 Takeley cannot support further development when basic amenities are already stretched. We cannot stress in strong enough terms the extent to which existing residents are already suffering huge issues with water pressure and sewerage.

9.4 The proposed development will result in significant changes to the openness of street scene resulting in the urbanisation of a rural village and ultimately at either end of the parish coalescence with Bishops Stortford, Dunmow and beyond.

9.5 Development within this area will have a permanent detrimental effect upon listed buildings and the heritage of the settlement. Listed buildings which form the character and celebrate the history of our parish are being surrounded by extensive development and modernisation.

9.6 We query whether this development encroaches on the CPZ and village limits, it certainly reduces the openness of the countryside. The proposed development borders the Flich Way and will directly result in increased footfall to Hatfield Forest.

**10. CONSULTEE RESPONSES**

10.1 **London Stansted Airport - Aerodrome Safeguarding**

**10.1.1** No aerodrome safeguarding objections to the proposal subject to conditions.

**10.2 UDC Environmental Health**

**10.2.1** No objections.

The site is in the vicinity of the 57dB LAeq noise contours for Stanstead airport which may cause adverse noise impacts to occupiers from intermittent aircraft noise. The background noise levels may also be elevated due to traffic from the A120 which lies to the north. Whilst this may not be considered a barrier to development, it is important to ensure that a suitable noise mitigation scheme is incorporated into the design and construction of the new dwellings to ensure future occupiers are able to enjoy a good acoustic environment.

Our records show that the proposed development is in the vicinity of a disused railway line which could have potentially given rise to ground contamination. However, the Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, on the proposed site itself. However, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site therefore the following condition is requested:

If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

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.*

**10.3 NATS Safeguarding**

**10.3.1** No objections

**10.4 Place Services (Conservation and Heritage)**

**10.4.1** Falaise and Montjoy are a pair of semi-detached twentieth-century houses at the end of a row on the south side of The Street. There are three Grade II listed buildings opposite the Site on the north side of The Street:

- Taylors (list entry no: 1112213), a fifteenth-century hall house with crosswing, timber-framed and plastered with a red plain tiled roof.

- Four-bay Barn to south east of Taylors (list entry no: 1322556), an eighteenth-century timber framed and weatherboarded barn with corrugated iron roof.
- The Old Mill public house (list entry no: 1168993), a mid-seventeenth century house, timber framed and plastered with a half-hipped tiled roof, now in residential use.

**10.4.2** The proposed garages to the front of the properties have been omitted and the space allocated to parking. The omission of the garages is a positive as it would preserve more of the openness of the front garden which is a characteristic of the area. However, it appears that the whole front garden area would be given over to parking and hardstanding which would reduce the green, verdant character of this part of the Street.

**10.4.3** Concerns remain about the density of development on the site, which does not follow the loose grain of the area of primarily detached dwellings with generous gaps between buildings and would have a suburbanising impact on the area. The incremental development along the south side of the Street is eroding the area's historic character. Reducing the number of buildings on the site to two would be more in keeping with the surrounding pattern of development, providing a more generous plot size for each dwelling. In my view, the present proposals would not make a positive contribution to local character and distinctiveness, contrary to NPPF (2021) para 197c.

**10.5 Place Services (Ecology)**

**10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures.

**10.6 Crime Prevention Officer**

**10.6.1** 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.

**10.7 Friends of Flitch Way**

**10.7.1** The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops

Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).

**10.7.2** The proposed development site as seen from the Flitch Way, has a rural character which would be lost if the site was developed.

**10.7.3** We also have grave concerns about the location of the building site. The plan shown in the Planning Statement is totally inaccurate as the area includes the Flitch Way. We could find no reference to a specific buffer zone with the Flitch Way. If planning is approved, any such buffer zone should be at least 5m and start from the northern boundary of the Flitch Way LNR as marked by the old concrete posts showing the railway boundary. Any buffer planting schemes should be agreed with Essex Country Park Rangers

**10.7.4** To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused due to the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. Part of the application site was open grassland and this part of the Flitch Way was used as grazing land alongside the Forest. If this is in-filled with housing, there will be hardly any green spaces left between the Flitch Way and the B1256.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 29 notifications letters were sent to nearby properties. Expiry date 12<sup>th</sup> November 2021

**11.2** **Object** - three representations were received objecting to the proposal

**11.2.1** Outside Development Limits

**11.2.2** Countryside Protection zone- The development would add to ribbon development along the Street, damage the Countryside and Hatfield Forest. The Forest is becoming completely surrounded by unnecessary housing and damaged by footfall. You cannot mitigate against that.

**11.2.3** Two families will be made homeless by the needless demolition of this property.

**11.2.4** There is no ready access to schools, doctors or shops. Driving to work is the only realistic option - i.e. not sustainable. There is no direct bus to school, doctor or Stansted Airport.

- 11.2.5** It would contribute significantly to the existing traffic problems. Traffic could go to the M11 – already recognised as at capacity, or to the 4 Ashes, again at capacity. These would be commuter homes or at best airport related jobs - i.e. pressure on the cited junctions.
- 11.2.6** It would not contribute to the local economy through access to services within Takeley - i.e. two shops and a chemist.
- 11.2.7** The land is not underutilised. It is used by a childminder and the large garden is a play area - which will be destroyed.
- 11.3.8** Recent local developments should not be a precedent for this site. This was made clear by the Planning Inspectorate.
- 11.2.9** The dwellings are proposed to be set back. The cart lodges however are proposed forward of the principal elevation of the main dwellings, immediately adjacent to the highway. This will have a significant effect on the current street scene and its openness and rural character. Worsened by the fact it will be the rear of the cart lodges directly visible from the street. The dwelling directly on the west of the site 'Grasmere' was refused a garage (UTT/14/0982/HHF) proposed forward of the main dwelling for this very reason.
- 11.2.10** The buffer proposed between the edge of the development and the Flitch Way appears to be a section of the Flitch Way Country Park, belonging to Essex County Council. Further clarification is needed here. If this is the case many of the trees surveyed here are the property of Essex CC and not the site. This wouldn't be the first developer who is including part of the Flitchway in their proposal. I would like to think ECC Country Parks-Flitchway have been consulted regarding this proposal.
- 11.2.11** Bin stores on the plans are located the very end of the rear gardens. This is not an adequate location when bins need to be emptied kerb side. This will likely result in bins being left on the roadside rather than being returned to the end of back gardens, especially through the winter months when householders return home after dark. The bin stores need relocating closer to the highway to prevent bins from being left out on the footway.
- 11.2.12** The submission incorrectly states there are facilities and services within walking distance of the site such as shops, schools and cultural and religious buildings. These facts are inaccurate. There are NO schools within walking distance of the site, and no direct bus links for Priors Green primary (at capacity) or Gt Dunmow. You need a car even to use the nearest convenience store. Bush End church is approaching a couple of miles, with no foot way.
- 11.2.13** Takeley and Little Canfield are ever expanding with numerous developments underway, some approved and others currently pending nearer to the village centre. Therefore, it is simply unsustainable to keep

slapping odd houses up here and there in inappropriate locations. Takeley has a pharmacy but does NOT have a doctor's surgery, unlike Stansted, Dunmow, Elsenham, Hatfield Broad Oak, Hatfield Heath, Newport etc which do all have their own GP practices. This will result in further car use as there is no satisfactory bus service to any of these surgeries from the site.

- 11.2.14** I assume the National Trust were a consultee, considering the proximity of the proposal in relation to Hatfield Forest. The SSSI site is under extreme pressure from footfall and risks any recovery becoming unfavourable.
- 11.2.15** Bishops Stortford and Gt Dunmow are not easily accessible from the site. There is no direct bus link to Gt Dunmow with travellers requiring two buses either way. Bishops Stortford is more than the stated 5 minutes away and can only be accessed via the M11 Jct 8 roundabout, which is at full capacity.
- 11.2.16** The absence of a five-year land supply is consistently seen as an invitation to build. Although there might be an absence throughout the district this is not the case for Takeley, which has seen significant development and is still undergoing major proposals near the centre of the village. The Street itself was historically a hamlet, separate from the main village of Takeley Street. However, it has seen numerous demolitions, rebuilds, infilling, back land and ribbon development, to the extent Takeley Street has entirely lost its identity.
- 11.2.17** Stansted Airport and its associated businesses are considered the main employer in the area. The global pandemic has affected the airport industry dramatically resulting in many job losses across its work force. The airport is unlikely to reach the capacity levels it was prior to the pandemic for a several years, impacting on local employment and the need for further housing developments in this locality. In fact, property prices in this location do not reflect on local earnings. We actually need affordable housing these will not be affordable.

## **12. MATERIAL CONSIDERATIONS**

- 12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.2** Section 70(2) of the Town and Country Planning Act 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,
- (a) 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.

**12.3** Section 66(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.

## **12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made Feb 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)

## **13.0 POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

- S7 – The countryside Policy
- S8 - The Countryside Protection Zone
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- H9 - Affordable Housing Policy
- H10 - Housing Mix Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV14 - Contaminated Land

### **13.3 Supplementary Planning Document or 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)

**14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Principle of development (NPPF, ULP Policies S7 and S8)**

**B) Design and impact on neighbour's amenity and impact on setting of Listed building (ULP policies GEN2 and ENV2)**

**C) Highway safety and parking (ULP policy GEN1, GEN8)**

**D) Biodiversity (ULP Policies GEN7, ENV7 and ENV8)**

**E) Drainage and flooding (ULP policy GEN3)**

**F) Contamination (ULP Policy ENV14)**

**14.3 A) Principle of development (NPPF, ULP Policies S7 and S8)**

**14.3.1** The site is partially located within development limits and partially outside development limits for Takeley. It is also located within the Countryside Protection Zone.

**14.3.2** The site is therefore subject to the provisions of policy S7 of the adopted Local Plan 2005, policy S3 and policy S8 of the adopted local plan.

**14.3.3** Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance 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.

**14.3.4** Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This includes infilling in accordance with paragraph 6.13. 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, as a consequence 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.

**14.3.5** Paragraph 5 confirms that the NPPF is a material planning consideration. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5YHLS of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.52YHLS.

**14.3.6** It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF.

**14.3.7** The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. Due to the Council not having a 5YHLS then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.

**14.3.8** Economic:

The NPPF identifies this as contributing to build 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. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature and additionally it would also support existing local services, as such there would be some positive economic benefit.

**14.3.9** Social:

The proposal would deliver social benefits by the way of the provision of 4 additional houses, this would be a benefit given the lack of a 5YHLS in the district. 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. 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.

- 14.3.10** The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places. Takeley also does not have any doctors or dentists within the village.
- 14.3.11** 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 bus stops are located directly outside of the application site along Dunmow Road. 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. 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 and can offer alternative means which thereby helps reduce the need and reliance on private cars.
- 14.3.12** Environmental:
- The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is located to the west of Takeley centre and is bounded by residential development to the west, east and north and by the Flitch Way to the south and Hatfield Forest which is a SSSI. The development along this road is linear in nature. There is a tree lined boundary separating the site from the Flitch Way (which is a linear country park) and Hatfield Forest beyond.
- 14.3.13** The site also lies within the Countryside Protection Zone beyond development where S8 applies.
- 14.3.14** Policy S8 requires that there will be strict control on new development, 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. 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 countryside.
  - b) It would adversely affect the open characteristics of the zone.
- 14.3.15** Within the relatively recent appeal decision on a site to the west, (appeal reference APP/C1570/W/19/3243727) application UTT/18.2049/FUL, the Inspector stated” in terms of coalescence, the appeal site is located on

the south side of the B1256 Dunmow Road towards the outer edge of a ribbon of development that extends westward out of Takeley towards Start Hill. Crucially the appeal site is bounded to the west by a row of five detached houses. The development would partially infill the gap between these houses and those to the east. There are houses opposite the appeal site on the northern side of Dunmow Road. Therefore, and as a matter of fact, there would be no physical coalescence between the settlement of Start Hill and Takeley nor between the airport and existing development in the surrounding countryside, the latter being the principle aim of Policy S8.” It is considered that this would also apply to this application site. There are dwellings opposite, to the east and two dwellings were approved to the east under application UTT/21/1577/FUL in July 2021.

**14.3.16** 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 contrary to the aims of policy S7 and S8.

**14.3.17** The development of this site for residential purposes would not be unduly out of character with the area. due to the buffer with the Flitch Way, the development when viewed from the Flitch Way (taking into account the development allowed at to the west and the exiting development to the east) would not be so harmful to warrant refusal of the proposal

**14.3.18** The two dwellings to be demolished are located within development limits where policy S3 applies. Policy S3 states that development compatible with the settlement’s character and countryside setting will be permitted within these boundaries. The proposed dwellings are considered to be compatible with the settlements character of linear development and set back from the road and therefore the proposed dwellings to the eastern half of the site would comply with policy S3.

**14.3.19** It is considered that the weight to be given to the requirement to provide a 5YHLS and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development

**14.4 B) Design and impact on neighbour’s amenity and impact on setting of Listed building (ULP policies GEN2, H10 and ENV2)**

**14.4.1** 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.

- 14.4.2** The application has been revised and the garages to the front of the site have been removed from the proposal. To reflect the comments of the specialist conservation officer. The design and scale of the proposed dwellings is now considered appropriate for this location.
- 14.4.3** 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. All of the properties would have three bedrooms. The proposal, complies with the requirements of Policy H10.
- 14.4.4** All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 14.4.5** 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. To the east of the site, the dwellings are in a linear row and consist of detached dwellings of various scale and design.
- 14.4.6** The council has adopted an Interim Climate Change Planning Policy. Each new dwelling would have an electric charging point. And the development aims to use key energy efficiency initiatives including:
- Highly insulated building fabric
  - Maximising the controlled use of passive solar energy in the layout and orientation of buildings and windows
  - Maximising the use of passive ventilation
  - Using energy-efficient window glazing and frames
  - Increasing air tightness in the building envelope
  - Making use of thermal mass and insulation
  - Installing energy-efficient lighting and appliances

In regard to sustainability, they have adopted the following hierarchy of priorities for providing energy for heating, lighting, and cooling:

- Lean: using less energy in construction and operation by incorporating sustainable design and construction measures, and by specifying energy efficient lighting and appliances.
- Clean: supplying energy efficiently by prioritising decentralised energy generation; and
- Green: using renewable energy. Before decentralised or renewable energy technologies are considered, the first priority is to reduce energy consumption. This means making the building fabric more efficient to minimise energy loss, taking steps to reduce the need for electric lighting, heating, mechanical ventilation and cooling and specifying energy efficient lighting and appliances.

- 14.4.7** 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.
- 14.4.8** On the opposite side of the road are three grade II listed buildings. Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. The proposal would affect the setting of these buildings.
- 14.4.9** The heritage assets are separated from the site by the Dunmow Road. This ensures that the proposed development maintains a semi-rural character and protects the nearby heritage assets. The omission of the garages is a positive as it would preserve more of the openness of the front garden which is characteristic of the area. Additional landscaping to the front boundary would also be in keeping with the rural character of the area.
- 14.4.10** Specialist conservation officers raise concerns about the density of the development on the site, which does not follow the loose grain of the area of primarily detached dwellings with generous gaps between buildings and would have a suburbanising impact on the area. They add that the incremental development along the south side of the Street is eroding the area's historic character. They suggest that reducing the number of buildings on the site to two would be more in keeping with the surrounding pattern of development, providing a more generous plot size for each dwelling. They consider that the present proposals would not make a positive contribution to local character and distinctiveness, contrary to NPPF (2021) para 197c. Notwithstanding the above, there has been a change in character to the setting of the above heritage assets. More modern development has taken place along the south side of Dunmow Road resulting in ribbon development.
- 14.4.11** The conservation officer also stated that the setting of the Old Mill public house is now primarily formed by dwellings on either side and opposite to it. The open garden of Falaise and Mountjoy preserve an element of

the original open aspect looking south towards the Hatfield Forest from the pub, so further infilling the south side of the Street would cut the listed building off from its remaining rural context. However, today, it is experienced and understood as part of the linear urban development along the Street and it is therefore considered that development on the site would not substantially alter the setting of the Old Mill public house.

- 14.4.12** The NPPF, however in section 11 states that Planning decisions should promote an effective use of land in meeting the need for homes and other uses. The existing use of the land is residential and garden land. The proposed dwellings are similar in design to those approved under UTT/21/1577/FUL. Those dwellings were immediately opposite Taylors and the listed barns, and they were considered by another conservation officer to be proportionate and to respond to the setting of the listed buildings and local character and distinctiveness as per paragraph 197 of the NPPF The proposed dwellings would cause less harm to the setting of the Heritage assets than those previously approved.
- 14.4.13** Taylors and the Barn are located to the north of the Street. The area of land to the south of the Street, immediately to the south of Taylors would remain partly open, preserving this aspect of its setting. Therefore, it is considered that the development would have a limited impact on the settings of the listed buildings
- 14.4.14** On balance, taking into account the councils lack of 5YHLS the benefits of the scheme outweigh the limited harm to the character and settings of the Listed Buildings and rural setting of the area.
- 14.5 C) Highway safety and parking (ULP policy GEN1, GEN8)**
- 14.5.1** 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.
- 14.5.2** A transport statement has been submitted with the application and ECC Highways officers consulted. They raise no objections, subject to conditions. The proposal would comply with the aims of policy GEN1.

**14.5.3** The proposed properties would all have three bedrooms. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for three-bedroom dwellings. The proposal meets these standards.

The proposals comply with policy GEN8 of the adopted Uttlesford Local Plan 2005.

**14.5.4** Recently the council has adopted an Interim climate change Planning Policy requiring all new homes to be provided with at least one installed fast charging point. This can be achieved by a suitably worded condition.

**14.5.5** There would also be two unallocated parking spaces within the development to provide visitor parking.

**14.5.6** The proposals comply with policy GEN8 of the adopted Uttlesford Local Plan 2005.

#### **14.6 D) Biodiversity (ULP Policies GEN7, ENV7 and ENV8)**

**14.6.1** 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.

**14.6.2** To the south of the site is the Flich Way, a Local wildlife Site, and beyond that is Hatfield Forest a SSSI.

**14.6.3** The application is supported by an Arboricultural Impact Assessment, a Bat Surveys, a Preliminary Roost Assessment report and a Preliminary Ecological Appraisal. The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 2021) and Nocturnal Bat Surveys report (Adonis Ecology Ltd., August 2021) should be secured and implemented in full.

This is necessary to conserve and enhance protected and Priority species particularly Hazel Dormice, nesting birds and mobile mammal species.

**14.6.4** Given the site lies within an Amber Risk Zone for the Great Crested Newt District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)) and suitable habitats are present in close proximity to the site, it is considered possible that GCN will be present. However, due to the habitats on site and area impacted, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage,

including storage of materials. This precautionary method statement should be secured by a condition of any consent.

- 14.6.5** Additional planting of native hedgerow will be made along the northern boundary, compensating for the loss of hedgerow to create the proposed access point. This can be seen in the Proposed Block Plan, drawing no. 5718 03 REV C. To ensure the management of this hedgerow is for the benefit of wildlife, it should be outlined within a Landscape and Ecological Management Plan (LEMP) This can be secured by a condition of any consent.
- 14.6.6** As stated above the site is located within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest. 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.
- 14.6.7** The application proposes biodiversity enhancements including the installation of at least three bat boxes, six bird boxes, two Schwegler Clay and Reed Insect Nests, the provision of native trees and shrubs as well as vertical planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). Specialist ecologist advice is that the reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.
- 14.6.8** Specialist ecological advice is that subject to conditions the proposal is acceptable. In response to the Friends of Flitch Way, the applicant has state that they are willing to provide a small buffer to the rear of the site so that the rear gardens of the new dwellings do not directly back onto the site, whilst maintaining sufficient size gardens. This can be achieved by a suitably worded condition.
- 14.6.9** The proposal would comply with Uttlesford Local plan policies GEN7, ENV7 and ENV8.

**14.7 E) Drainage and flooding (ULP policy GEN3)**

- 14.7.1** 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).
- 14.7.2** The applicant is responsible in ensuring that their development makes sufficient allowances for drainage to ground and water courses or to a



suitable sewage receptor and that any surface water is either attenuated or regulated into the receiving public network.

Appropriate details of discharging of foul and surface water will be appropriately addressed during the building regulations. The proposal is considered to be acceptable with regards to ULP Policy GEN3.

#### **14.8 F) Contamination (ULP Policy ENV14)**

**14.8.1** The proposed development is in the vicinity of a disused railway line which could have potentially given rise to ground contamination. The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, on the proposed site itself. However, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

### **15. ADDITIONAL DUTIES**

#### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

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

#### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

### **16. CONCLUSION**

- 16.1** The proposal is on balance acceptable in principle It is considered that the weight to be given to the requirement to provide a 5YHLS and the housing provision which could be delivered by the proposal would outweigh the harm caused.
- 16.2** The design and scale of the proposal is considered to be acceptable. The housing mix for the development is also considered to be acceptable. Adequate amenity space would be provided for all of the dwellings. The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or overbearing impact on neighbours amenity.
- 16.3** The new access is considered to be acceptable and to comply with ULP policy GEN1. Sufficient parking provision would be provided on the site to comply with ULP policy GEN8.
- 16.4** The proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7.
- 16.5** Appropriate details of discharging of foul and surface water will be addressed during the building regulations.

