



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 31st August, 2022

**Time:** 10.00 am

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden,  
CB11 4ER

**Chair:** Councillor S Merifield

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

**Substitutes:** Councillors M Caton, A Coote, C Criscione, N Gregory, B Light and  
J De Vries

### Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements relating to applications being determined by the District Council, subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk). Speakers can either attend the Council Chamber or speak through Zoom.

When an application is to be determined by the Planning Inspectorate (PINS) the purpose of the report to Planning Committee is not to determine the application but to provide the PINS with the Council's view of the planning application. The role of the District Council is solely as a statutory consultee on the planning application; its consultation runs parallel with other statutory and non-statutory consultees.

The Planning Committee is not the opportunity to make representations directly to the decision maker and as such no public speaking on this matter will be afforded to either third parties or the applicant. Please find further information [here](#) regarding submitting representations directly with PINS.

There is a capacity limit for attendance in person in the Chamber and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest. For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins.

# **AGENDA PART 1**

## **Open to Public and Press**

- 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 - 9

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 10

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 11 - 22

To note the report.
- 5 S62A Applications** 23

To note applications which have been submitted direct to the Planning Inspectorate.
- 6 S62A/22/0006 (UTT/22/2046/PINS) - Land at Berden Hall Farm, Dewes Green Road, BERDEN** 24 - 56

To consider application S62A/22/0006 (UTT/22/2046/PINS).
- 7 UTT/21/3596/OP - Moors Farm, Station Road, LITTLE DUNMOW** 57 - 131

To consider application UTT/21/3596/OP.
- 8 UTT/22/1598/DOV- Land North Of Shire Hill Farm, SAFFRON WALDEN** 132 - 141

To consider application UTT/22/1598/DOV.
- 9 UTT/21/3565/DFO - Land North Of Shire Hill Farm, SAFFRON WALDEN** 142 - 168

To consider application UTT/21/3565/DFO.

- 10 UTT/22/1078/DFO - Land West of Bury Farm, Station Road, FELSTED** 169 - 196

To consider application UTT/22/1078/DFO.

- 11 UTT/22/1080/FUL - Land West of Bury Farm, Station Road, FELSTED** 197 - 226

To consider application UTT/22/1080/FUL.

- 12 UTT/22/1103/DFO - Land To The West Of Stortford Road, CLAVERING** 227 - 253

To consider application UTT/22/1103/DFO.

- 13 UTT/22/1020/FUL - Claypits Farm, THAXTED** 254 - 268

To consider application UTT/22/1020/FUL.

- 14 UTT/22/2192/TCA - Saffron Walden Museum, SAFFRON WALDEN** 269 - 273

To consider application UTT/22/2192/TCA.

- 15 Late List** 274 - 286

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 on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website

## **MEETINGS AND THE PUBLIC**

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

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

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

### **Facilities for people with disabilities**

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 3  
AUGUST 2022 at 10.00 am**

Present: Councillor S Merifield (Chair)  
Councillors G Bagnall, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt and M Sutton

Officers in attendance: N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), E Smith (Solicitor), L Trevillian (Principal Planning Officer) and A Vlachos (Planning Officer)

Public Speakers: D Willoughby and M Young.

## **PC182 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Emanuel.

The Chair declared that she was Ward Member for Felsted and Stebbing (Item 6) and made a declaration that she was a Member of the Housing Board (Item 8).

Councillor Lemon made a declaration that he was also a Member of the Housing Board (Item 8).

## **PC183 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 July 2022 were approved, with minor non-significant amendments to be agreed between Councillor Bagnall and the Democratic Services Officer.

## **PC184 SPEED AND QUALITY REPORT**

The Development Manager introduced the Speed and Quality Report.

The report was noted.

## **PC185 QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager introduced the Quality of Major Applications report.

The report was noted.

**PC186 S62A APPLICATIONS TO PINS**

The Development Manager introduced the S62A Applications report that detailed five applications which had been submitted direct to the Planning Inspectorate. He said that the two most recent cases were not yet validated; he clarified what needed to take place for a case to be validated.

He also stated that notification had been received the previous day for a new PINs case relating to Land South of Henham Road, Elsenham.

The report was noted.

**PC187 UTT/22/0007/FUL - LAND EAST OF SCHOOL LANE, FELSTED**

The Principal Planning Officer presented an outline application 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 transformers, fencing and landscaping works

He recommended that the Director of Planning be authorised to grant planning permission for the development subject to those items set out in section 17 of the report as well as an additional condition as detailed on the Late List.

Officers responded to questions from Members in respect of:

- Possible costs of decommissioning being unknown.
- The land being arable land.
- The transformers being centrally positioned.
- Any possible financial contribution being made towards the Parish Council not being any part of the Planning determination.
- The light pollution provisions for emergency and security lighting.
- Solar panels still generating energy outside of the summer season.

Members discussed:

- The significance and the need for the S106 Agreement to be brought back to the Committee.
- The need for the decommissioning costs in 40 years' time to be realistically costed.
- The need for trees to be protected, particularly during any construction period.
- The fact that if no energy was being generated then de-commissioning could take place prior to 40 years elapsing.
- The need for clarification from the Government with respect to Solar Farms on agricultural land.
- The weight that needed to be given to the loss of agricultural land.
- The weight that needed to be given to the impact upon the 3 listed buildings affected as required by the NPPF.