**17. 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 first occupation, details of both hard and soft landscaping 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 proposed finished levels and boundary treatments. Soft landscape works shall include (planting plans; written specifications, schedule of plants, noting species, plant sizes and proposed numbers where appropriate; implementation programme).

REASON: In the interest of visual amenity in accordance with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan 2005.

- 3** Prior to occupation of any dwelling, the provision of a private drive access, as shown in principle on DWG no. 03 Rev. A (Proposed Block Plan) shall be constructed to a width of minimum of 5.5 metres for at least the first 6 metres from the carriageway and provided with an appropriate vehicular crossing of the footway/verge.

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 the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 4** The proposed development shall not be occupied until such time as the vehicle parking area as shown in principle on DWG no. 03 Rev. A (Proposed Block Plan) shall be provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the 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 highway within 6 metres of the highway boundary.

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

- 6** 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 the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 7** 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 opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should 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 the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 8** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9** Prior to any above ground development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from road transport sources 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

REASON: To protect human health and the environment 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 2005 - Policy ENV14

- 11** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment 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 2005 - Policy ENV14

- 13** No landscaping development to take place until details of the species are submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike Avoidance, in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 14** 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 the adopted Uttlesford Local Plan 2005 Policy GEN2

- 15** During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission.

REASON: Flight safety – Birdstrike 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 Birdstrike to aircraft using STN in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 16** 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.

- 17** No reflective materials to be used in the construction of these buildings. (\*please liaise with STN to check).

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 18** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

- 19** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 2021) and Nocturnal Bat Surveys report (Adonis Ecology Ltd., August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include checks of vegetation for Hazel Dormouse nests and active bird's nests, if required during the breeding season (March to the end of September), no more than 48 hours before the vegetation is cleared.

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

- 19** Prior to commencement a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details 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) as updated by the Environment Act 2021 in accordance with Uttlesford Local Plan Policy GEN7

- 20** Prior to slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 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 Uttlesford Local Plan Policy GEN7.

- 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 to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including hedgerows, new native trees, shrubs and vertical planting in the public open space.
- 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 in accordance with Uttlesford Local Plan Policy GEN7

- 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 (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 Uttlesford Local Plan Policy GEN7

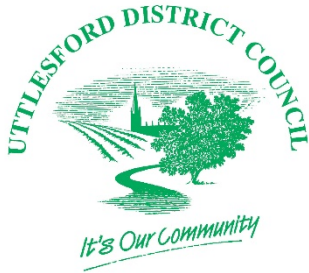
**23** The proposed permanent dwellings shall be built to Category 2: Accessible and adaptable dwellings (M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect,

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

**24** Infrastructure for a single electric vehicle fast charging point shall be installed at all of the proposed 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 2021.





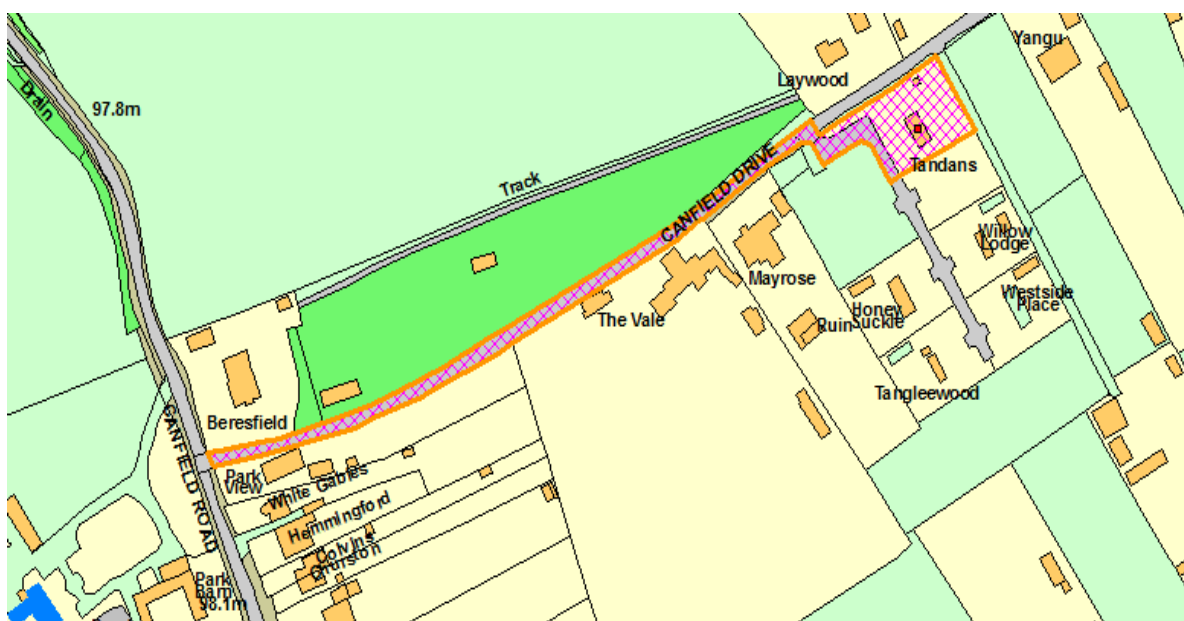
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 13TH April 2022

**REFERENCE NUMBER:** UTT/21/3204/FUL

**LOCATION:** TANDANS, GREAT CANFIELD ROAD, TAKELEY

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Replacement of existing static home with detached house with associated access and parking.

**APPLICANT:** Ms T Woollard & Mr T Boswell

**AGENT:** Mrs Lucy Carpenter

**EXPIRY DATE:** 21st December 2021

**EOT Expiry Date:** 18<sup>th</sup> April 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits. Within 6km of Stansted Airport. Within 259m of Local wildlife sites (Runnels Hey and Fritch Way)

**REASON THIS APPLICATION IS ON THE AGENDA:** **Called in by Cllr Driscoll Reason for call in:**

1. Loss of a further traveller pitch in the district, following a net loss of three on this site in recent months.
2. The impact on the remaining two approved and unoccupied pitches on the site.
3. The scale of the proposed dwelling, a five-bedroom home in comparison to the neighbouring properties.
4. Lack of landscaping plans.

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## **1. EXECUTIVE SUMMARY**

- 1.1** This is an application for the removal of the existing static home and sheds on the site and their replacement with a permanent dwelling overlapping the footprint of the existing static unit.
- 1.2** The proposed dwelling would have 5 bedrooms and be located outside Development Limits.
- 1.3** This definition within Planning policy for Travellers sites, Department for Communities and Local Government (DCLG) August 2015) has subsequently been amended in August 2015. The key change that was made to both definitions was the removal of the terms persons... who have ceased to travel permanently, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a traveller for the purposes of assessing accommodation needs in a GTAA. As such from the information supplied the occupants of the existing pitch do not fall under this definition.

- 1.4 It would result in the loss of 1 travellers pitch but the current occupants (Mr. & Mrs. Boswell, Ms. Woollard and Mr. D. Woolard) would be removed from the list as they no longer meet the definition.

## 2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those conditions set out in section 17 of this report.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the south of Canfield Drive off Great Canfield Road, just to the south of the Flitch Way.
- 3.2 The site comprises an authorised traveller's pitch with a static home that sits centrally within the plot.
- 3.3 The access to this plot is via a gated access that runs through the site and serves 6 other travellers pitches (4 of which now have extant planning permissions for dwellings) and leads onto Canfield Drive. One of the travellers' pitches (immediately south of the application site) is within the same ownership as the applicant. This plot has permission for one static unit. This is excluded from the application site
- 3.4 The site has hedging to the north and eastern boundaries and hardstanding to its frontage. There is a low hedge across part of the sites frontage.
- 3.5 There is a small fenced off area to the rear of the static home.
- 3.6 There are residential properties either side of the entrance of the site that front onto Canfield Drive. Further dwellings line Canfield Drive, with detached houses to either side, but predominantly to the southern side.
- 3.7 Canfield Drive is an unmade private road.

## 4. **PROPOSAL**

- 4.1 This is an application for the removal of the existing static home and sheds on the site and their replacement with a permanent dwelling overlapping the footprint of the existing static unit.
- 4.2 The property would have 5 bedrooms.
- 4.3 A Planning Statement, Biodiversity Checklist and a Preliminary Ecological Appraisal support the application.
- 4.4 There are three parking spaces provided with an electric charging point.

4.5 There would be no changes to the existing boundary treatments.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/18/3185/FUL:	Erection of 1 no. Dwelling and detached garage. Land between Runnels Hey and Silverthorn	Appeal dismissed.
UTT/0808/11/FUL	Proposed continued use of long stay caravan pitch for the use of one gypsy family. (condition .13.4- UTT/0998/08/FUL (The mobile home and touring caravan hereby permitted shall be occupied only by Mr T Boswell and Ms A Fuller and when they cease permanent occupation they shall be removed from the site within 2 weeks of this event and the land shall be restored to its former condition within 1 month in accordance with a scheme of work submitted to and approved by the local planning authority in writing	Allowed at appeal
UTT/1617/12/FUL	Proposed two additional pitches at existing gypsy caravan site	Approved with conditions.
UTT/13/0028/NMA	Non-Material Amendment to UTT/1617/12/FUL. Amend site layout re positioning of mobile home on pitch 2, improve turning, and amend landscaping	Approved
UTT/0998/08/FUL	Long stay caravan pitch for one gypsy family	Approved with conditions.

UTT/15/2526/FUL	: Proposed change of use of land for two additional pitches at existing gypsy caravan site	Approved
UTT/0520/10/OP	Outline application for the erection of four dwelling houses with double garages.	Refused
UTT/17/2903/FUL	Use of land for one additional pitch at existing gypsy caravan site	Approved
UTT/17/0462/FUL	Construction of 4 Dayrooms for existing approved Travellers Site	Approved with conditions
UTT/18/2993/FUL	Mayrose House, Great Canfield Road Takeley CM22 6SZ. The development proposed is demolition of existing garage to Mayrose House, construction of driveway and erection of one detached 1 1/2 storey dwelling and one single storey dwelling and two cart lodges	Allowed at appeal
UTT/21/0507/FUL	Replacement of existing 4 no. static homes with 4 no. detached houses with associated access and parking. Change of use of disused land to 1 travellers' plot.	Approved with conditions.
UTT/22/0025/FUL	Proposed erection of 1 no. detached dwelling to replace existing static home (alternative scheme to plot 2 approved under UTT/21/0507/FUL).	Approved with conditions
APP/C1570/C/18/3 219384	Land to the north of Birchanger Lane. Change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works attached without the benefit of a grant of planning permission.	Appeal allowed

## 7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 N/A

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

8.1.1 No comments

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Objection**

- Lack of clarity on traveller pitch need in Uttlesford
- Policy S7 and GEN2
- Policy H10
- Great Canfield Village Design Statement

## **10. CONSULTEE RESPONSES**

### **10.1 MAG Aerodrome Safeguarding**

10.1.1 No objections subject to conditions

### **10.2 UDC Environmental Health**

10.2.1 No objections

### **10.3 NATS Safeguarding**

10.3.1 No objection

### **10.4 Place Services (Ecology)**

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures

## **11. REPRESENTATIONS**

11.1 A site notice was displayed on site and 23 notifications letters were sent to nearby properties.

11.2 No representations have been received.

## **12. MATERIAL CONSIDERATIONS**

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The

determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act 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,;
  - (a) 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.

### **12.3 The Development Plan**

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13.0 POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

- 13.1.2** Planning Policy for Traveller Sites

### **13.2 Uttlesford District Plan 2005**

- 13.2.1** S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN4 - Good Neighbourliness Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
ENV4 - Ancient monuments and Sites of Archaeological Importance Policy  
ENV14 - Contaminated Land  
H1 – Housing Development

### **13.3 Supplementary Planning Document or Guidance**

- 13.3.1** 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)  
Great Canfield Village Design Statement (2009)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2** **A) Principle of development (Uttlesford Local Plan policy S7, NPPF, PPG)**

**B) Design and impact on neighbour's amenity (Uttlesford Local Plan policies GEN2, GEN4)**

**C) Highway safety and parking provision (Uttlesford Local plan Policies GEN1, GEN8, NPPF)**

**D) Biodiversity (Uttlesford Local Plan Policy GEN7, NPPF)**

**E) Land Contamination (Uttlesford Local Plan Policy ENV14, NPPF)**

**14.3** **A) Principle of development**

**14.3.1** S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations".

**14.3.2** In planning policy terms, the site lies outside of any established development limits as defined by the adopted Uttlesford Local Plan 2005 (ULP). Consequently, for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies. Policy S7 of the ULP 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.

**14.3.3** Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings

and have a limited impact on the countryside will be considered in the context of Local Policy S7.

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. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. 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. The site is located within an area of countryside featuring sporadic linear development.

**14.3.4** Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

**14.3.5** Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11-year land supply. As such the Council cannot demonstrate a five-year supply of deliverable housing sites.

**14.3.6** The NPPF recognises that there are three standards to sustainability and that these should not be taken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

**14.3.7** 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. Planning permission was previously granted (UTT/0998/08/FUL) for a long stay caravan pitch for one gypsy family.

**14.3.8** 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.

The development will deliver attendant economic benefits associated with the construction process and future occupation of the dwellings, as such there would be some, but limited, positive economic benefit

**14.3.9** Environment:

It is considered that the proposal, through the provision of one dwelling would result in an intensification of the built form within the immediate area that would in turn alter the character of the surrounding rural locality. This would have an urbanising effect that would be out of context with the existing pattern of sporadic, linear development and harmful to the setting and character of the countryside. As such it is fundamentally contrary to the requirement of Policy S7 to protect or enhance the character of the countryside.

However, a material consideration is that at appeal under UTT/18/2993/FUL the proposal for the erection of two dwellings (one to the rear of the application site and one to the rear of Mayrose House) was allowed and the recently approved application UTT/21/0507/FUL for the replacement of existing 4 no. static homes with 4 no. detached houses with associated access and parking. Change of use of disused land to 1 travellers' plot.

The proposed dwelling would overlap the footprint of the existing static home, that it will replace. The footprint of the proposed dwelling is larger than the static home, but not significantly so as to render it intrusive and out of character. It is of similar scale and design as those approved to the south of the site.

**14.3.10** The Planning Inspector in the recent planning appeal decision for UTT/18/2993/FUL stated "*The appeal site is located in relatively close proximity to the settlement of Takeley, which offers a number of services and facilities for future residents. I observed that the walking route to Takeley would involve pedestrians walking along Great Canfield Road, which does not have pedestrian footways and is not lit.*"

*Nonetheless, I observed that vehicles speeds were generally low along this route and therefore I do not consider that this would be a barrier to future residents walking to these services and facilities.*

*In addition, the evidence indicates that there are bus services within Takeley which provide links to Bishops Stortford and Great Dunmow.” Further, the Inspector advised that... Paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.*

*In this instance, I consider that future residents of the dwellings would not be heavily reliant on the private motor vehicle for all day-today requirements. In this respect, the site is appropriate for residential development and thus it can be considered a sustainable location.”*

The Inspector considered the negatives were outweighed by the positives in respect of housing supply when applying the planning balance as set out in paragraph 11 of the NPPF

- 14.3.11** The LPA understand that the pitches currently on the site were granted subject to conditions that they be resided in by travellers meeting the definition of annex 1, paragraph 1 of the NPPF, 2012. The reason for the conditions was the special circumstances and the need for travellers’ pitches to meet the then definition.
- 14.3.12** This definition within Planning policy for Travellers sites, Department for Communities and Local Government (DCLG) August 2015) has subsequently been amended in August 2015. The key change that was made to both definitions was the removal of the terms persons... who have ceased to travel permanently, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a traveller for the purposes of assessing accommodation needs in a GTAA. As such from the information supplied the occupants of the existing pitch do not fall under this definition.
- 14.3.13** The gypsy definition in cancelled Circular 01/06 included those that, due to ill health or educational needs, had ceased travelling, and went further by including those who have effectively ‘retired’ from a nomadic lifestyle due to old age. Therefore, persons so defined had special status in planning law and benefited from the application of more favourable policies, such as rural exception site policies, when compared to an individual without special status seeking permission for a residential caravan or home in the open countryside.

This reflected a trend towards the gypsy community becoming more settled. A significant change in definition was introduced in planning policy for traveller sites in 2015 whereby gypsy status now excludes those who have ceased travelling permanently, meaning planning decisions will be made in the context of planning policy as it applies to the settled community and not within the terms of planning policy for

traveller sites. The proposal therefore should be considered under policy S7.

- 14.3.14** The Parish council have raised concerns in relation to the lack of clarity on traveller pitch need in Uttlesford.
- 14.3.15** A recent appeal, 9<sup>TH</sup> October 2021, APP/C1570/C/18/3219384, allowed for change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works, subject to conditions, at land to the north of Birchanger Lane, Birchanger, CM23 5QA. condition 2 requires the site not to be occupied by any persons other than gypsies and travellers as defined in annex 1 of planning policy for travellers sites, august 2015 (or its equivalent in replacement national policy) This application provided six new pitches. The inspector stated that limited weight should be afforded to the GTTSAA
- 14.3.16** The GTAA has not been updated, however, the policy team have published in December 2021 an updated 5YHLS statement for gypsies and travellers.
- 14.3.17** This states that with regard to provision for Gypsies & Travellers who meet the PTTS definition:
- Known: There was no projected need to 2033 and no pitches have been provided as of December 2021
  - Unknown: The maximum projected need to 2033 is for 8 pitches, however, the most likely projected need is for 1 pitch. 8 pitches have been provided; therefore, we have exceeded the most likely need. 4 G&T households will move into bricks and mortar and will then have settled status.

With regards to the other two remaining approved pitches on the adjacent site planning permission would be required if the plots were to be used for dwellings rather than for gypsies and travellers (as per the conditions attached to those permissions) and would be dealt with on merit/current planning policy at that time.

- 14.3.18** This proposal would result in the loss of a Gypsy and Traveller pitch for the future; however, the current occupants would also be removed from the list as they no longer would meet the 2015 definition.
- 14.3.19** In principle, although contrary to policy S7 of the adopted Local Plan, taking into consideration the dwellings recently approved at appeal to the rear of the site, the lack of five-year land supply, the replacement of the static caravan (subject to meeting design criteria and other policy requirements) would be acceptable in this location. With careful design, the impact on the character and appearance of the area can be modest. Although, the current form of development is linear along this side of the

road, the dwellings allowed at appeal adjacent to the site will change the form of the surrounding buildings. The adverse impacts of the development, would be limited and on balance, the site is a suitable location for the proposed residential development and the proposal would constitute a sustainable form of development.

**14.4 B) Design and impact on neighbour's amenity (Uttlesford Local Plan policies GEN2, GEN4)**

**14.4.1** Uttlesford Local Plan (adopted 2005) Policy GEN2 states amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The development will not be permitted if it would 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. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.

**14.4.2** The proposed dwelling would be of similar scale and design as those approved adjacent, to the south of the site. The parish councils comments have been noted and the justification for the property being five bedrooms is that Mr Boswell is of ill health and will live on the ground floor and his daughter and family will live with him to care for him.

**14.4.3** The design and scale of the proposed dwellings is considered appropriate for this location. When taking into account the scale of the dwellings approved at appeal on the adjoining site and to the south of the site under UTT/21/0507/FUL AND UTT/22/0025/FUL it is considered that it would be unreasonable to refuse the proposed dwelling on this site.

**14.4.4** The dwelling would have more than 100m<sup>2</sup> private amenity space and as such would accord with the requirements of the Essex Design Guide for the size of the dwelling.

**14.4.5** The dwelling has the potential to overlook any future unit adjoining the south of the site. This can be prevented by the use of a suitably worded condition.

**14.4.6** The proposal would not result in any material overlooking, overshadowing or overbearing impact, subject to condition, and complies with ULP policies GEN2 and GEN4.

**14.4.7** The proposal is considered to be of acceptable design and scale for the location and therefore complies with ULP policy GEN2.

**14.5 C) Highway safety and parking provision (Uttlesford Local plan Policies GEN1, GEN8, NPPF)**

**14.5.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

**14.5.2** The access is an existing and no changes are proposed.

**14.5.3** The proposed property is a five bedroomed dwelling. The adopted parking standards require the provision for three parking spaces per dwelling for three+ bedroomed properties. The proposal would meet the required parking standards.

**14.5.4** Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005.

**14.6 D) Biodiversity (Uttlesford Local Plan Policy GEN7, NPPF)**

**14.6.1** 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 preliminary Ecological Appraisal has also been submitted in support of the application.

**14.6.2** There is the potential for foraging/commuting bats and nesting birds to be present on site. Mitigation measures have been identified in the submitted Preliminary Ecological Appraisal (Sept 2021)

**14.6.3** Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to securing the biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition

**14.6.4** 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.

**14.7 E) Land Contamination (Uttlesford Local Plan Policy ENV14, NPPF)**

**14.7.1** The application site is outside aircraft and other transportation noise significance. Environmental Health officers have recommended a condition that in the event of contamination being found at any time when carrying out the

approved development that it should be reported in writing to the Local Planning Authority, in order to protect human health. The proposal would comply with Uttlesford Local Plan (adopted 2005) Policy ENV14

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

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

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

## **16. CONCLUSION**

**16.1** The following is a summary of the main reasons for the recommendation.

**16.2** The proposal is acceptable in principle.

**16.3** The design and scale of the proposal is considered to be acceptable. Adequate amenity space would be provided. The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or overbearing impact on neighbours' amenity.

**16.4** The proposal will not have a detrimental impact on highway safety.



**16.5** The proposal would not materially impact upon matters of biodiversity, subject to conditions.

**16.6** The proposal would not result in any harm to human health subject to condition.

**17. 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 If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment 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 2005 - Policy ENV14

3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology, September 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

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

The works shall be implemented in accordance with the approved details 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

- 5 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 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 Uttlesford Local Plan Policy GEN7

- 6 During removal & 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 the adopted Uttlesford Local Plan 2005 Policy GEN2

- 7 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur, and measures taken to prevent scavenging of any detritus.
- REASON: Flight safety in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2
- 8 During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission. Suitable lidded bins should be provided and emptied as necessary.
- 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 Stansted Airport in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2
- 9 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 Stansted Airport, In accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2
- 10 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for Stansted Airport.
- REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, In accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2
- 11 No reflective materials to be used in the construction of these buildings.
- REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2
- 12 Infrastructure for a single electric vehicle fast charging point shall be installed at the proposed dwelling. 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 2021.

- 13 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.

- 14 The proposed permanent dwellings 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,

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

15. The windows in the southern elevation shall be obscure 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 site in the interests of residential amenity in accordance with Uttlesford Local Plan Policy GEN2

- 16 Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the southern elevations of the building hereby permitted without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Uttlesford Local Plan Policy GEN2



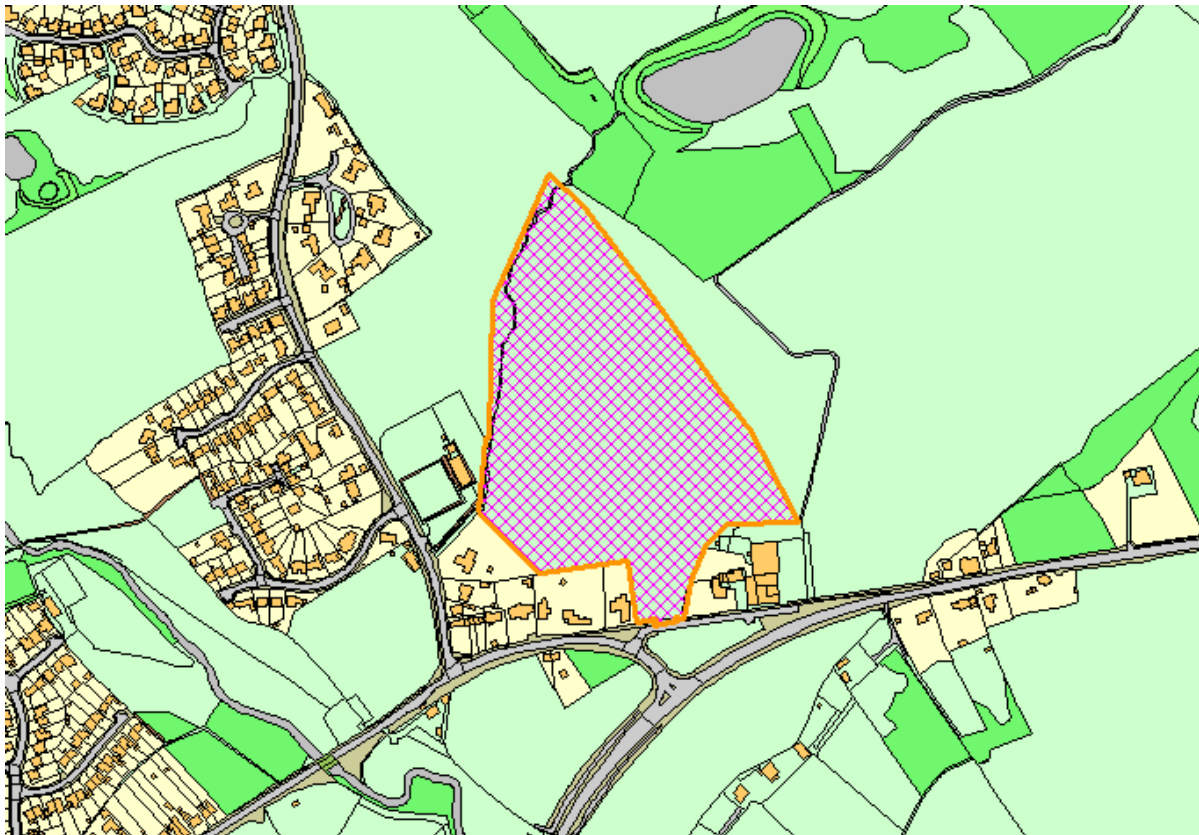
**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 13<sup>th</sup> April 2022

**REFERENCE NUMBER:** UTT/21/2719/FUL

**LOCATION:** LAND NORTH OF BRAINTREE ROAD, DUNMOW

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 1<sup>st</sup> March 2022

**PROPOSAL:** Proposed erection of 32 no. self-build and custom build dwellings

**APPLICANT:** J Kirby, JM Kirby, N Rowe R Kirby

**AGENT:** Sam Bampton

**EXPIRY DATE:** 2<sup>nd</sup> December 2021

**EOT Expiry Date:** 29<sup>th</sup> April 2022

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits (ULP) / Outside Town Development Area (GDNP)  
Within Groundwater Source Protection Zone 2  
Archaeological Site - 1301  
Within 250m of Landfill Site  
Public Right of Way – Footpath (Great Dunmow)  
Within 100m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL))  
Within 250m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL))  
Within 250m of Ancient Woodland – (MERKSHALL WOOD, GREAT DUNMOW)

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Planning Application

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**1. EXECUTIVE SUMMARY**

- 1.1** This application is for the proposed erection of 32 no. self-build and custom build dwellings just outside the development envelope to the east of the settlement of Great Dunmow.
- 1.2** The proposal is adjacent to the site previous granted under UTT/19/1508/FUL, for the erection of 22 custom/self-build dwellings, the principle of this type of development has been established and would be appropriate for the locality.

- 1.3 This proposal would contribute 32 dwellings towards the Local Planning Authorities 5yhrs, bring financial contributions towards education, transportation improvements within Great Dunmow, it would also provide local employment for the life of the build.

2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located on the east side of St Edmunds Lane, it comprises an irregular shaped grade 3 arable field (agriculture), consisting of 2.7 ha (stated), which lies to the southeast of the first phase of development by the applicant.
- 3.2 This first phase was approved under LPA reference UTT/19/1508/FUL, for the erection of 22 custom/self-build dwellings and was subject to a Unilateral Undertaking, following the resolution of Uttlesford DC Planning Committee to approve the scheme at their meeting of the 06th May 2020.
- 3.3 A public footpath lies to the west of the application site and currently runs between the proposal site and the previously granted under UTT/19/1508/FUL.
- 3.4 An Archaeological Site lies to the north-eastern boundary of the site, to the southern boundary of the site there are 2 no. Grade II Listed Buildings consisting of 'Ford Farmhouse' and 'Ford Farm barns' located to the east of the proposed new access into the site.

4. **PROPOSAL**

- 4.1 This full application proposal relates to the erection of 32 no. self-build and custom dwellings with associated parking provision, new service



road to include new access onto the unclassified Braintree Road, and associated drainage works.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development.

## 6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
DUN/0184/59	Site for residential development	Refusal
DUN/0620/69	Site for residential development	Refusal
UTT/1269/85/GD	Outline application for erection of 6 bay ambulance station complete with offices and amenities and construction of new access	No Objections
UTT/1018/88	Change of use from hotel and restaurant to offices in Class B1	Approve with Conditions
UTT/1667/90	Outline application for proposed extensions to existing hotel to approx 50 bedrooms	Withdrawn
UTT/1300/91	Extensions to existing hotel to provide 32 bedrooms. Construction of new access	Refusal
UTT/1301/91/LB	Demolition of part of hotel & erection of extension to provide 32 bedrooms	Refusal
UTT/14/0075/FUL	Proposed erection of 2 no. dwellings with associated garaging, landscaping and access	Withdrawn
UTT/15/2274/FUL	Proposed erection of pair of private dwellings with garaging and associated landscaping	Refusal (Appeal Dismissed)
UTT/20/1744/FUL	Proposed 30 no. Self-build and custom dwellings	Refusal (Appeal in Progress)

**7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 Pre-application advice with the Local Planning Authority has not been undertaken on this application by the applicant.
- 7.2 Due to Covid-19 the ability to undertake public consultation have been limited.
- 7.3 The principle of developing this site was presented at a public exhibition as part of engagement with the local community in relation to the proposals that were subsequently the subject of planning application UTT/20/1744/FUL.
- 7.4 The exhibition was held on Tuesday 10 September 2019 between 2.30pm – 8.00pm, at Foakes Hall, Great Dunmow; between 2.30 and 3.30 it was a private session for members of the Town Council, and from 3.30 – 8.00pm it was open to members of the public.
- 7.5 Notice of the exhibition was advertised for two weeks in the Dunmow Observer and the Saffron Walden Reporter, and the advert was available on-line in the papers' websites for a period of three weeks.
- 7.6 It must be noted that at this stage the site was identified for a care village. It is estimated that between 60 – 80 people visited the exhibition.
- 7.7 On the 4<sup>th</sup> June 2019 the applicant and members of the Town Council at Graces Lane, at which the project was discussed.
- 7.8 Following the change in the proposals from a care village to custom build housing, the agent engaged with members of the Town Council via 'Zoom' meetings on 18<sup>th</sup> February 2021 and again on the 20<sup>th</sup> May 2021, to discuss the proposals and answer any questions prior to a formal submission.
- 7.9 A site meeting between the agent and Town Council also took place on 10 June 2021, and the agent made a presentation to the Town Council Committee meeting of 1<sup>st</sup> July 2021.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority**

- 8.1.1 The applicant has revised and repositioned the access arrangement and has now satisfactorily addressed the outstanding Highway Authority's concerns.

**8.2 Local Flood Authority**

**8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

New information received.

We also have the following advisory comments:

- Investigate the existing water course capacity and also include it in your strategy.
- 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>

## **9. TOWN COUNCIL COMMENTS**

**9.1** No consultation response.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

**10.1.1** No objections subject to the imposition of conditions regarding:

- Report contamination to the LPA if discovered during works.
- Provision of electric vehicle charging points.

### **10.2 UDC Landscape Officer/Arborist**

**10.2.1** No comments towards this application.

### **10.3 Place Services (Conservation and Heritage)**

**10.3.1** The development would cause less than substantial harm to the setting of Ford Farmhouse and Ford Farm Barns. Because of the historical link between the heritage assets and the land forming the application site, this harm is assessed to be at the mid-point of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.

### **10.4 Place Services (Ecology)**

**10.4.1** No objections subject to the imposition of conditions regarding:

- Development to be in accordance with the ecology appraisal.
- Submission of a Skylark Mitigation Strategy.
- Submission and approval of biodiversity enhancement layout.
- Submission of a Landscape and Ecological Management Plan.

### **10.5 Place Services (Archaeology)**

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Archaeological Programme of Trial Trenching followed by Open Area Excavation.

**10.6 Crime Prevention Officer**

- 10.6.1** We do not support or object to the application but would like our observation recorded:  
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 self-build development to assist the developer/builders demonstrate their compliance with this policy by achieving a Secured by Design Self Build 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. Details of the Secured by Design Self-Build Award can be found at: <https://www.securedbydesign.com/guidance/design-guides>

**11. REPRESENTATIONS**

- 11.1** Site notices were displayed on site and 65 notifications letters were sent to nearby properties. As the development concerns major development and affects a public right of way, site notices were displayed near the site and in the local press.

**11.2 Support**

- 11.2.1** The proposed development would back onto us but we feel the proposal takes into consideration the impact of the environment and the surrounding area. The self-build concept and development plans make this a more desirable and spacious development compared to the many surrounding new build developments.

We also feel that being a local business, this kind of attractive development would support local businesses in a time when they need as much support as possible and will create a legacy in Great Dunmow which will be a big positive for generations to come.

- 11.2.2** Our business is located in close proximity to the proposed development and would like to support the application as it will satisfy some of the local demand for housing whilst also giving support to local businesses which is most welcome.

**11.3 Object**

- 11.3.1** Uttlesford District Council has already met its housing needs, and Great Dunmow has already provided a substantial amount of that housing

need with many small developments, and current new large housing development to the West of Great Dunmow on Stortford Road.

This application conflicts with Policy S7 of the Uttlesford District Council Local Plan.

The site is outside the development limits, and Uttlesford District Council should not support indiscriminate development just because there is the space to build.

This site is not appropriate for housing, as the development would have a significantly harmful effect on the rural character and appearance of the surrounding area. Its elevated position amplifies its over-bearing nature. The land is currently classed as 'Green Belt'.

A suitable, safe and appropriate access cannot be achieved. The proposed access is within 50 meters of a current accident black spot, and the traffic from this development would significantly increase the risk of accidents, and congestion at peak traffic periods.

There is a children's nursery adjacent to the proposed access of the site, at peak times, traffic from the site would create significant and unnecessary risk to road users and pedestrians / young children. This would be particularly apparent during the long period of building works.

There are already issues with surface water flooding in the area. An increase in housing with all of the associated surface water / drainage issues will just exacerbate the problem.

A number of properties, mine included will suffer from loss of privacy as back gardens would be directly overlooked.

My property value would drop significantly with the loss of privacy, and with being overlooked.

This development would impact the habitat of wildlife. In particular the area is constantly in use by herds of wild deer.

**11.3.2** When the initial 22 dwellings (referred to as 'Phase 1' in the site location plan), were proposed, the application was initially denied. It was only after repeated appeals that it was permitted. How on earth then, can a subsequent application (one that is 50% bigger than the initial Phase 1) be seriously considered as appropriate, at all.

The issue of surface water is particularly worrying. It appears that water will be discharged into the watercourse than runs between the bowling green and Greenacres. I have, myself, witnessed that channel overflowing into St. Edmunds' Lane in the past, and of course the River Chelmer (to which it surely, eventually joins), has flooded repeatedly in

recent years. The development of 22 houses, currently being built, is already discharging water into the watercourse, and so the last thing we need is for more water to be added to it.

The development offers nothing for the people of Great Dunmow. It will simply add to the burden of the local services, in a town in which (even pre-pandemic) the minimum wait time for a Doctor's appointment is/was 3 weeks. The dwellings will be completely beyond the reach of young, local, people to purchase; and as with all the other developments around Dunmow, (Woodland's Park, etc.) will almost certainly be purchased by people moving out of London, where house prices are even more crazy.

On the topic of what the dwellings might offer for local people, I may not have looked closely enough, but I see no reference to any social housing being provided in the development. If this is indeed the case, then why not?

What exactly is meant by 'self-build and custom build dwellings'? From my understanding there is zero self building involved in the current Phase 1, and the only ability to 'customise' these builds is the opportunity for purchasers to specify their own choice of kitchens and bathrooms, during the construction phase. Might it be that there is some mileage in using the term 'Self build and Custom build' in the planning application? My cynical side wonders if this could preclude the need for a quota of social housing. I'm no doubt wrong, but it is a mystery why this term is being used and was used for the 22 dwellings in Phase 1.

**11.3.3** The Local Plan and Neighbourhood Plans should not be dismissed. Significant emphasis is placed on the outdated nature of the Local Plan (2005), under which this site was not designated for development. The fact that the site (and a much larger area) has been included within the "Submission of Sites" does not mean that any new Local or Neighbourhood Plan will inevitably include this area in those designated for development.

The adverse effect on the countryside and the setting of Great Dunmow within the surrounding countryside: The Gt Dunmow Neighbourhood Plan may date from 2015, but it refers to the period up to 2032, so it is still valid. The plan states: "The identity and character of Great Dunmow is heavily influenced by its landscape, setting and character, and these aspects are to be retained as a priority. The requirements of a growing population must be met, but the qualities of landscape, setting and character provide an essential and cohesive thread to the nature and identity of the town. This is to be preserved wherever possible." In the Neighbourhood Plan, the site is included in Character Area 4 and is described thus "This area is surrounded by countryside, and contributes to one of the most important landscape edges around Dunmow", and " Key Positive Features: the setting of the Chelmer and the views of the church tower northwards; the distinct rural edge on the east side of St.

Edmund's Lane; the important tree belts east of St. Edmund's Lane and the woodland around Merks Hall; the views out to open country south east over the Chelmer; the open landscape of the Chelmer and the slope rising to Dunmow Park."

The Application site is outside the areas designated for development in the Neighbourhood Plan. Whilst the settlement boundary has been extended from the west to the east side of St Edmunds Lane, development on the east side has been only in land immediately adjacent to that boundary. This application extends the development into open countryside.

The Landscape and Visual Appraisal states that the value of the landscape at the site is only Medium. However, "Medium" is probably as good as it gets in the immediate vicinity of Great Dunmow. This is probably the most attractive area of rising ground on the east side of the town and adjacent to it. The site is crossed by footpaths which are in regular use by families, walkers and dog walkers. Development on this site would involve a significant loss of amenity to the local community.

Traffic hazards and the proximity of the access road to an Accident Black Spot: The Transport Statement states that there were no accidents reported in the vicinity of the site between May 2018 and June 2021. This may be correct, but this must refer only to the short stump of Stane Street leading from Braintree Road alongside the allotments where traffic is very light, and speeds rarely exceed 10MPH. The Statement indicates that in that same period there are only 4 incidents recorded at the nearby junction of Braintree Road and the B1256. This cannot be correct because we have lived opposite this junction since June 2020, including periods of lock-down and reduced traffic, and yet we have witnessed at least 4 incidents where the emergency services have attended. This is an acknowledged accident blackspot, and our concern is that the growth of traffic during construction and after will increase the risk in both the Stane Street stump and the junction with B1256. The Stane Street stump is narrow, normally with parked cars due to the children's nursery and the allotments, and HGVs frequently back up along it to deliver to the businesses next to the nursery.

This is not conducive to construction access or extra domestic access. The entrance road to the site will reduce the length of road available for parking which will inevitably lead to more parking along Braintree Road, adjacent to the junction with B1256, creating additional hazards. There is potential for gridlock in this area at busy periods.

**11.4 Comment**

**11.4.1** The representations above have been addressed by the consultees and taken into consideration in the report below.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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:

(a) 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.

**12.3** Section 66(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.

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

ULP Policy S7 – The Countryside

ULP Policy ENV2 – Development affecting Listed Buildings



ULP Policy ENV3 – Open Space and Trees  
ULP Policy ENV5 – Protection of agricultural land  
ULP Policy ENV10 – Noise Sensitive Development  
ULP Policy ENV13 – Exposure to Poor Air Quality  
ULP Policy ENV14 – Contaminated Land  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Protection  
ULP Policy GEN4 – Good neighbourliness  
ULP Policy GEN6 – Infrastructure provision to Support Development  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards  
ULP Policy H1 – Housing Development  
ULP Policy H10 – Housing Mix

### **13.3 Great Dunmow Neighbourhood Plan**

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

### **13.4 Supplementary Planning Document or Guidance**

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

## **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Principle of development**

**B) Whether means of access would be satisfactory / sustainable transport**

**C) Heritage Impacts**

**D) Design, Layout, Scale and Appearance**

**E) Ecology**

**F) Landscaping**

**G) Planning Balance**

**14.3 A) Principle of development**

**14.3.1** The National Planning Policy Framework (2021) is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

**14.3.2** Paragraph 14 of the National Planning Policy Framework continues by stating:

*In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

*a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.*

*c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*

*d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

**14.3.3** In terms of paragraph 14 a) of the National Planning Policy Framework, the Great Dunmow Neighbourhood Plan is more than 2-years old (it was

adopted on the 8<sup>th</sup> December 2016), and therefore cannot be considered in the context of housing supply provision.

- 14.3.4** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.52y/hs.
- 14.3.5** It is therefore necessary to establish if the 'tilted balance' is engaged in decision making in this instance, in terms of the contribution this proposed development makes to Land Supply within Uttlesford. Further, the Uttlesford District Councils Housing Officer is supportive of this application as the self-build register shows there is a demand/need for self-build within the Uttlesford District.
- 14.3.6** The principle of custom / self-build housing at this edge of town location lying outside development limits and outside the GDNP Town Development Area has already been established by reason of the granting of outline planning permission on appeal on land to the north-west of this application site, under ref; UTT/14/0472/OP for 22 no. custom / self-build dwellings at St Edmunds Lane, whereupon a DFO application has been subsequently granted pursuant to this approval in principle for the same quantum of dwellings under UTT/17/3623/DFO. A further full application was granted in June 2020; LPA reference UTT/19/1508/FUL.
- 14.3.7** The site is currently in agricultural production and the impacts upon countryside character for the current application need to be assessed in the context of other approved schemes recently, but also in terms of the particular landscape impacts of this proposed development. This assessment will be carried out within Section 5 - Landscaping of this part of the Report.
- 14.3.8** Essex County Council SUDS Team have reviewed the submitted Flood Risk Assessment and find it to be acceptable.
- 14.3.9** In terms of education provision, the proposal will be making contributions towards early years, primary and secondary education in order to mitigate the impacts of this proposed development. In terms of the level of contributions, these have been agreed with the Infrastructure Planning Officer at Essex County Council as Local Education Authority with respect of contributions to Early Years, Primary and Secondary Education.
- 14.3.10** The Infrastructure Planning Officer at Essex County Council has advised the following:

- Early Years and Childcare: £17,268.00 per place, index-linked to quarter two, 2020;
- Primary: £17,268.00 per place, index-linked to quarter two, 2020;
- Secondary: £23,775.00 per place, index-linked to quarter two, 2020.

Projected costs (based on 32 houses of two-bedrooms or more):

- EY&C: £49,731.84
- Primary: £165,772.80
- Secondary: £152,160.00
- Libraries: £77.80 per unit.

All to be PUBSEC index linked from January 2020 to the date of payment.

**14.3.11** As such, the proposal as submitted would comply in principle with the NPPF, ULP Policies S7, H1, GEN3 and GEN6 and GDNP Policies DS1: TDA, GA-A and HEI-A.

**14.4 B) Whether means of access would be satisfactory / sustainable transport measures**

**14.4.1** The proposed development would be served by the creation of a new access into the site from the unclassified Braintree Road. The access arrangement, internal access road and associated footway is to be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.

**14.4.2** The Highway's Authority has developed an outline public transport strategy for Great Dunmow, with this being the case they have not recommended that a contribution be made towards the strategy. This strategy intends to enhance local bus services serving Great Dunmow and the surrounding areas.

**14.4.3** This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that "*Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow*", whilst Policy: GA3: Public Transport states that "*New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this*".

**14.4.4** Essex County Council Highways in their consultation response of 31<sup>st</sup> March 2022 have requested that a financial contribution of £83,200 (index linked to April 2021) prior to first occupation of the development to be paid to the local planning authority to contribute to a bus strategy for Great Dunmow.

- 14.4.5** This contribution will be used to enhance local bus services serving Great Dunmow and the surrounding areas to provide connections to local amenities and/or key towns in the interests of reducing the need to travel by car and promoting sustainable development and transport.
- 14.4.6** This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that *“Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow”*, whilst Policy: GA3: Public Transport states that *“New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this”*.
- 14.4.7** The agreed commuted sum would form part of a S106 agreement should planning permission be granted for the scheme together with the upgrade of existing bus stops in St Edmunds Lane. In the circumstances, the proposal would comply with ULP Policy GEN1 and GDNP Position (Statement) GA-A: Public Transport and Policy GA3: Public Transport.
- 14.4.8** The applicant within their application has stated that they are agreeable to entering into a unilateral undertaking to make all necessary financial contributions towards infrastructure identified in response to consultation with statutory consultees in order to meet the requirements of Policy GEN6.
- 14.5 C) Heritage Impacts**
- 14.5.1** To the south of the application site lies 2 no. Grade II listed buildings.
- 14.5.2** Ford Farmhouse is an early nineteenth-century former farmhouse with grey gault brick front and red brick sides and rear under a grey slate hipped roof.
- 14.5.3** Ford Farm Barns is an early nineteenth-century range of former farm buildings, in red brick with yellow brick string courses, and grey brick dressings under a tiled roof
- 14.5.4** The application site also lies in a potentially sensitive area of archaeological deposits.
- 14.5.5** In terms of impacts upon the Grade II listed buildings, the Historic Environment Team Place Services Essex County Council commented on the application in October 2021, making the following observations:
- 14.5.6** *“I disagree with the assessment that the development would cause no harm to the setting of Ford Farmhouse and Ford Farm Barns.”*

**14.5.7** *“Built development on this field would therefore sever the remaining link between the heritage asset and the agricultural fields which served the farm, causing harm to its significance as a formerly rural farmstead. While the farmhouse and barns are no longer in agricultural use, their setting contributes to understanding them as former farm buildings, so the encroachment of built development would harm this understanding. There are public footpaths across the application site with views towards the farmhouse, so the development would alter the experience of the farmhouse and barns as semi-rural former agricultural buildings.”*

**14.5.8** *“The open landscape contributes to the semi-rural character of this area and makes a positive contribution to the setting of the listed buildings as a historic rural farmstead.”*

**14.5.9** *“Mitigation has been proposed by keeping the southern part of the field, between Ford Farmhouse and the buildings to the west, as open ground crossed by the access road. While this would reduce the intensity of built form in the immediate setting of the farmhouse, it should be noted that any screening afforded by planting is seasonal and subject to change or removal. The physical presence of the development would have an impact on the listed buildings not just as a cluster of built form infilling the open fields, but also through increased noise, traffic movements and light spill. The urbanising effect of the development would have a negative impact on the semi-rural character of the area noted by the appeal inspector.*

*Overall, therefore, my view is that the development would cause less than substantial harm to the setting of Ford Farmhouse and Ford Farm Barns. Because of the historical link between the heritage assets and the land forming the application site, this harm is assessed to be at the mid-point of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.”*

**14.5.10** In terms of the “tilted balance”, as set out in A of this Section of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF) advises 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.”*

**14.5.11** Colleagues at the Place Services Historic Environment Team have advised that the harm to the setting of Ford Farmhouse and Ford Farm Barns would cause less than substantial harm weighted to be at the mid-point of the scale as set out in paragraph 202 of the NPPF (2021). Further, the proposal would contribute to the shortfall of housing land supply within Uttlesford, which currently stands at 3.52 years.

**14.5.12** In terms of archaeological impacts, the Specialist Archaeological Adviser at Place Services, Essex County Council have reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of archaeological investigation and reporting.

**14.5.13** Therefore, and on balance, the proposed development would comply with the provisions of ULP Policies ENV2 and ENV4, and GDNP Position LSC-A.

**14.6 D) Design, Layout, Scale and Appearance**

**14.6.1** The application proposes 32 no. dwellings, including four bungalows, however unlike a conventional detailed application, the finalised layout and scale of the proposed development cannot be considered at this stage.

**14.6.2** This is due to the various extension and garage options that are available for the proposed plots.

These will be determined by the purchaser, and like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of work on each plot.

**14.6.3** In terms of design selection for the house types, the submitted Design Code and Plot Parameter Plan set the maximum dwelling width, depth, eaves height and ridge height as well as the materials pallet. This is intended to allow flexibility for the self-builder whilst providing the Council with certainty of what would be delivered.

**14.6.4** The Design Code sets out, for example, the line of house frontages, depth of build zone, plot co-ordinates and maximum ridge and eaves heights. In terms of construction, the developer would promote the “Golden Brick” principle where the plot buyer would have the option of self-building the dwelling from slab level upwards or request that the dwelling is variously constructed to roof level or the third option being a “Turn-key” dwelling where the buyer simply chooses internal layout etc. The scheme adopts a modular approach to the various house types.

**14.6.5** The applicant is proposing a range of different house types for each plot, which are designed as single, two and two and a half storeys in height, in keeping with the scale of existing housing development locally

**14.6.6** The scale of the house types and garaging, however, would be fixed by various building parameters from the Design Code. The schedule of accommodation is as follows:

**14.6.7**

Plot no.	House Type	Bedrooms	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)

Plot 1	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 2	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 3	Detached	3	4.85	8.95	9.5	8.15
Plot 4	Detached	3	4.65	8.2	11.37	10.56
Plot 5	Detached	4	4.38	7.21	11.78	11.7
Plot 6	Detached	3	4.65	8.2	11.37	10.56
Plot 7	Detached	3	5.09	8.58	14.34	9.76
Plot 8	Detached	3	4.85	8.95	9.5	8.15
Plot 9	Detached	3	4.91	9.84	9.5	9.2
Plot 10	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 11	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 12	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 13	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 14	Terraced	2	4.65	8.88	24.98	10.1
Plot 15	Terraced	2	4.65	8.88	24.98	10.1
Plot 16	Terraced	2	4.65	8.88	24.98	10.1
Plot 17	Detached	3	4.87	8.93	8.8	6.89
Plot 18	Detached	3	4.87	8.93	8.8	6.89
Plot 19	Detached	4	5.02	9.19	9.85	12.3
Plot 20	Detached	4	5.02	9.19	9.85	12.3
Plot 21	Detached	3	4.87	8.93	8.8	6.89
Plot 22	Detached	3	4.85	8.95	9.5	8.15
Plot 23	Detached	4	5.02	9.17	9.85	12.3
Plot 24	Detached	4	5.08	7.91	11.38	15.44
Plot 25	Detached	3	5.68	8.7	9.1	12.99
Plot 26	Detached	4	5.08	7.91	11.38	15.44
Plot 27	Detached	3	4.38	7.21	11.78	11.7
Plot 28	Detached	4	5.09	8.58	14.34	9.76
Plot 29	Detached Bungalow	2	2	4.55	10.8	12.85
Plot 30	Detached Bungalow	2	2	4.55	10.8	12.85
Plot 31	Detached Bungalow	2	2	4.55	10.8	10.61
Plot 32	Detached Bungalow	2	2.39	4.71	11.12	6.79

**14.6.8** The dwellings would comprise generally a mix of 1, 1½ and 2 storey dwellings across the development. with the two storey dwellings primarily set at the lower part of the site and reducing in size and scale as the land rises.

**14.6.9** Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

**14.6.10** Each plot would have sufficient parking provision for the maximum sized property which could be constructed for each plot. The on-plot provision parking provided for several plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling



involved, meaning that sufficient visitor parking would be provided across the development.

- 14.6.11** The road has been set out to have the appearance of a rural lane/ farm track. Referring to the vehicle tracking diagram found within the Transport statement, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.
- 14.6.12** In terms of appearance, the application relates to a custom / self-build housing scheme which by its very nature as emphasised by the applicant in the submitted supporting statement requires a degree of flexibility in design approach. Therefore, the issue of appearance, like layout, scale and landscaping can only be assessed in terms of their broad approach. If these are considered to be acceptable, then the parameters would be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.
- 14.6.13** However, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate whereby this would provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.
- 14.6.14** The range of materials presented is considered to be acceptable and would be in accordance with ULP Policy GEN2 and GEN8 of the adopted Uttlesford Local Plan 2005, and Policy DS8, DS10, DS11 and DS12 of the Great Dunmow Neighbourhood Plan.

## **14.7 E) Ecology**

- 14.7.1** 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.
- 14.7.2** Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are “*satisfied that there is sufficient ecological information available for determination.*” subject to conditions securing biodiversity mitigation and enhancement measures.
- 14.7.3** Ecology has requested that a Pre-Commencement condition be placed on the application with regard to the submission of A Skylark Mitigation Strategy.

**14.7.4** Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Biodiversity Enhancement Layout and the submission of a Landscaping and Ecological Management Plan have been sought.

**14.7.5** As such, the proposal as submitted would comply in principle with ULP Policy GEN7 and the National Planning Policy Framework (2021).

#### **F) Landscaping**

**14.8.1** Within the design and Access Statement's landscape strategy plan, the applicant discusses the creation of new habitats and a number of biodiversity enhancements that this proposal will bring to the area.

**14.8.2** The proposal intends to create a tree lined access road with wildflower meadow land on both sides. Along the property frontage it is proposed to plant new hedges in order to create a soft semi-rural character, with plots 20–26 benefitting from a central green space that will be planted with native trees, shrubs and grassland. A belt of a native woodland will be provided to the northwest of the site in order to help screen the existing development on St Edmunds Lane as well as providing additional amenity space.

**14.8.3** Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

**14.8.4** In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the commencement of works on site.

**14.8.5** The proposal is considered to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policies GEN2, ENV3 and GDNP Policies DS9 and NE4.

#### **14.9 G) Planning Balance**

**14.9.1** The planning merits of the submitted proposal are to be considered in the context of the extent of compliance with the development plan. The weight attached to the policies in the development plan taking into account how up to date they are and the NPPF.

**14.9.2** It is considered when taking the NPPF as a whole, that the benefits of the proposal, where mitigation has been offered in order to make the development acceptable, are considered to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings adjacent to the site. The tilted balance in favour of the proposal, including

a presumption in favour of sustainable development, is therefore engaged. This means the proposal is acceptable.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

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

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

## **16. CONCLUSION**

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

**16.2** The principle of custom / self-build housing development has already been established at appeal under ref; UTT/14/0472/OP and full application was granted in June 2020; LPA reference UTT/19/1508/FUL on the adjacent land to the northwest.

**16.3** The Highways Authority are satisfied that the revised access is acceptable, and they have no objections to the proposal subject to conditions.

**16.4** On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would

secure optimum use of the land whilst minimising the harm to the adjacent heritage assets.

**16.5** The proposed design, layout, scale and housing mix is considered to be appropriate for this edge of settlement site.

**16.6** Sufficient ecological information has been supplied with the application for determination and would comply with ULP Policy GEN7.

**16.7** The proposed landscaping is considered to be appropriate for this edge of settlement site.

**16.8** The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

## **17. S106 / CONDITIONS**

**17.1.1** With regard to paragraph 57 of the NPPF, the applicant confirms a willingness to enter into a Section 106 legal agreement to make any financial contributions that adhere to the following criteria:

- i Necessary to make the development acceptable in planning terms.
- ii Directly related to the development.
- iii Fairly and reasonably related in scale and kind to the development.

### **17.1.2**

- (i) Custom / self-build dwellings**
- (ii) Payment of early years, primary and secondary education contributions**
- (iii) Payment of sustainable transport commuted sum contribution towards a public transport strategy for Great Dunmow**
- (iv) Pay the Council's reasonable legal costs.**
- (v) Pay the monitoring fee.**

## **17.2 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** No development shall take place, including any ground works or demolition, until a scheme of hard and soft landscape has been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the appearance of the site and the area in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 3** Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 4** 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 Part 1 of Schedule 2 and Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and protect the amenities of the neighbouring dwellings, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005).

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

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

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

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

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Note: Failure to provide the above required information before commencement of works may result in a system being installed that is not

sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

REASON: Paragraphs 166 and paragraph 174 of the National Planning Policy Framework (2021) state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 11** Prior to occupation, the dwellings shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

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

- 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 indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** 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 Part 1 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 in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 14** 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 in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 15** 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 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 in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 16** 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 in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 17** 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.

- 18** 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.

- 19** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Low Impact EclA (Hybrid Ecology Ltd., 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 provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 20** 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, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

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 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 21** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Low Impact EclA (Hybrid Ecology Ltd., 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 provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 22** 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 new tree/hedgerow planting and the existing stream to the west of site.
- 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 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 23** Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). Such vehicular visibility splays shall be retained free of any obstruction at all times.

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

- 24** Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;

i. Improvements to the passenger transport infrastructure at the eastbound and westbound bus stop located in the vicinity of the site on Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, flags, shelter, footway and crossing provision, and any other related infrastructure as deemed necessary by the Highway Authority.

ii. Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the west of the site frontage and St Edmunds Lane. For the avoidance of doubt, this shall include full depth reconstruction and surfacing, as required. Details to be agreed by the Local Planning Authority, in

consultation with the Highway Authority, and shall be implemented prior to occupation.

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

- 25** No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 26** The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features 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 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 27** 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 the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 28** 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 the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 29** 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.
- vi. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase and/or temporary closure.
- vii. Comprehensive before and after survey of the highway network from Braintree Road junction to application site, and the PROW network within the application site.

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 the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 30** 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 the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 31** 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 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

## APPENDIX 1 - ECC HIGHWAYS COMMENTS

The applicant has revised and repositioned the access arrangement and has now satisfactorily addressed the outstanding Highway Authority's concerns. Therefore.

**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 the following measures:**

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). 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.
2. Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
  - i Improvements to the passenger transport infrastructure at the eastbound and westbound bus stop located in the vicinity of the site on Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, flags, shelter, footway and crossing provision, and any other related infrastructure as deemed necessary by the Highway Authority.
  - ii Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the west of the

site frontage and St Edmunds Lane. For the avoidance of doubt, this shall include full depth reconstruction and surfacing, as required. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interest of highway safety and accessibility.

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.

3. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority. **Reason:** To ensure the continued safe passage of pedestrians on the public right of way and accessibility.
4. The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features 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.
5. Prior to first occupation of the development, a financial contribution of £83,200 (index linked to April 2021) to be paid to the Highway Authority to contribute to a strategy that will enhance local bus services serving Great Dunmow and the surrounding areas to provide connections to local amenities and/or key towns. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
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.
- vi A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase and/or temporary closure.
- vii Comprehensive before and after survey of the highway network from Braintree Road junction to application site, and the PROW network within the application site.

**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.

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.
10. 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.

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

Informative:

- i It should be noted that the proposed development would not be considered for adoption by the Highway Authority.
- ii Pedestrian connectivity to the site to the rear – UTT/19/1508/FUL (currently subject to appeal) should be considered by the applicant.
- iii 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 applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

- iv There shall be no discharge of surface water onto the Highway.
- v Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vii Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- viii Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix 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 23 and 24 (Great Dunmow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the

aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

## APPENDIX 2 - ECC SUSTAINABLE URBAN DRAINAGE SYSTEMS COMMENTS

Thank you for your email received on 03/09/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above-mentioned planning application.

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 based on the following:

New information received.

We also have the following advisory comments:

- Investigate the existing water course capacity and also include it in your strategy.
- 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> 2

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.

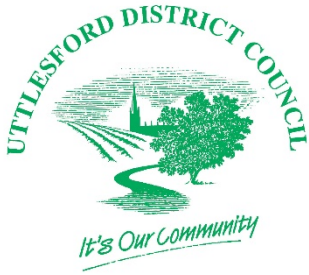
Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

# Agenda Item 8



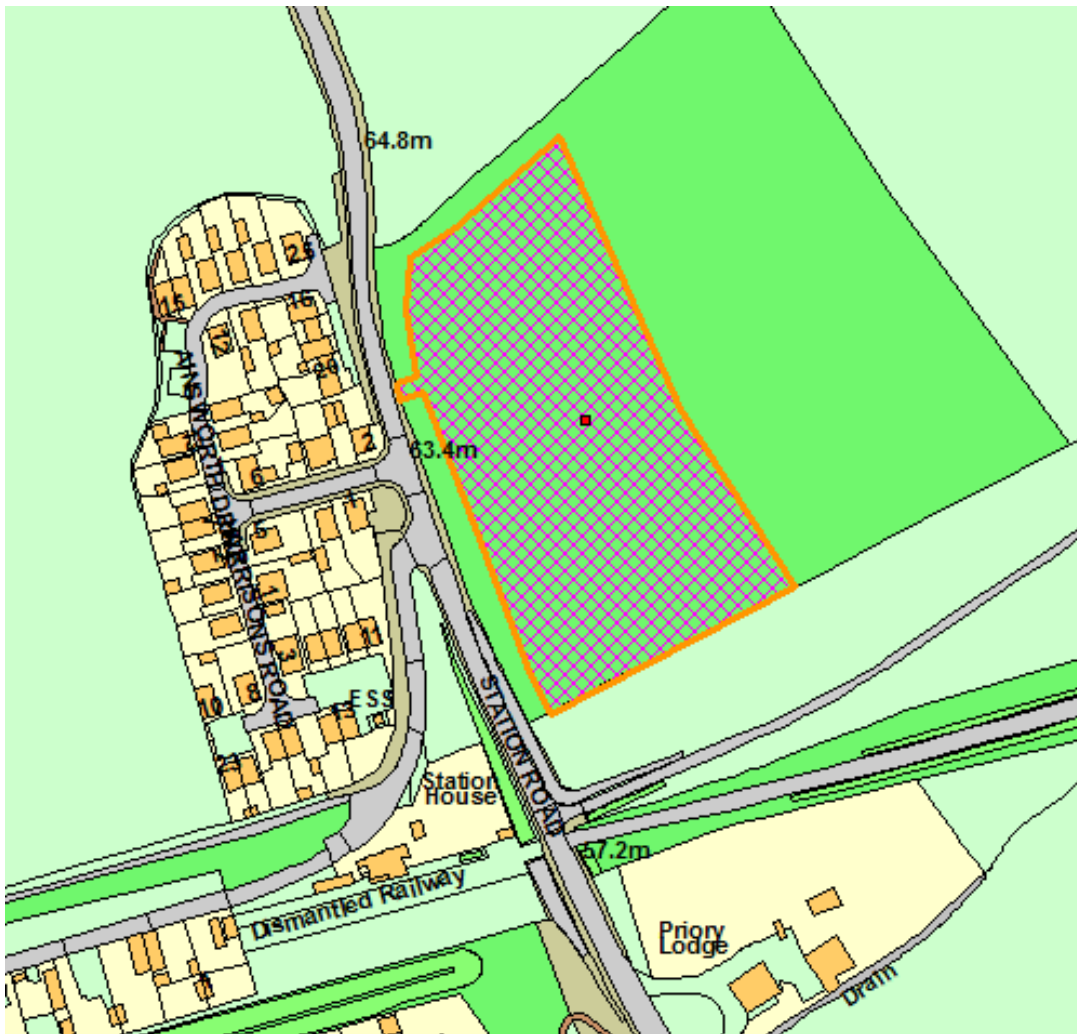
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 13 April 2022

**REFERENCE NUMBER:** UTT/21/3182/FUL

**LOCATION:** LAND TO THE EAST OF STATION ROAD,  
LITTLE DUNMOW

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Proposed erection of 9 no. detached dwellings, provision of new access and associated landscaping and parking.

**APPLICANT:** Dishley 102 Ltd

**AGENT:** Alison Young Planning Associates Ltd

**EXPIRY DATE:** 22<sup>nd</sup> December 2021

**EOT Expiry Date:** 15<sup>th</sup> April 2022

**CASE OFFICER:** Henrietta Ashun

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** More than 5 dwellings outside Great Dunmow, Saffron Walden and Stansted.

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**1. EXECUTIVE SUMMARY**

- 1.1** The proposed development is for the erection of 9 detached houses on a former recreational ground within the Countryside.
- 1.2** Planning permission was previously granted on site for 9 bungalows which was extant at the time of application submission, therefore the principle of residential development on the site has been accepted.
- 1.3** The applicant seeks to provide 1.5 storey houses within a similar arrangement with access via Station Road as previously approved.
- 1.4** It is considered that the benefits compared with the limited harm to the Countryside would not significantly and demonstrably outweigh the benefits of providing good quality much needed housing.

**2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to <b>GRANT</b> permission for the development subject to those conditions set out in section 17 of this report.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is an elongated greenfield site measuring approximately 0.98 ha and was formerly used as a recreation ground but is now unused.



- 3.2 Outline planning permission was granted for its residential redevelopment in March 2019 (ref: UTT/18/1039/OP).
- 3.3 The site lies on the eastern side of Station Road, south of the junction with Bramble Lane.
- 3.4 To the west of the site, directly opposite on Station Road is Cromwell Place/Ainsworth Drive, a Permission Homes residential development.
- 3.5 The Flitch Green is situated outside the site boundary to the south. Further south of the site is Flitch Green residential development via Baynard Avenue.
- 3.6 The property is outside development limits within the Countryside.

#### 4. **PROPOSAL**

- 4.1 Full planning permission is sought for the 9 no. detached dwellings, provision of new access and associated landscaping and parking.
- 4.2 This revised application follows a previously approved extant permission on the site under application reference UTT/18/1039/OP, which was granted permission in 2019 following an appeal, reference APP/C1570/W/18/3214763.
- 4.3 The units comprise 4-5 bedroom 1.5- storey houses with integral or detached garages.
- 4.4 Vehicle access will be provided by via Station Road. 3-4 parking spaces are provided per property.

#### 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

Reference	Proposal	Decision
UTT/18/1039/OP APP/C1570/W/18/3214763	Outline application with all matters reserved except access for the erection of 9 no. bungalows	Appeal allowed 15 May 2019
UTT/21/2589/DFO.	Details following outline approval UTT/18/1039/OP for the erection of 9 no. 1.5 storey chalet-style bungalows - details of layout, appearance and landscaping and scale.	Withdrawn

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** A reserved matters application to the approved outline was submitted application reference UTT/21/2589/DFO. However, given that outline planning consent was granted for bungalows and the proposals involved the erection of 1.5 storey houses, it was not considered appropriate, and the applicant was advised to submit a full planning application. As such the current application was duly submitted.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.2** 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.

### **8.2 Sports England**

**8.2.1** The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application. General guidance and advice can however be found on our website

### **8.3 Local Flood Authority**

**8.3.1** Having reviewed the Flood Risk Assessment which accompanied the planning application, and the additional documents sent on the 7 January 2022, we do not object to the granting of planning permission subject to conditions.

## **9. LITTLE DUNMOW PARISH COUNCIL COMMENTS**

**9.1** Object to the proposals on the following grounds:

- Site access on blind bend of busy road
- Highway safety
- Traffic survey out of date
- Lack of infrastructure

- Local drainage system floods at the bottom of the hill
- Stebbing Brook floods
- Local schools at capacity
- Out of keeping

## **10. CONSULTEE RESPONSES**

### **10.2 UDC Environmental Health**

**10.2.1** No objections raised. Conditions recommended in relation to contamination and electrical charging points.

### **10.3 Place Services (Ecology)**

**10.3.1** No objection subject to securing biodiversity mitigation and enhancement measures

We support the proposed reasonable biodiversity enhancements including the installation of bat boxes and a Hedgehog nesting box as well as the enhancement of the adjacent woodland and retained hedgerows, 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.

### **10.4 Place Services (Archaeology)**

**10.4.1** The archaeological fieldwork on this site has now been completed and we have monitored the work. The condition covers all of the archaeological work unlike our present conditions which are phased and can have separate elements released once complete. This office is satisfied that the fieldwork has been satisfactorily completed and we would not object to the construction work commencing, however, we would prefer if the condition was not released until we had received the archaeological report on the excavations. I can confirm therefore that we would recommend a partial release of the archaeological condition attached to UTT/21/3182/FUL.

### **10.5 MAG - London Stansted Airport**

**10.5.1** 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 conditions:

- 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.

- No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be necessary.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 64 notifications letters were sent to nearby properties. A press notice was printed on the 01.11.21.

### **11.2 Objections**

**11.2.1** Highway Safety

**11.2.2** Dated traffic information used

**11.2.3** School bus route

**11.2.4** Blind bend

**11.2.5** Flooding

**11.2.6** Sewage

**11.2.7** inadequate sewerage system ANGLIAN WATER

**11.2.8** Loss of trees

**11.2.9** Landscaping

**11.2.10** Loss of privacy

**11.2.11** Traffic

**11.2.12** Noise and pollution

**11.2.13** No infrastructure support

**11.2.14** Lack of services to support

**11.2.15** Pressure on schools

### **11.3 Comment**

**11.3.1** Matters raised will be addressed within the body of the report.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations

and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

**12.3** Section 66(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.

#### **12.4 The Development Plan**

Essex Minerals Local Plan (adopted July 2014)

Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)

Uttlesford District Local Plan (adopted 2005)

Felsted Neighbourhood Plan (made Feb 2020)

Great Dunmow Neighbourhood Plan (made December 2016)

Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)

Thaxted Neighbourhood Plan (made February 2019)

### **13. POLICY**

#### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

#### **13.2 Uttlesford District 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

ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land Policy  
ENV14 - Contaminated Land  
LC1 –Loss of Sports Fields and Recreational Facilities

### **13.3 Supplementary Planning Document or 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)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Principle of Development**

**B) Housing Land Supply**

**C) Loss of recreation ground**

**D) Design & Amenity**

**E) Highways**

**F) Ecology and Trees**

**G) Flooding**

**H) Other Material Considerations**

**14.3 A) Principle of development**

**14.3.1** The development of the site needs to be considered and assessed against the current Local Plan and the NPPF. The application site comprises 0.98 hectares of land and is located within the open 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.

**14.3.2** Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. Policy S7 was subject to a Framework Compatibility Assessment (July 2012), concluding that it was consistent with the NPPF.

**14.3.3** 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.

**14.3.4** As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

**14.3.5** 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 site is within reasonable distance of amenities and services. Fritch Green and is a sustainable satellite settlement to Felsted. It contains a village supermarket, employment uses, a community centre and a primary school. Dunmow is approximately 0.5km to the west of the site and contain a wide range of amenities and facilities including a gym, public houses, schools, doctors and churches. Amenities and services are also located at Felsted, less than a mile away from the site.

**14.3.6** Economic:

The Inspector noted *“the proposed development would provide a modest contribution of 9 dwellings to the shortfall. There would be temporary economic benefits during the construction phase and new occupiers are likely to provide modest contribution to local services and community as well as to nearby villages”*.

**14.3.7** Environmental:

The site is outside of the development limits and the Inspector previously noted that *“I have concluded that the proposed development would harm the character and appearance of the area. This harm, however, is limited as it is localised and self-contained”*.

**14.3.8** Notwithstanding the above, the principle of such a scheme on the site has been established through the approved scheme and considered by the Inspector to be appropriate.

Sustainable Development

**14.3.9** 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) permission should be granted unless *“ i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 7 ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.

**14.3.10** Therefore, a balance 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. The scheme does provide for 9 residential houses which would provide a modest level of economic benefit.

This weighs in favour of the development. The location of the site is in relative proximity to amenities and services; nevertheless, it is outside of the development boundary, and some distance away from the nearest Town Centre, and thus having a neutral benefit/impact. The scale and massing of the property, substantial landscape buffer and detailing would limit any potential harm on the open character of the countryside. Therefore, any harm caused on the open character and appearance of the countryside would be limited and can be mitigated against.

**14.3.11** In conclusion, the limited potential harm would be outweighed by the positive outcomes of the development as demonstrated above.

Planning history

**14.3.12** Planning permission was previously granted on the site, following an appeal which was allowed.

**14.3.13** This consent was extant at the time the application was submitted and is a material consideration in the assessment of this scheme. The scheme was allowed at appeal following the submission of an appeal for non-determination) in March 2019, appeal reference APP/C1570/W/18/3214763. This scheme will be referred to within this report as the 'approved scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly.

**14.3.14** Below are key headlines in relation to the 2019 approved scheme:

- 9 residential bungalows
- Access provided via Station Road

**14.3.15** Main changes to the newly proposed scheme from the approved scheme are as follows:

- 1.5 storey residential properties
- Reorientation of some plots
- Siting of garages
- Increased spacing between properties

**14.3.16** Effectively the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts.

#### **14.4 B) Housing Land Supply**

**14.4.1** The NPPF describes the importance of maintaining a 5yhls of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52yhls (5yhls update April 2021).

**14.4.2** 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 5yhls cannot be delivered. As the council is currently unable to demonstrate a 5yhls,



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).

- 14.4.3** The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

#### **14.5 C) Loss of recreational ground**

- 14.5.1** The application site comprises land that forms part of unused recreational grounds. Policy LC1 of the Local Plan states “*development will not be permitted if it would involve the loss of sports fields or other open space for recreation, including allotments*”. Exceptions to this would be if a) Replacement facilities are provided that better meet local recreational needs; or b) The need for the facility no longer exists.

- 14.5.2** Sports England have not formally commented or objected to the scheme on the basis that the scheme falls outside of their remit. However, their standing advice states that if the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets the provisions for the National Planning Policy Framework (NPPF).

- 14.5.3** Paragraph 99 of the NPPF states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

- 14.5.4** It should be observed that the inspector within the approved scheme made the following comments in relation to the loss of the recreational ground “*I note the history of the site including its former use as a recreation ground...The recreational use ceased many years ago and from the evidence before me and my observations during the site visit, any remains of permanent structure or fixed surface structure have blended into the landscape*”.

- 14.5.5** The inspector accepted in March 2019 that the recreational ground had not been used for many years and was redundant. No objection has been raised by Sports England and the principle of the development on the site has been accepted. As such it is considered that the loss of unused recreational land is acceptable in this particular instance.

#### **14.6 D) Design and Amenity**

- 14.6.1** 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.
- 14.6.2** Paragraph 126 of the NPPF states that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. As such, the design quality of the proposal should be duly considered in the overall planning balance
- 14.6.3** The development comprises 9 residential dwellings within an elongated parcel of land set within extensive grounds. The dwellings are arranged around a central shared access road leading from the north to the south of the side.
- 14.6.4** The buildings would be set back from the highway and accessed via a footpath and driveway. The dwellings have either detached or attached garages.
- 14.6.5** The dwellings vary in terms of their front and rear protections, roof profiles footprint and detailing, which provide articulation and interest within the streetscene. The proposal will follow the general approved indicative layout.
- 14.6.6** The buildings would be set back substantially from the Station Road frontage and screened by substantial landscaping comprising mature hedging and trees.
- 14.6.7** The height of the buildings at 1.5 storeys high would respect those existing within the locality and those recently approved.
- 14.6.8** The roof profiles would comprise low eaves, differing roof heights and traditional dormer windows.
- 14.6.9** Materials include brick detailing, flint detailing and plain tiles or slate roofs are proposed which would be in keeping with the local vernacular.
- 14.6.10** The proposed dwellings are self-contained and exceed the Nationally Described Space Standards (NDSS). The garden area(s) also comply with minimum requirements of Essex Design for 3 bedroom plus homes
- 14.6.11** The proposed units are dual aspect. All habitable rooms will have access to a window and natural ventilation. It is considered that the proposed development would provide a high standard of accommodation for future occupiers.
- 14.6.12** The applicant has proposed the following sustainability measures:  
sustainable construction techniques
- air source heat pumps
  - rainwater harvesting;

- use of low energy lighting and appliances
- provision of electric vehicle charging points

This would be in line with the Interim Climate Change Policy (2021) and have been duly conditioned.

- 14.6.13** Overall, it is considered that the proposed design of scheme meets the criteria for Policy GEN2.
- 14.6.14** 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.
- 14.6.15** The nearest residential properties are a considerable distance away from the proposed development. It is considered that the use of the site for residential purposes would be in keeping with the character of the area, and no undue noise or disturbance would likely be generated.
- 14.6.16** The proposed properties are well spaced apart and sufficient separation distances have been provided. Habitable rooms to the rear face onto garden areas and landscaping.
- 14.6.17** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policy GEN2.

## **14.7 E) Highways**

- 14.7.1** Access is provided to the site via Station Road to the west and a shared surface access road would be provided within the centre of the site servicing each individual property.
- 14.7.2** Shared surfacing is proposed to prioritise pedestrians and cyclists and a pedestrian footpath and crossing will connect the existing footpath to create a link to the village amenities and school.
- 14.7.3** Each property would have a double garage within their curtilage and a substantial driveway would also be provided. At least 3 spaces would be provided on site for each property. The adopted Council parking standards recommend for at least three spaces for a four or more-bedroom dwelling house. Parking provision is made in accordance with the Councils adopted standards.
- 14.7.4** A number of objections have been raised in relation to the suitability of the access. It should be noted that the access was approved as part of the approved scheme. At the time the Inspector stated *“I note concerns regarding highways safety. However, the Highways Authority did not object to the proposal subject to conditions and from the evidence before me I see no reason to disagree”*.
- 14.7.5** Again, in consideration of the current scheme, the Highway Authority raise no objections on the basis that conditions are imposed in relation to the

specification of the access, pedestrian footways within the site and dropped kerb crossing posits, a construction management plan and the provision of a residential travel plan information pack per dwelling (to include six one day travel vouchers).

- 14.7.6** The proposal therefore accords with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2021, the Essex Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013).

## **14.8 F) Ecology and Trees**

- 14.8.1** 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.

- 14.8.2** The applicant proposes to remove the trees and hedging to facilitate the development and access; and retain mature hedging and tree planting around the periphery.

- 14.8.3** It is considered that the landscaping proposals would contribute to the high-quality design.

- 14.8.4** The NPPF no longer has a presumption in favour of sustainable development where ecology will be unduly harmed. Paragraph 175 (a) states *“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...”*

- 14.8.5** The applicant proposed the following biodiversity measures:

- installation of bat boxes
- a Hedgehog nesting box as well as the
- enhancement of the adjacent woodland
- retained hedgerows

- 14.8.6** The application was supported by an ecological report. Place Services Ecology Officer raises no objections subject to conditions mitigating and securing biodiversity enhancement measures.

- 14.8.7** Subject to the referenced conditions in Place Services consultation response, the proposal accords with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2021.

## **14.9 G) Flooding**

- 14.9.1** 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.

- 14.9.2** A number of representations have been submitted in relation to flooding within the surrounding area. The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated

within the NPPF. The closest watercourse to the site is the Stebbing Brook which is located approximately 450m to the South-East.

- 14.9.3** The site measures 0.9ha therefore a site-specific flood risk assessment is not required given that the area is not at risk of flooding nor identified as having any critical drainage problems. However, the applicant has submitted a Floodrisk and Drainage Report to accompany the application. The report identifies that the risk of flooding from all sources (coaster pluvial (surface water), groundwater is low.
- 14.9.4** Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).
- 14.10.5** The proposed Sustainable Urban Drainage Strategy (SUDs) will comprise:
- Permeable pavement
  - Cellular Storage
- 14.9.6** The Local Lead Flood Authority who are responsible to provide advice on SUDS on major developments have reviewed the submitted report and do not object to the scheme on the basis that conditions are imposed in relation to a detailed surface water drainable scheme is provided; a scheme to minimise the risk of offsite flooding is provided; and a maintenance plan is provided.
- 14.9.7** Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

## **14.10 H) Other matters**

### **Archaeology**

- 14.10.1** Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. ECC Archaeology have reviewed the application and consider that the conditions imposed on the outline consent have been partially satisfied. As such it will be necessary to part impose the relevant condition.

### **14.10.2 Infrastructure**

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.

- 14.10.3** It has been observed that objections have been made in relation to the need for infrastructure to support the proposed development. The Inspector noted in consideration of the approved scheme *“I acknowledge local concerns including the capacity of local schools and doctors’ surgeries, view from existing houses, local parking provision, access to services and facilities, local internet and telecommunications signals. However, given the evidence before me, these and all other matters raised do not outweigh the above findings and have not altered my overall decision”*. The Inspector also stated *“While I acknowledge that there is no affordable housing or additional funding proposed, given these benefits compared with the limited harm and*

*weight attributed to the conflict with LP Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits”.*

**14.10.4** On the basis that the proposed development would not yield more residential units, it is considered that it would be unreasonable to seek contributions.

## **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

## **16. CONCLUSION**

**16.1** The following is a summary of the main reasons for the recommendation.

**16.2** The presumption in favour of sustainable development applies under paragraph 11(d) of the NPPF as material policies of the development plan are out of date and the tilted balance would be triggered.

**16.3** The proposed development would contribute to housing supply in the district which would weigh in favour of the development.

**16.4** The loss of the recreational ground would be acceptable.

**16.5** The proposal would provide a high standard of design and layout subject to conditions and is not considered to unduly detract from the amenities of the adjoining occupiers (GEN2, GEN4, NPPF).

**16.6** The development would be acceptable in terms of highway safety and against adopted UDC parking standards subject to highway conditions (ULP Policies GEN1 and GEN8).

**16.7** The development would be acceptable in terms of ecological impacts on protected and priority species subject to appropriate mitigation and biodiversity enhancement measures conditions. (ULP Policy GEN7, ENV3, NPPF).

**16.8** The development would be acceptable in terms of flooding and would be subject to appropriate planning conditions

**16.9** The development would be acceptable in terms of the impact on archaeology and no infrastructure provision would be required to support the development

**16.10** Overall, given the benefits compared with the limited harm and weight attributed to the conflict with Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits.

**17. CONDITIONS**

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

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3** Prior to the commencement of development, samples of the colours and details of the materials to be used for the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- 4** Prior to commencement of the development hereby approved, additional drawings that show details of the approved new windows, doors, eaves, verges and cills to be used by section and elevation between 1:20 and 1:1 (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed in accordance with the approved details and shall be maintained as such in perpetuity.

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

- 5** Prior to commencement of the development hereby approved, details of the following hard and soft landscaping works and boundary treatments shall be submitted to and approved in writing by the local planning authority and must be maintained as such in perpetuity. Thereafter, any potential changes shall be submitted to and approved in writing by the local planning authority.

- Existing and retained features
- New and existing planting and trees

- Hard surfaces
- Boundary treatments (all boundaries of the site)

Thereafter, all hard and soft landscape works must be carried out strictly in accordance with the approved details.

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

REASON: To safeguard privacy (amenity) and to preserve the countryside character of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2021).

**6** 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:

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and drainage plan 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 in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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



REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 8** 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 Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 10** Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment, in accordance with ENV12 of the Uttlesford Local Plan (adopted 2005).

- 11** No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011. Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall 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.

REASON: To safeguard the amenities of the future occupiers, surrounding neighbours and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 12** Prior to occupation of any dwelling, the provision an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 61m to the north-west and 2.4m x 109m to the south-east with a 1 metre off-set (as demonstrated on DWG no. F17176/02 (dated 13/12/2021)). The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

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

- 13** Prior to occupation of any of the proposed dwellings, the provision of a 2 metre footway and two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no. PA-SR-138 REV. A (dated 03/01/22).

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

- 14** 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. The plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. 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 policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 15** 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 in accordance with GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** 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 turning is provided in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** 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 policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 18** Prior to occupation each dwelling shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

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).

- 19** 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) and the NPPF.

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology Ltd., October 2021), Biodiversity Enhancement Strategy (ACJ Ecology Ltd., July 2021) and Method Statement (ACJ Ecology Ltd., 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) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

- 21** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Biodiversity Enhancement Strategy (ACJ Ecology Ltd., July 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) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

- 22** 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) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

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

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

- 24** Prior to first occupation details of the energy efficiency, water reduction and waste reduction measures referred to in the Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency and water reduction measures shall then be installed in accordance with the approved details 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 and to comply with the UDC Policy GEN2 and UDC Interim Climate Change Policy document 2021.

- 25** 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 Stansted Airport.

- 26** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for Stansted Airport. An aviation perspective Glint & Glare assessment may be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport.

# Appendix 1 - Appeal Decision - UTT/18/1039/OP



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## Appeal Decision

Site visit made on 27 March 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 May 2019

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**Appeal Ref: APP/C1570/W/18/3214763**

**Former Recreational Ground, Station Road, Littke Dunmow CM6 3HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mrs Johnson against Uttlesford District Council.
  - The application Ref: UTT/18/1039/OP, is dated 13 April 2018.
  - The development proposed is erection of 9 bungalows.
- 

### 1 Decision

1. The appeal is allowed subject to the attached Schedule of Conditions.

### 2 Preliminary Matter

2. The application was submitted in outline. Approval was sought only for access with all other matters reserved. I have assessed the appeal on this basis.
3. I note the Draft Uttlesford Local Plan has been submitted for examination. However, since there is no certainty that the policies within it will be adopted, I give this limited weight.

### 3 Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

### 4 Reasons

5. The site lies outside settlement development boundaries and falls within Countryside in the terms of Uttlesford Local Plan Adopted 20 January 2005 (LP). It is therefore assessed against LP Policy S7 which relates to development in the Countryside. Although the site is not subject to any local or national designations, given its undeveloped nature the appeal site reads as part of the wider pleasant countryside.
6. I note recent nearby developments and planning consent for development to the

south of the appeal site. However, while the proposal would have a relationship with the development on the opposite side of Station Road, since the appeal site is undeveloped and borders the open countryside on 2 sides, it has a close relationship to the countryside.

7. The proposal would introduce built form on undeveloped land and would therefore alter the intrinsic character of the site. While the appellant has indicated that the development would consist of bungalows, and would have lower density than the nearby developments, it would nevertheless constitute built development on undeveloped land. Although the site is largely screened from public views, the proposed development would include new built development, significant areas of hardstanding and domestic gardens that would substantially alter the landscape character of the site.
8. I note the history of the site including its former use as a recreation ground. The National Planning Policy Framework (Framework) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It provides exceptions to this including land in built-up areas such as residential gardens, parks, recreation grounds and allotments. The recreational use ceased many years ago and from the evidence before me and my observations during the site visit, any remains of permanent structure or fixed surface structure have blended into the landscape. Consequently, the appeal site does not constitute previously developed land in the terms of the Framework.
9. Overall, the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states 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. This harm, however, is limited given that the site is relatively self-contained, being largely screened from wider views and the relationship with the new development opposite Station Road as well as other built form nearby. The identified harm weighs against the proposal in the planning balance.

## 5 Other Matters

10. I note concerns regarding highways safety. However, the Highways Authority did not object to the proposal subject to conditions and from the evidence before me I see no reason to disagree.
11. I acknowledge local concerns including the capacity of local schools and doctors' surgeries, view from existing houses, local parking provision, access to services and facilities, local internet and telecommunications signals. However, given the evidence before me, these and all other matters raised do not outweigh the above findings and have not altered my overall decision.

## 6 Planning Balance

12. The main parties acknowledge that LP Policy S7 is partially compatible with the Framework since it has a more protective rather than positive approach towards development in rural areas, and therefore carries limited weight. I note the comments of the Inspectors for the cases at Saffron Walden and Newport in relation to the consistency of LP Policy S7 with the Framework. From the evidence before me I have no reason to disagree and take a similar approach to the Inspectors of these cases and attribute limited weight to the conflict with this policy. Furthermore, the main parties acknowledge that the Council cannot

demonstrate a 5-year housing land supply, consequently the provisions of paragraph 11(d) of the Framework are triggered.

13. In terms of the main issue, I have concluded that the proposed development would harm the character and appearance of the area. This harm, however, is limited as it is localised and self-contained, and would result in conflict with LP Policy S7.
14. The proposed development would provide a modest contribution of 9 dwellings to the shortfall. There would be temporary economic benefits during the construction phase and new occupiers are likely to provide modest contribution to local services and community as well as to nearby villages. While I acknowledge that there is no affordable housing or additional funding proposed, given these benefits compared with the limited harm and weight attributed to the conflict with LP Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits.

#### Conditions

15. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 56 of the National Planning Policy Framework and the guidance contained in the Planning Practice Guidance.
16. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
17. Since the site lies immediately adjacent to a highly sensitive area of heritage assets, a condition relating to archaeology is necessary. This needs to be pre-commencement as it would affect works to be carried out early in the construction phase. I have attached a condition which combines the requirements of the conditions requested by the Council.
18. Since evidence of protected species were found near to the site, conditions relating to a Reptile Mitigation Strategy and biodiversity are necessary and need to be pre-commencement as they would affect works to be carried out early in the construction phase. Furthermore, LP Policy GEN7 states that the enhancement of biodiversity through the creation of appropriate new habitats will be sought. Consequently, the condition relating to a Biodiversity Enhancement Strategy is necessary. The suggested condition relating to a Biodiversity Management Plan is not necessary since the other conditions relating to biodiversity adequately address this matter. The suggested condition would also not be related in scale and kind to the development and the requirement to include legal and funding mechanisms would be out of scope for the condition.
19. The conditions relating to the access, pedestrian crossing points and unbound surface materials are necessary in the interests of highways safety. The condition relating to accessible and adaptable dwellings would be necessary to comply with the development plan.



## 7 Conclusion

20. For the reasons given above, the appeal should be allowed subject to conditions.

*R Sabu*

INSPECTOR

## 8 Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the first residential occupation of any dwelling hereby permitted, an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 54m to the north-west and 2.4m x 92m to the south-east with a 1 metre offset (as demonstrated on DWG no. F17176/01 Rev B (dated 16/01/18)) shall be provided. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.
- 5) Prior to the first residential occupation of any dwelling hereby permitted, two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no. F17176/01 Rev B (dated 16/01/18).
- 6) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
  - the programme and methodology of site investigation and recording;
  - the programme for post investigation assessment;
  - the provision to be made for analysis of the site investigation and recording;
  - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - the provision to be made for archive deposition of the analysis and records of the site investigation;

- the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 7) 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.
- 8) Prior to the commencement of the development hereby permitted a Reptile Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. This will determine what option of mitigation will be undertaken, as proposed within Bat and Reptile Report (Applied Ecology, July 2018). The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 9) Prior to the commencement of the development hereby permitted a Biodiversity Enhancement Strategy, containing the details and locations of the proposed reasonable enhancement measures, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 10) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

## Appendix 2 - Highways Comments

### Recommendation

Application No.	UTT/21/3182/FUL
Applicant	Dishley 102 Ltd
Site Location	Land To The East Of Station Road Little Dunmow
Proposal	Proposed erection of 9 no. detached dwellings, provision of new access and associated landscaping and parking

### **SUPERSEDES PREVIOUS RECOMMENDATION DATED 7<sup>TH</sup> DECEMBER 2021**

**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 the following measures:**

1. Prior to occupation of any dwelling, the provision an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 61m to the north-west and 2.4m x 109m to the south-east with a 1 metre off-set (as demonstrated on DWG no. F17176/02 (dated 13/12/2021)). The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety.
2. Prior to occupation of any of the proposed dwellings, the provision of a 2 metre footway and two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no.

PA-SR-138 REV. A (dated 03/01/22). **Reason:** In the interest of highway safety and accessibility.

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. The plan shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. 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.
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.
5. 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 turning is provided.
6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, 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

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

Informative:

- i. The proposed development is not considered suitable for adoption by the Highway Authority. It is noted that there are changes in levels within the site, and the junction gradient shall comply with the guidance within Design Manual for Roads and Bridges.
- ii. 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 applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vi. Any signal equipment structures, and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

## Appendix 3 - Sport England Comments

**Subject:** [External] UTT/21/3182/FUL - Land To The East Of, Station Road, CM6 3HF

**Date:** 09 November 2021 08:20:17

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Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website: [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** ( then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

*Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.*

## Appendix 4 - Sustainable Urban Drainage Systems Comments

### Consultation Response – UTT/21/3182/FUL-Land to The East Of Station Road Little Dunmow Essex

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 15<sup>th</sup> 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 which accompanied the planning application, and the additional documents sent on the 7 January 2022, we **do not object** to the granting of planning permission based on the following conditions:

#### Condition 1

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:

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and drainage plan and highlighting any minor changes to the approved strategy.
  
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
  
- To provide mitigation of any environmental harm which may be caused to the local water environment
  
- Failure to provide the above required information before commencement of



works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### Condition 2

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

#### Reason

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

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

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

#### Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

#### Condition 4

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

#### Reason

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

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

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

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

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

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

#### INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

#### Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and

emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

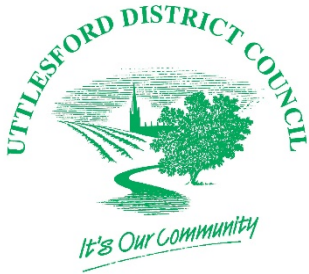
Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.



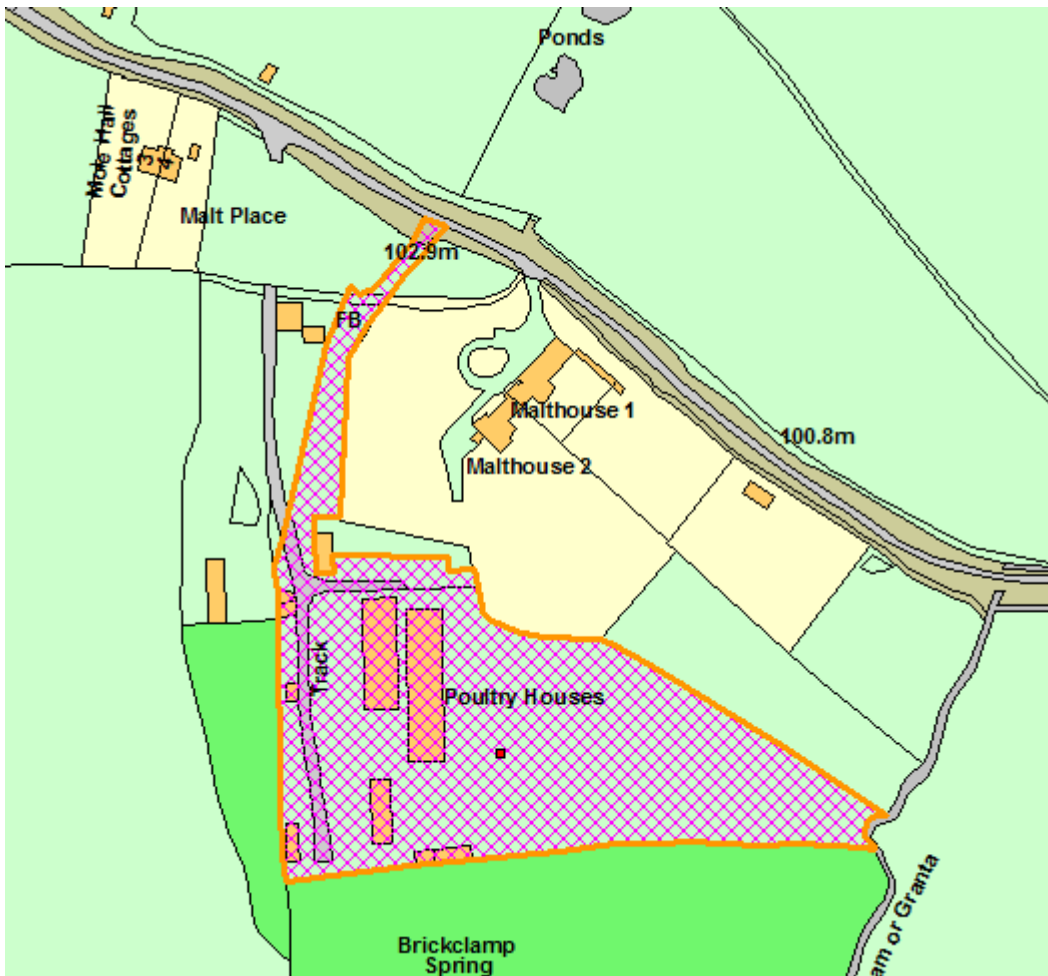
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 13<sup>th</sup> April 2022

**REFERENCE NUMBER:** UTT/21/2649/FUL

**LOCATION:** LAND REAR OF MALT PLACE, CORNELLS LANE, WIDDINGTON

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

**APPLICANT:** Mr M King

**AGENT:** Mr Christopher Hennem (Pelham Structures Ltd)

**EXPIRY DATE:** 23<sup>rd</sup> October 2021

**EOT Expiry Date:** EOT Agreed to 29<sup>th</sup> April 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## **1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant (Mr M King) for the for the demolition of five existing buildings, and the erection of three new buildings forming 10 residential dwellings alongside ancillary works at the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington'.
- 1.2** The application site has extensive planning history in which permission has been previously granted under 3 separate planning application for the conversion of existing or the construction of new buildings forming a total of 10 residential dwellings on the site. Important to the planning merits of this application, these granted permissions can still be lawfully carried out as permission has not expired. It is the applicant's intention to combine the 3 granted applications with some minor adjustments into a single scheme to help to deliver a more cohesive development.
- 1.3** The principle of developing the site for residential has thereby already been established and when one applies the 'planning balance' as required by Paragraph 11 of the NPPF, it is concluded that the proposed benefits of the scheme would outweigh the minor identified harm.

- 1.4 Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

## 2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The area of land subject to this planning application relates to the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington, Essex'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2 The application site is located on the southern side of Cornells Lane approximately 275m east of Mole Hall Lane on the outskirts of the village of Widdington. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography is relatively level. The site has an area of approximately 1.4 hectares. The application site is accessed from Connells Lane.
- 3.3 The site is a former poultry farm, with extensive boundary vegetation, several substantial existing structures and a large area of meadow land. The former poultry buildings are proportionate in size to this topography and are located in an open area and have a utilitarian agricultural appearance that integrates with the rural landscape. The buildings on the site are not in a good state of repair.
- 3.4 There are some dwellings along this part of Cornells Lane that spread out from the village. Three are in reasonably close proximity to the north of the application site and have large gardens. Large arable fields used for agriculture are located to the south, east and west of the site.

## 4. **PROPOSAL**

- 4.1 The applicant seeks planning permission for the demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings along with associated access, parking and landscaping.
- 4.2 Various applications have been granted planning permission recently under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL. Full details of these application are provided below in Section 6 (History) of this report.
- 4.3 Collectively the extant permissions listed above have granted permission to allow for the demolition of three existing buildings, to convert two existing buildings into 4 and 5 residential dwellings respectively, and for



the erection of a single detached dwelling. In total, permission has been granted for creation of 10 dwellings on the site which can still be lawfully carried out.

**4.4** This full application thereby sets out to combine the above granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development in order to create a higher quality environment.

**4.5** The proposals in large remain almost the same as that of which has already been collectively granted consent for with the exception of a few minor alterations as summarised below:

- 4.6**
- A change of elevational treatment of the buildings to appear as more traditional farm buildings, with external boarding and slate grey roofs.
  - The two larger buildings to be demolished and replaced with new buildings.
  - The relocation of the western building 2.5m to the west to increase the separation between the two buildings.
  - Additional parking and garden space to be provided to plot 10.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

**6.1** A search of Council's records indicates that there is extensive planning history for the application site with the most relevant to the proposals being those applications outlined below:

**6.2**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/20/2154/FUL	Conversion of Existing agricultural buildings to 5no. dwellings with associated parking and landscaping.	Allowed by appeal APP/C1570/W/20/3264013 15 June 2021
UTT/20/0876/FUL	Replacement of Existing Single Storey Agricultural Building with 1no. dwelling (Revised scheme to approved UTT/17/2960/PAP3Q)	Granted 11 June 2020.
UTT/20/3016/FUL	Conversion of existing single storey agricultural building to 4 no. residential units.	Granted 16 April 2021.

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 No pre-application of public consultation was carried out prior to the submission of the application.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

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

### **8.2 Local Flood Authority**

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on suggested conditions as shown in Section 1 of this report.

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Widdington Parish Council**

The Parish Council objects to this application on the following grounds:

- The application is in conflict with Policy GEN 1 Access, located almost a mile from the centre of the village, which is serviced by an irregular and infrequent bus service, and on a single track protected land with no pavement but which leads to several businesses so is frequently used by large vehicles, the development can in no way encourage movement by means other than driving a car.
- The application is in conflict with Policy GEN 2 Design on several levels including compatibility with scale, layout and appearance, alongside the removal of environmental features of the setting, which sits alongside ancient woodland.
- WPC do not support development outside the village envelope.
- The Parish Council notes that previous applications to demolish and replace these sheds UTT/18/3523/FUL and UTT/20/0860/FUL were refused because of the harm caused to the area and the inappropriate style of the development.
- The Parish Council also notes a number of inaccurate statements in this application, including;
  - There is no 30mph limit in this section of Cornell's Lane.
  - The site is almost 1 mile from the village, not adjacent to or within a short distance of.
  - The roads are only suitable for experienced cyclists and the footpaths are for recreational use and are unsuitable for work access.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer – Advice Given**

**10.1.1** 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 hectares which applies to this application as the site is 1.4 hectares. The application is for 10 units and so 4 affordable housing units are required.

### **10.2 UDC Environmental Health – No Objection**

**10.2.1** In making my response I note that previous applications for this site have gone to appeal and I have referenced Ref: APP/C1570/W/20/3264013 and noted the conditions therein. I consider that these remain valid and recommended approval subject to conditions as highlighted in Section 17 of this report.

### **10.3 Cadent Gas – No Objection**

**10.3.1** We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

### **10.4 Gigaclear Ltd – No Objection**

**10.4.1** Confirmed that they had no objections and requested that details regarding the location of their assets be made available to the applicant or anyone carrying out any works that may affect their apparatus.

### **10.5 National Grid – No Objection**

**10.5.1** An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High Risk zone from National Grid Electricity Transmission plc's apparatus and can proceed.

### **10.6 NATS Safeguarding – No Objection**

**10.6.1** 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.

### **10.7 STN Aerodrome Safeguarding**

**10.7.1** 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 Conditions as highlighted in Section 17 of this report.

## **10.8. Anglian Water – No Objection**

### **10.8.1 Wastewater Treatment**

The foul drainage from this development is in the catchment of Newport 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.

### **Used Water Network**

The Drainage Statement and Strategy states that the foul drainage from the development will discharge via an onsite package treatment plant. This is outside of our jurisdiction for comment, we therefore have no comments to make on the drainage strategy.

### **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. 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.

## **10.9 Affinity Water – No Objection**

**10.9.1** We have reviewed the development and do not have any comments to make.

## **10.10 ECC Place Services Ecology – No Objection**

**10.10.1** Confirmed that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions.

## **10.11 Crime Prevention Tactical Adviser – No Objection**

## **11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

## **11.2 Object**

**11.2.1** The additional home would result in further vehicles within the locality and thereby result in more noise and air pollution to local residents.

Construction works would result in further unacceptable noise and disturbance.

The proposals has the potential to see a huge increase of vehicles using a single track country lane which is a 'no through' road. It is already experiencing access and exit problems particularly when heavy farm vehicles like combine harvesters trundle up and down.

Verges are continually being irreparably damaged and eroded by delivery van, lorries and supply vehicles.

The village infrastructure and its environment can not sustain further developments of this magnitude.

The proposals will clearly open the door for the next tranche of applications to achieve a large urban development in open countryside.

The proposals will cause a visual effect to the countryside.

The proposals will be unsustainable. There are no shops, schools or employment within walking or cycling distance, and the bus service is limited and under threat.

The proposals will harm protected species and their habitats

Allowing residential development on this site will cause significant harm and also create a precedent that will encourage other such projects and hence cause further damage.

Supporting document has misleading or inaccurate information.

## **11.3 Comment**

**11.3.1** The above concerns raised within the representations are covered in full detail within the main assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The

determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV11 – Noise Generators

ENV14 – Contaminated Land

H9 – Affordable Housing

H10 – Dwelling Mix

### **13.3 Supplementary Planning Document or Guidance**

- Accessible Homes and Place Space (November 2005)
- Energy Efficiency and Renewable Energy (October 2007)
- Urban Place Supplement to the Essex Design Guide (March 2007)
- Essex County Council Adopted Parking Vehicle Standards (2009)
- Essex Design Guide
- Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development (S7 and the NPPF)**
  - B) Countryside Impact (S7 and the NPPF)**
  - C) Character and Design (GEN2 and the NPPF)**
  - D) Housing Mix and Tenure (H9, H10 and the NPPF)**
  - E) Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**
  - F) Parking and Access (GEN1, GEN8, and the NPPF)**
  - G) Landscaping, open space (GEN2, ENV3, ENV8 and the NPPF)**
  - H) Nature Conservation (GEN7 and the NPPF)**
  - I) Contamination (ENV14 and the NPPF)**
  - J) Flooding (GEN3, and the NPPF)**

**14.3 A) Principle of Development (S7 and the NPPF)**

**14.3.1** It is acknowledged that planning permission has already been granted under three separate applications for the conversion of replacement of existing buildings on the site to form a total of 10 residential units. Although the works approved as part of these applications have not commenced to date, the time in which these permissions as confirmed by relevant imposed planning conditions has not expired. Thereby these granted permissions remain extant and can still be lawfully carried out. This is a material consideration in the assessment of this application.

**14.3.2** It is the applicant's intention with the submission of this application to combine the granted applications into effectively one single application with some minor modifications.

- 14.3.3** It is considered that this will help to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment rather than a piece meal development of the site that would not ideally link or relate to one another.
- 14.3.4** Although the application represents new built form rather than the conversion or replacement of existing rural buildings that have been granted permission, the proposals will incorporate the same number of residential units which will be of a similar design and layout.
- 14.3.5** Given that the principle of developing the site for residential use has already been assessed and found to be appropriate including that of its location and sustainability, it is concluded that this application that would deliver a more cohesive development is appropriate in principle subject to other planning merits as assessed per below.
- 14.4 B) Countryside Impact (S7 and the NPPF)**
- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** It is acknowledged that the surrounding landscape consists of gently undulating arable fields, stitched together with tree-lined hedges and small pockets of mixed woodland with open views over the existing countryside.
- 14.4.3** The application site presents a deep soft landscaped buffer to all boundaries in the form of mature trees and hedgerows and additional soft planting will provided as part of the proposals. The application site's boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of built form outside its immediate boundaries.
- 14.4.4** When seen from a distance it is not just the siting of a building which is apparent but also its scale. Tight clusters of buildings generally look more settled in the landscape than scattered ones. The new buildings are single storey in height, would not stand in isolation and forms part of a cluster of buildings.
- 14.4.5** The amount of built form would replicate the existing buildings that are proposed to be removed from the site, and as such there would be not significant increase of development compared to that of exiting conditions. Furthermore, the proposals would not be significant larger in scale and size compared to that of which could be lawfully carried out under the extant planning permissions.



**14.5.6** In outlying views towards the site, the landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.

**14.5.7** The development proposal would have limited visual influence on the rural surroundings and the rural landscape context would not be notably altered or harmed. The new building would be screened and contained within the established natural structure of the site when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the site set behind the established boundary treatments

**14.5.8** Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

## **14.6 C) Character and Design (GEN2 and the NPPF)**

**14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve*'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

**14.6.2** Although the principle of the development of the site has been established via the granting of previous permissions, the built-form context is an important material consideration to successfully reinforce the Essex building tradition against bland and inconsiderate design. The interplay between buildings and spaces and the scale of these relationships can largely determine local character, even before architectural appearance and style is considered.

**14.6.3** It is regarded that the proposed layout has taken into account the design principles of the previous granted schemes and incorporated these to make the best and most efficient use of the site, whilst preserving and enhancing the natural and built environment, respecting the character of the surrounding locality and the amenities of surrounding buildings.

**14.6.4** The layout positively responds to the site constraints and the arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development.

**14.6.5** The layout is similar to the extant permissions but with several minor alterations to allow and improve the quality of the scheme. The two larger buildings that are currently approved for conversion for 4 and 5 dwelling

retrospectively are now proposed as new builds centrally within the site. This now enables the relocation of the western building to be set back a further 2.5m to the west of the eastern building thereby creating a more spacious separation between the two buildings and improving the living standards of future occupiers.

- 14.6.6** It is also proposed to amend the area around the detached dwelling so that it has a larger garden and shares the access drive with the other dwellings.
- 14.6.7** In terms of height, the applicant has taken the opportunity to provide single storey buildings. The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings. Furthermore, the scale of the proposed will be comparable to the approved schemes.
- 14.6.8** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. Overall, a simple palette of materials that includes variation in facing bricks, roof tiles and weatherboarding is proposed.
- 14.6.9** The architectural treatment has been designed to provide a cohesive development as a whole, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.6.10** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.6.11** For 1 and 2-bedroom dwelling units, the provision of 50sqm of amenity area and 100sqm for a 3 bedroom or more has found to be acceptable and a workable minimum size that accommodates most household activities in accordance with Policy GN2 of the Adopted Development Policies and the Essex Design Guide.
- 14.6.12** Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.6.13** The overall design of the development has also been heavily influenced by amenity considerations relating to the level of amenity likely to be experienced by future occupiers of the site and neighbouring properties. As a result, individual dwelling relationships and separations have been designed to ensure no adverse impacts by way of overlooking, overshadowing, visual intrusion or loss of privacy are likely between dwellings.

## **14.7 D) Housing Mix and Tenure (H9, H10 and the NPPF)**

**14.7.1** The NPPF refers to the objective to create mixed and balanced communities, and within this context, requires the size, type and tenure of housing needed for different groups to be assessed and reflected in local planning policies. Policy H10 of the Local Plan requires that on large sites, a significant proportion of market dwellings should be small properties.

**14.7.2** The application proposes the same number of units and mixed as to that of the extant schemes. The mix includes:

- 2 x one-bedroom dwellings
- 7 x two-bedroom dwellings
- 1 x three-bedroom dwelling

**14.7.3** The development will provide a genuine mix of dwelling types and sizes, which will create a sustainable, mixed and balanced community at the site and contribute to the range of house types and sizes in the local area.

**14.7.4** It is National Planning Policy that for applications involving major development (10 or more units in total or sites of 0.5 hectares or more in area) the provision of on-site affordable housing is required.

**14.7.5** It is acknowledged that no on-site or off-site affordable housing provision is proposed as part of the application which is contrary to policy. However, when one takes into consideration that history of the site which allows for 10 market dwellings, the lack of affordable units is not regarded to be significant as this would not be materially different to what can currently be built out. It is also considered to be unreasonable under the circumstances.

**14.7.6** Furthermore, and as defined above, nine of the ten dwellings are to be of 1 or 2-bedroom units which will be generally affordable to some extent compared to larger housing and thereby allowing for first time home buyers or those struggling to get on the property ladder affordability to be able to purchase an affordable residential unit in the local community.

**14.7.7** On balance, it is thereby considered that the lack of specific on-site affordable housing is by no means a reason to refuse the scheme.

## **14.8 E) Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**

**14.8.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.8.2** The proposals have been designed such that all proposed dwellings comply with the Essex Design Guide requirements. The relative separation, orientation of the dwelling in respect to their relationship with adjoining properties are such that this ensures that high levels of amenity are achieved and there are no unacceptable impacts such as those identified in Policy GEN2.

**14.9 F) Parking and Access (GEN1, GEN8, and the NPPF)**

**14.9.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.

**14.9.2** The existing access of Cornells Lane will provide the main ingress point in and out of the site. The location of the vehicle access will remain unchanged from that approved under the extant permissions. A shared driveway will extend up to the dwellings and lead to several parking courts where off street parking is provided for future residents.

**14.9.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld. The application was consulted to the Lead Local Highway Authority who concluded that they had reviewed the supporting documentation and that they had no objection subject to imposing condition as highlighted in Section 17 of this report.

**14.9.4** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards', which require a minimum of 1 off street parking space for a 1-bedroom unit and 2 off street parking spaces for either a 2 or 3-bedroom dwelling.

**14.9.5** Parking spaces for all dwellings are provided in accordance with the UDC requirements. All proposed plots have the use of 2 off street parking spaces each. A total of 26 spaces have been provided, including visitor spaces.

**14.10 G) Landscaping, open space (GEN2, ENV3, ENV8 and the NPPF)**

**14.10.1** All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural

vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

**14.10.2** The proposals would include the retention of hedgerows and trees along the boundaries of the site. The applicant stipulates that as with the extant permissions, it is proposed to plant new hedging and trees to separate the proposed gardens and further planting will also be created to screen parking areas so that they blend into the landscape.

**14.10.3** This will help the development to define spaces and soften the building forms. It will also help to provide natural screening of the development and enhance the public realm in order to enrich the open spaces to achieve a better sense of wellbeing and place making for future residents.

#### **14.11 H) Nature Conservation (GEN7 and the NPPF)**

**14.11.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**14.11.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.

**14.11.3** The application is supported by an Ecology Survey report which has been reviewed by Places Services Ecology Officer. They concluded that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions. The proposals would thereby comply with Policy GEN7 of the Adopted Local Plan and the NPPF.

#### **14.12 I) Contamination (ENV14 and the NPPF)**

**14.12.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

#### **14.13 J) Flooding (GEN3, and the NPPF)**

**14.13.1** 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.

**14.13.2** A check of the Environmental Agency's website and the Councils policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this

zone and hence there is no requirement for sequential or exception testing.

- 14.13.3** In respect to drainage, the application is supported by a Flood Risk Assessment. Essex County Council who are the lead local flooding authority have assessed the documentation and confirm that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing conditions requesting further documentation is submitted prior to works commencing on the site to ensure appropriate sustainable drainage infrastructure is provided and to minimise the risk of flooding on the site and elsewhere. Subject to appropriate mitigation measure being put in place, the proposals comply with both Policy GEN3 and the NPPF.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** 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.

- 15.1.2** 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.

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

### **15.2 Human Rights**

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

## **16. CONCLUSION**

- 16.1** The submitted application seeks permission to remove the existing three modest size buildings on the site and replacing them with ten residential units with associated vehicle access, parking and landscaping.
- 16.2** Although the principle of the proposals would normally be one of which the 'tilted balance' would normally apply as they cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS, in this instance the principle of the development of the site for residential has already been established through the granting of previous applications for a total of 10 new dwellings either through the conversion or replacement of existing buildings.
- 16.3** This application thereby sets out to combine the granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment. The principle of the development of the site for residential is appropriate as it generally accords to the design values of the extant planning applications.
- 16.4** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 16.5** The proposals seek to respond to the location of the site on the edge of the settlement and provide a good quality development as the village is approached from the west. The proposals have developed iteratively, and the design proposed is considered to optimise the site for residential development, whilst responding appropriately to local housing need and the surrounding context.
- 16.6** The dwellings would nestle into a largely contained and framed site, thereby resulting in a limited influence beyond the site itself and its immediate setting. The proposed development would not be harmful to the character and appearance of the landscape or local countryside.
- 16.7** The proposals would amount to an appropriate mix of housing to provide for a balance community and provide appropriate levels of internal and external amenity provisions to meet future residents. Although there is no provision of affordable housing as part of this application, on balance, and for the reason provided in this report, this is appropriate.
- 16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.9** It is therefore recommended that the application be approved subject to the suggested conditions below.

**17. CONDITIONS**

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

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

- 2** The development hereby permitted shall be constructed in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works are carried out as assessed and in respect to the visual amenity of the areas in accordance with Policy GEN2 of the Adopted Local Plan.

- 3** Prior to any of the development hereby permitted is commenced, details of all materials to be used in the external finishing of the building shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with Policy GEN2 of the adopted Local Plan.

- 4** 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:

- a) 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.
- b) Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- c) 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.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If 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.

- e) Final modelling and calculations for all areas of the drainage system.
- f) 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.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

- 5** 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 on accordance with Local Plan Policy GEN3 and the NPPF.

- 6** 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 in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.

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

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

- 8** Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity.

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 adopted Local Plan Policy GEN1 and the NPPF.

- 9** Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge.

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 adopted local plan policy GEN1 and the NPPF.

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

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety in accordance with adopted local plan policy GEN1, GEN8 and the NPPF.

- 11** 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 in accordance with adopted local plan policy GEN1 and the NPPF.

- 12** 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 adopted local plan policy GEN8 and the NPPF.

- 13** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with NPPF.

- 14** Each pond should be planted with dense marginal aquatic vegetation around the peripheries, and throughout the basin, to reduce the attractant to hazardous waterfowl and, in particular, breeding feral geese. The developer should demonstrate a commitment to the SUDs maintenance plan being in place for the lifetime of the site.

REASON: In the interests of flight safety in accordance with NPPF.

- 15** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Tree Protection Methodology BS 5837:2012 (A. R. Arbon, September 2021) and updated Ecology Report (A. R. Arbon, May 2020) 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), Policy GEN7 of the adopted Local Plan and the NPPF.

**16** The following sett closure shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) 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 and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998, policy GEN7 of the adopted local plan and the NPPF.

**17** A Precautionary Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details 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) as updated by the Environment Act 2021, Policy GEN7 of the adopted Local Plan and the NPPF.

**18** 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 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) policy GEN7 of the adopted local plan and the NPPF.

- 19** 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), Policy GEN7 of the adopted Local Plan and the NPPF.

## STATUTORY CONSULTEE RESPONSES:

### Highway Authority & ECC SUDs

Your Ref: UTT/21/2649/FUL  
Our Ref: 19781  
Date: 31<sup>st</sup> January 2022



CC: (by email) *DM, SMO2, Chelmsford*  
*Cllr Ray Gooding*

Andrew Cook  
Director for Highways  
and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

#### Recommendation

Application No. UTT/21/2649/FUL  
Applicant Mr M King  
Site Location Land Rear of Malt Place Cornells Lane Widdington  
Proposal Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

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

1. Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge. 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.
3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. Reason: To ensure that appropriate parking and turning is provided in the interests of highway safety.
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.
5. 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.

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

Informative:

- i. The site has previously been granted numerous planning approvals which permit a total of 10 dwellings.
- ii. 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 applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding)



.....  
pp. Director for Highways and Transportation  
Enquiries to Sophie Currey  
Telephone: 03330 133058  
Email: [sophie.currey@essex.gov.uk](mailto:sophie.currey@essex.gov.uk)

## Lead Local Flooding Authority:

Essex County Council  
Development and Flood Risk  
Environment and Climate Action,  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Lindsay Trivillian  
Uttlesford District Council  
Planning Services

Date: 20<sup>th</sup> Jan 2022  
Our Ref: SUDS-005492  
Your Ref: UTT/21/2649/FUL

Dear Lindsay Trivillian,

### Consultation Response – UTT/21/2649/FUL– Land Rear of Malt Place Cornells Lane, CB11 3SP

Thank you for your email received on 22/11/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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 15<sup>th</sup> 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 based on the following:

##### Condition 1

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

- 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.



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

The scheme shall subsequently be implemented prior to occupation.

**Reason**

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

**Condition 2**

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

**Reason**

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will

cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

### **Condition 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

### **Reason**

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

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

### **Condition 4**

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

### **Reason**

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

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.

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

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Rohit Singh, Development and Flood Risk Officer**  
Team: Green Infrastructure and Sustainable Drainage  
Service: Climate Action and Mitigation  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

#### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

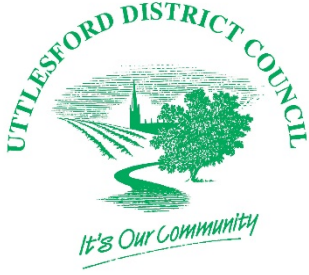
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

# Agenda Item 10



**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 13<sup>th</sup> April 2022

**REFERENCE NUMBER:** UTT/22/0086/FUL

**LOCATION:** THREE ELMS COTTAGE, LANGLEY LOWER GREEN, LANGLEY

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022**

**PROPOSAL:** Erection of 1 no. detached dwelling with cart lodge

**APPLICANT:** Mr and Mrs S Whitehead

**AGENT:** N/A

**EXPIRY DATE:** 10<sup>th</sup> March 2022

**EOT Expiry Date** EOT Agreed to 15<sup>th</sup> April

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits  
Adjacent to Listed Building.

**REASON THIS APPLICATION IS ON THE AGENDA :** Member Call In if recommended for refusal -  
No impact on Listed Building and is sustainable

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## **1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant (Mr & Mrs S Whitehead) for the erection of a detached dwelling with cart lodge at the site known as 'Three Elms Cottage, Langley Lower Green, Langley.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside and thereby the proposals are contrary to policy S7. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and as such paragraph 11 of the NPPF is engaged. Thereby a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.3** The development would provide social and economic benefits in terms of the construction of the dwelling and the investment into the local economy. Furthermore, some weight has been given in respect to the slight biodiversity net gain the development will provide. Thus, taken together, moderate weight to the benefits of the development have been considered.
- 1.4** Turning to the adverse impacts of the development, the proposals would result in a negative environmental effect on the character and appearance of the countryside and the lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects. Furthermore, the proposals



would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the adjoining listed building.

- 1.5 Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposals are contrary to policies S7, ENV2, and GEN1 of the adopted Local Plan and the NPPF.

## 2. **RECOMMENDATION**

**REFUSE** for the reasons set out in section 17.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The area of land subject to this planning application relates to the 'Land at Three Elms Cottage, Langley, Essex'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2 The application site is located on the north-eastern side of Park Lane approximately 1km south of the hamlet of Langley Upper Green. The site is associated to the host dwelling of Three Elms cottage which is a grade two listed building used as a private residence. The site does not form part of the residential curtilage of the host dwelling or at least no evidence has been provided by the applicant to suggest otherwise and thereby is not previously developed land. The site is mainly regularly in shape with the front boundary following the curve of the highway and its topography is relatively level.

- 3.3 The site is currently free of any established built form. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the front and northern flank boundaries. No vegetation is covered by tree preservation orders. An unmade vehicle crossover provides farm access into the current field.

- 3.4 The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan. Built form along this part of Park Lane can be defined by either small clusters of detached dwellings or individual houses and farmyards. Large arable fields used for agricultural provides a strong characteristic of the area.

- 3.5 The site is not located within or near a conservation area. There are three listed buildings in the group of dwellings to the south of the site. These are Three Elms (Grade II), Cobblers Mead (Grade II), and Sunset Cottage (Grade II).

## 4. **PROPOSAL**

4.1 This planning application is submitted seeking full permission for the construction of a 2-storey building with front and rear gable projections to be used as a private dwelling house consisting of 4 bedrooms. The proposals also include the construction of a new cart lodge to the side of the dwelling house.

4.2 The proposals will include modifications to the existing farm access which will provide the main ingress point for both vehicles and pedestrians. The access will be positioned along Park Lane within the sites north-western corner. Off street parking will be provided on the hard-standing areas towards the front of the dwelling or within the new proposed cart lodge.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/21/3513/FUL	Erection of 1 no. detached dwelling	Withdrawn December 2021
UTT/17/1617/LB	Replacement windows and doors	Approved August 17
UTT/12/5861/LB	Single storey side extension. 2no. rooflights to eastern pitch	Approved February 13
UTT/12/5860/FUL	Single storey side extension. 2 no. roof lights to eastern pitch	Approved February 13

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 No Formal pre-application advice or Community Consultation was undertaken as part of the proposals.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 There were no statutory duties to formally consult any relevant statutory authorities regarding the proposals.

9. **PARISH COUNCIL COMMENTS**

9.1 Langley Parish Council – No Objection

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health – No Objection**

**10.1.1** No objections have been raised subject to imposing appropriately worded planning conditions if the application is minded for approval in respect to mitigation for contamination and air quality by providing electric charging points for vehicles.

### **10.2 Place Services (Conservation and Heritage) - Object**

**10.2.1** The Conservation Officer at Place Services concluded that 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, through change in its setting. With regards to the NPPF (2021) this harm is held to be less than substantial, Paragraph 202 being relevant. Further details are provided in the main assessment of this report.

### **10.3 Place Services (Ecology) – No Objection**

**10.3.1** The Ecologist at Place Services confirmed that they have reviewed all supporting documentation and concluded that they have no objections subject to imposing appropriate conditions to secure biodiversity mitigation and enhancement measures.

## **11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council supporting to the proposals for the following reasons:

### **11.2 Support**

**11.2.1** The proposals will make an efficient use of the site.

The proposals will improve the biodiversity of the site.

The design of the house is more modest in size compared to the application that was withdrawn.

The applicants have produced a lovely plan which we believe will add to the current setting in that location and the house design which has been amended since our original comment is a further improvement sitting well in the large plot and compliments the existing property well.

The new proposed pond is a very valuable additional asset to offer a new and valuable diverse habitat feature.

We feel that the proposed dwelling would barely be seen with the high tree line that is already established. Any drainage work on site would leave to an improvement to our land. Currently water flows off the rear fields and through to our land making it waterlogged at certain times of the year.

#### **11.4 Comment**

**11.4.1** The points raised above are addressed in detail within the main assessment of this report.

### **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

**12.3** Section 66(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 – Delete or keep this paragraph when it is relevant i.e

#### **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)

Thaxted Neighbourhood Plan (made February 2019)

### **3. POLICY**

#### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

#### **13.2 Uttlesford District Plan 2005**

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV14 – Contaminated Land

#### **13.4 Supplementary Planning Document or Guidance**

Essex County Council Parking Standards (2009)

Accessible Homes and Place Space (November 2005)

Energy Efficiency and Renewable Energy (October 2007)

Urban Place Supplement to the Essex Design Guide (March 2007)

Essex County Council Adopted Parking Vehicle Standards (2009)

Uttlesford Local Residential Parking Standards (2013)

Uttlesford Interim Climate Change Policy (2021)

### **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Principle of Development (S7 and the NPPF)**

**B) Suitability and Location (GEN1 and the NPPF)**

**C) Countryside Impact (S7 and the NPPF)**

**D) Character and Design (GEN2 and the NPPF)**

**E) Heritage (ENV2 and the NPPF)**

**F) Neighbouring Amenity (GEN2, GEN4, and the NPPF)**

**G) Parking and Access (GEN1, GEN8, and the NPPF)**

**H) Nature Conservation (GEN7 and the NPPF)**

**I) Contamination (ENV14 and the NPPF)**

**J) Flooding (GEN3, and the NPPF)**

**14.3 A) Principle of development**

**14.3.1** The application site is located outside the development limits of any defined villages of towns within the District and thereby is designated as being in the open countryside whereby Policy S7 applies.

**14.3.2** 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. 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, as a consequence the proposal is contrary to that policy.

**14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 of the NPPF is fully engaged along with the "tilted balance" in favour of the proposals.

**14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

**14.4 B) Suitability and Location (GEN1 and the NPPF)**

**14.4.1** The small hamlet of Langley Upper Green is not identified as a small village or settlement due to its lack of local amenities and services as defined within the Adopted Local Plan.

- 14.4.2** The applicant submits that the application site is situated within an accessible and sustainable location. However, the officers disagree with these comments. Local services within the hamlet and the surrounding locality are limited to just a public house, village/community hall and a church. It is also acknowledged that these services would not be all accessible by foot from the site as there are no public paths along Park Lane leading into the hamlet. Park Lane is narrow and unlit and thereby not safe for pedestrians to be walking along.
- 14.4.3** The nearest bus stops are located approximately 600m to the north west of the site at the junction of Waterwick Hill. However, this service only provides a local pick and drop off for school children and is not for the public. The nearest railway station is at Audley End (8km away as the crow flies), and as such is not in close proximity for walking or cycling and thereby there is no relevant means of access to this station without the need of a private motor vehicle.
- 14.4.4** Nearby larger settlements and towns offer a far greater range of local amenities and services including employment opportunities that are beyond walking or cycling distance. The nearest shop is in Clavering and the nearest supermarkets are in Saffron Walden and Royston. The local doctor surgeries and pharmacies are in Newport. The local post office is at Clavering. As such, occupiers of the proposed development would need to travel beyond the hamlet to access most other services and facilities to meet their daily needs.
- 14.4.5** As a consequence, there is likely to be a heavy reliance on the private motor car for future occupiers of the development. It is acknowledged that the NPPF highlights that transport solutions will vary from urban to rural areas. However, the development of a new dwelling in this location is likely to be by private car. Hence, there would be significant negative effects in terms of impacts upon the environment and the proposals would also conflict with the aim of the NPPF to promote sustainable transport modes.
- 14.4.6** The highlights in Paragraph 78 and 79 of the NPPF is that in rural areas, a new development in one village could support facilities in another village. It is recognised that the proposals would help to support the existing hamlet such as the local public house which can be given some weight.
- 14.4.7** In summary, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan amongst other things, requires development to encourage movement by means other than the private car.

**14.5 C) Countryside Impact (S7 and the NPPF)**

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.5.2** The site is surrounded by the retention of existing hedges/tree lines along its front and northern boundaries which does provide some mitigation in the form of natural screening.
- 14.5.3** The landscape of the site itself is not particularly unusual and contains features which are present within the wider area. This does not mean however, that the site has no value, and that it is regarded as having a medium to high sensitivity to change.
- 14.5.4** The dispersed pattern of development to the north of the host dwelling is considered to detrimentally alter the character of the locality and would result in a substantial change in the sites character. The excessive size and scale of the proposals would undermine the rural setting of the site and the tranquil nature of the wider area.
- 14.5.5** The proposed access would provide further open views into the site, with visibility splays resulting in a loss of potential vegetation along the front boundary. The development of the site will impact upon the cross-valley views and characteristic views across the enclosed meadow fields in the locality.
- 14.5.6** Whilst hidden in part from wider distance views from by existing vegetation, the cumulative impact of such proposals will alter the rural character and ambience of an area such as increased traffic movements, residential paraphernalia, bin collections, will further result in urbanising the countryside and erode the tranquil qualities of the site.
- 14.5.7** The proposal would introduce built form onto an area of open countryside. The application would elongate development along Park Lane, into the open countryside where it is currently devoid of buildings. The proposals would result in an unnatural extension of the built form into the open countryside.
- 14.5.8** The proposed development would result in a detrimental impact to the character and appearance of this part of the countryside contrary to Policy S7 of the adopted Local Plan and the NPPF.

**14.6 D) Character and Design (GEN2 and the NPPF)**

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high quality



buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

- 14.6.2** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.6.3** The applicant has developed a layout which positively responds to the site constraints. The arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development and the highway.
- 14.6.4** In terms of height, the applicant has taken the opportunity to provide a 2 storey dwelling house. The scale of the dwelling is appropriate in relation to the character and appearance of the surrounding area. The dwelling has been sensitively integrated within the tradition-built context using proportions, roof forms and details like surrounding buildings ensuring a subservient and well-proportioned building.
- 14.6.5** Getting the architectural details right is critical to ensuring new developments are appropriate to the setting and context. The traditional buildings of Essex are typically made up of rectangular rather than square plan forms, with pitched roofs spanning the narrower plan dimension. Chimney stacks are commonly found on buildings and help to punctuate rooflines and provide visual interest. Openings should be arranged so as to emphasise the visual strength of the wall by allowing as wide a solid pier as possible between openings. Furthermore, external facing and roof materials should be selected from the range of regional materials characteristic of Essex, or similar to that of its surroundings.
- 14.6.6** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential dwelling has been informed by the development of the different character of existing built form in the surrounding area.
- 14.6.7** The external finishing materials are not known at this stage as the applicant states that they are happy to agree materials as part of imposed conditions if permission is granted. It is advised that a simple palette of materials that includes variation in facing bricks, roof tiles and render is proposed.
- 14.6.8** The matters of layout and appearance are thereby considered to be appropriate in accordance with policy GEN2 of the adopted local plan and the NPPF.
- 14.7** **E) Heritage (ENV2 and the NPPF)**

- 14.7.1** Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. Paragraph 196 of the Framework states that where development proposals 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 its optimum viable use.
- 14.7.2** Immediately to the south of the site is the property known Three Elms, and is Grade II listed. It is an eighteenth-century timber framed and plastered building, one storey and attics. The adjacent buildings to the south east are both Grade II listed, this being Cobblers Mead and Sunset Cottage.
- 14.7.3** The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.7.4** The NPPF defines significance as '*the value of a heritage asset to this and future generations because of its heritage interest*'. Such interest may be archaeological, architectural, artistic or historic.
- 14.7.5** The 'Setting of a heritage asset' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'
- 14.7.6** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.7** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritage assets that include both conservation areas and listed buildings.
- 14.7.8** The application was consulted to Place Services Conservation Officer who concluded in their formal comments that the site being an area of

undeveloped garden space associated to Three Elms and has historically been located at the periphery and the western approach to the small collection of listed buildings within the rural landscape. It is regarded that the site in its current undeveloped and verdant nature positively contributes to the tranquil and rural setting and character of the listed buildings.

- 14.7.9** The Conservation Officer stipulated that the proposed erection of one dwelling with cart lodge is considered to inevitably result in an impact to the setting of the designated heritage asset. It was mentioned that although the overall scale and massing of the new dwelling was reduced in size compared to that of the scheme that was previously withdrawn, it was deemed that the proposed dwelling is still comparatively large against the listed building and surrounding built environment and thereby previous concerns had still not been overcome in respect to the scale of the development.
- 14.7.10** In particular, it was suggested that the new dwellings ridge height should be well below that of the adjacent designated heritage asset, so not to detract from its prominence. It was also acknowledged that whilst screening in the form of soft vegetation on the boundaries may mitigate some of the harm, it cannot remove harm.
- 14.7.11** The proposed erection of a dwelling and cart lodge would therefore result in a baseline level of 'less than substantial harm' to the setting of the listed building.
- 14.7.12** Whilst the Conservation Officer acknowledged that this harm is towards the low end of the scale given that the adjacent heritage assets can still be appreciated within their agrarian setting and that the site does not share a historic functional link to Three Elms Cottage, the fact that it will provide further ribbon development would not be considered acceptable as this would have an urbanising effect.
- 14.7.13** With regards to the NPPF, the level of harm is considered less than substantial. As such the Council, should weigh this harm against any public benefits of the proposal including where appropriate. The proposals offer some public benefits in the form of new a home, however, it is considered that these benefits would not outweigh the harm to the heritages assets as outlined above.
- 14.7.14** To conclude, 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, through change in its setting. The development of this site for a new home would result in conflict with policy ENV2 of the adopted Local Plan and the NPPF.
- 14.8 F) Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**

- 14.8.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.8.2** The proposals have been designed such that all proposed dwellings comply with the Essex Design Guide requirements. The relative separation, orientation of the dwelling in respect to their relationship with adjoining properties are such that this ensures that high levels of amenity are achieved and there are no unacceptable impacts such as those identified in Policy GEN2.
- 14.9 G) Parking and Access (GEN1, GEN8, and the NPPF)**
- 14.9.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 14.9.2** The application is supported by a Transport Statement which confirms that the existing farm access is to be modified and upgraded to provide the single point of access into the site. Visibility from the access road will remain unchanged and therefore 2.4m x 43m visibility splays have been indicated and can be appropriately provided to allow for vehicle to exit the site in a safe manner.
- 14.9.3** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.9.4** The adopted Council parking standards recommends that at least three spaces are required for a four or more-bedroom dwelling house along with at least 1 secure cycle covered space.
- 14.9.5** It is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.9.6** The proposals would not result in significant harm to highway safety or result in traffic congestion and thereby is in accordance with Policies GEN1 and GEN8 of the adopted Local Plan.
- 14.10 H) Nature Conservation (GEN7 and the NPPF)**

- 14.10.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.10.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.
- 14.10.3 The application is supported by an Ecology Statement which has been reviewed by Places Services Ecology Officer. They conclude that that they have no objections subject to imposing appropriate conditions to secure biodiversity mitigation and enhancement measures.
- 14.10.4 It is not foreseen that the proposals would result in harm to protected or priority species or their habitation and thereby accords with Policy GEN7 of the adopted local plan.

**14.11 I) Contamination (ENV14 and the NPPF)**

- 14.11.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

**14.12 J) Flooding (GEN3, and the NPPF)**

- 14.12.1 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.
- 14.12.2 A check of the Environmental Agency's website and the Council's Policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing. It is not expected that the proposals would lead to significant harm to increase flood risk of both the application site and the surrounding area and thereby complies with Policy GEN3 of the adopted Local Plan and the NPPF.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

- 15.1.1 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.

**15.1.2** 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.

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

## **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

## **16. CONCLUSION**

**16.1** With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence Paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby it still carries reasonable weight.

**16.3** In respect to addressing the benefits of the proposed development, the provision of a single dwelling house would represent only a limited boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district.

**16.4** The development would provide social and economic benefits in terms of the construction of the dwelling and the investment into the local

economy. Furthermore, some weight has been given in respect to the slight biodiversity net gain the development will provide.

**16.5** Thus, taken these together, moderate weight to the benefits of the development have been considered.

**16.6** Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects.

**16.7** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the adjoining listed building contrary to Paragraph 202 of the NPPF. Thereby it would result in less than substantial harm to the setting and significance of heritage asset.

**16.8** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.

**16.9** For the reasons given above, the proposals would be contrary to policies S7, GEN1, and ENV2 of the adopted Local Plan and the NPPF. It is therefore recommended that the application be refused subject to the suggested reasons highlighted below.

**17. REASONS FOR REFUSAL**

**1** The proposal would introduce a new dwelling in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Local services within the locality are extremely limited and thereby future occupiers would need to access facilities and amenities beyond reasonable walking/cycling distance of the site in other settlements to meet their needs. The development in this location would undoubtedly place reliance upon travel by car and would not encourage sustainable transport options to be made.

The proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with policy GEN1 of the Adopted Local Plan which amongst other things, requires development to encourage movement by means other than the private car and the National Planning Policy Framework.

- 2** The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension of built form in the locality. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to Policy S7 of the Adopted Local Plan and the National Planning Policy Framework.

- 3** The application lies to the north west of the grade two listed building known as Three Elms. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

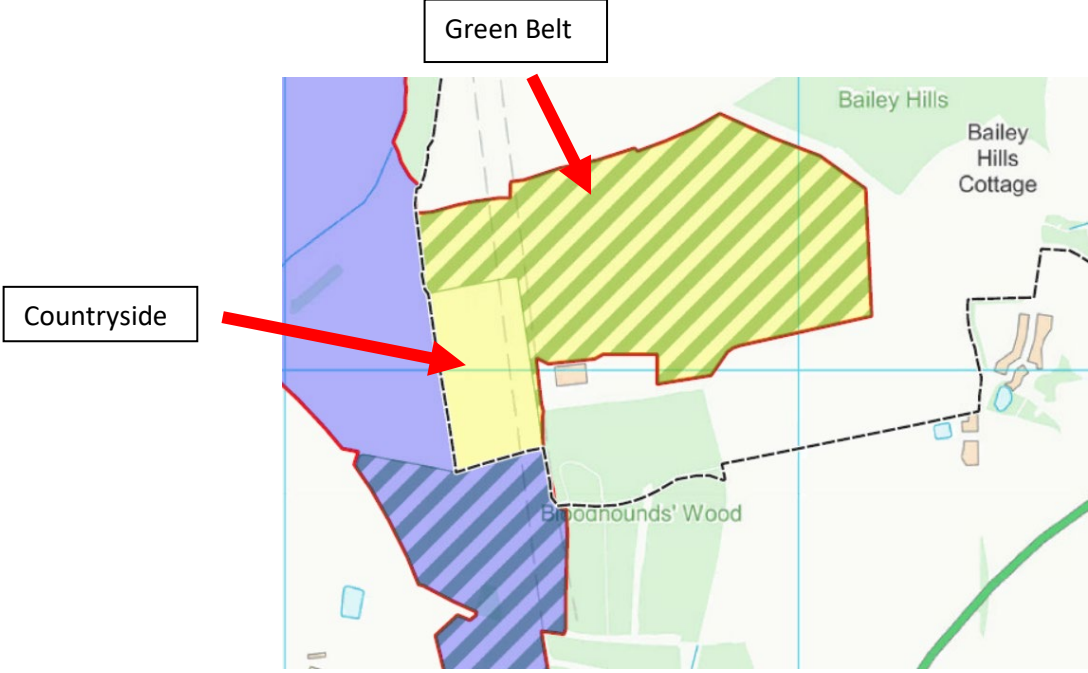
The existing site positively contributes to the identified heritage asset setting and significance through being open land with views through to the wider agrarian landscape which preserves its sense of tranquillity. Due to the inappropriate scale and massing of the proposed dwelling, it will be comparatively large against the listed building and surrounding built environment and thereby the setting of the heritage asset will inevitably be affected by the development resulting in 'less than substantial' through change in its setting.

Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby contrary to policy ENV2 of the Adopted Local Plan and the National Planning Policy.

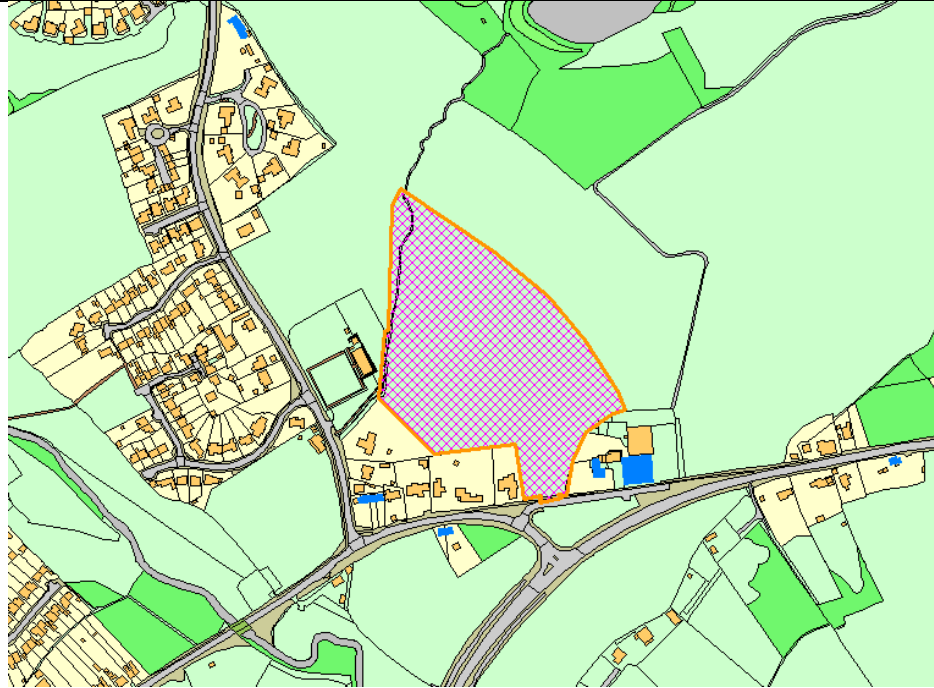


**Late List –Planning Committee 13/04/22**

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated at 2.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
4	UTT/21/3108/FUL Land to the North-West of Bishops Stortford, Farnham Road, FARNHAM	<p>There is an error in the report. The report states that the whole of the site is located within the Green Belt, there is in fact a small section as shown in the plan below that is located outside the Green Belt and thereby defined as being in the countryside whereby Policy S7 of the Adopted Local Plan Applies.</p> 

		<p>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.</p> <p>For completeness, although a small part of the application site is located within the countryside, this would not have made a significant difference in the final assessment of the overall planning balance when weighing the benefits of the scheme compared to the identified level of harm as concluded in the committee report. The officer recommendation remains the same.</p>
5	UTT/1/3108/FUL Falaise and Mountjoy, The Street TAKELEY	
6	UTT/21/3204/FUL Tandens, Great Canfield Canfield Road GREAT DUNMOW	
7	UTT/21/2719/FUL Land North of Braintree Road, GREAT DUNMOW	There is an error in the report. The site location plan on the second page of the report illustrates that the proposed site would take up a larger amount of the field than is being proposed. The following site location plan is in replacement.



In paragraph 12.4.1, the officers report refers to different Neighbourhood Plans, for clarity the only relevant Neighbourhood Plan for this development is the Great Dunmow Neighbourhood Plan.

For completeness, these discrepancies would not have made a difference in the final assessment of the overall planning balance when weighing the benefits of the scheme compared to the identified level of harm as concluded in the committee report. This is due to fact that the site location plans were used rather than the plotted outline as seen above. Likewise, in Paragraph 12.4.1 the officers report refers to additional Neighbourhood Plans that do not cover this development, these discrepancies have not made a difference in the final assessment. The officer recommendation remains the same.

8	UTT/21/2649/FUL Land to the East of Station Road, LITTLE DUNMOW	
9	UTT/21/2649/FUL	

	Land to the Rear of Malt Place, Cornells Lane, WIDDINGTON	
10	UTT/22/0086/FUL Three Elms Cottages, Langley Lower Green, LANGLEY	

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.