- The impact that the development would have upon the landscape of, and the consequent visual amenity of the surrounding area.
- The fact that the Parish Council had not objected to the proposals.
- The need for the S106 Agreement to reflect the necessity for UDC to be notified each time the land was sold, with possible novation by every new owner.
- The importance of the Landscape and Ecological Plan (LEMP) and the possibility of linking it to the S106 Agreement.

Councillor Pavitt proposed that the application be approved in line with the recommendations, subject to the S106 Agreement, the Decommissioning Agreement and Method Statement and the on-going LEMP all being brought back to the Committee for approval.

The Chair seconded the proposal.

RESOLVED that the application be approved in line with the recommendations, subject to the S106 Agreement, the Decommissioning Agreement and Method Statement and the on-going LEMP all being brought back to the Committee for approval.

*M Young spoke and referred to the need for clarification of Government policy and for de-commissioning costs to be fully considered.*

*D Willoughby (applicant) spoke in support of the application.*

*The meeting adjourned at 11.15 am and reconvened at 11.25 am.*

**PC188 UTT/22/1134/FUL - LAND AT HOLMWOOD, WHITEDITCH LANE, NEWPORT**

The Planning Officer presented an application to remove conditions 6 (highways) and 7 (highways) of UTT/15/0879/OP (allowed at appeal ref APP/C1570/W/15/3137906).

He recommended that the Director of Planning be authorised to approve the removal of conditions 6 and 7 subject to the conditions set out at section 17 of the report.

Officers responded to questions from Members in respect of:

- The developer being the applicant requesting changes.
- The fact that these changes were in contradiction of the conditions imposed on appeal by the Planning Inspector.
- Matters relating to the tests set out in paragraph 56 of the NPPF, including the unenforceability and unreasonableness of conditions 6 and 7 because there can be no mechanism in place to attribute specific highway damage to the individual development to which the permission relates.
- Whether there should have been a masterplan in place for the whole of Whiteditch Lane, Newport.

- That this application was approved in 2015 and that the position had significantly changed in Whiteditch Lane, Newport during this time. People were now living there, and this had substantially affected usage of the road.

Members discussed:

- Their concerns in being asked to over-turn the conditions imposed by the Planning Inspector and of Members being placed in a no-win situation. The Development Manager confirmed that the conditions failed all tests for validity contained within national policy, was incapable of enforcement and could therefore be removed: and the substantive application is a major application.
- The fact of any possible appeal costs were not relevant to the determination of this application
- The fact that the developments had yet to commence and that the case had been approved in 2015, when circumstances had been much different.
- Whether further discussions should take place with Essex CC Highways to seek resolution.
- The possible problems identifying who had specifically caused any damage to the public highway, given that the developer would not have sole access thereto and was not in control thereof.
- Whether a precedent was being set if the officers' recommendation was followed. The Development Manager said that UDC officers could assist Essex CC Highways in monitoring the public highway.

Councillor Loughlin proposed that the application be deferred to enable further discussions to take place with Essex CC Highways. This was seconded by Councillor LeCount. The motion was lost.

Councillor Pavitt proposed that conditions 6 and 7 be removed, subject to the conditions set out at section 17 of the report. This was seconded by Councillor Lemon.

RESOLVED that the Director of Planning be authorised to approve the removal of conditions 6 and 7, subject to the conditions set out at section 17 of this report.

**PC189 UTT/22/1486/DFO - 22 TYE GREEN, MAPLE LANE, WIMBISH**

The Planning Officer presented an application following outline application UTT/21/1855/OP for the erection of one dwelling - details of access, appearance, layout, landscaping and scale.

He recommended that the Director Planning be authorised to grant planning permission for the development subject to the conditions set out in section 17 of this report and an additional condition detailed on the Late List.

Officers responded to questions from Members in respect of:

- The building being two storey and in keeping with other properties nearby.
- That this was an application made by the Council.



- Justification for building a four-bedroom property, rather than three bedrooms or even two properties.
- The possibility of having one window as frosted at first-floor level on the west elevation.
- Driveway parking provision for three vehicles meeting the appropriate standards.

Members discussed:

- Electrical charging points.
- The possibility of the construction being heat pump ready when built.
- Water efficiency measures.
- The possibility of building two semi-detached properties instead of one. The Planning Officer said that this could be challenging in respect of the triangular shape of the plot and the amenity space available.
- The general need for the Housing Team to liaise with Parish Councils moving forward.
- The possibility of a frosted, non-opening window being utilised (west facing window of bedroom 1).
- The possibility of the property being built to passive home standards.

The Development Manager said that this could all be discussed with the Housing Team. He suggested that a condition be included that ensured that renewable energy and water efficiency measures be submitted.

Councillor LeCount proposed that planning permission be granted, subject to the conditions set out in section 17 of the report and the additional condition detailed on the Late List and that a sealed frosted window be utilised and that renewable energy and water efficiency measures be taken forward with the applicant.

This was seconded by Councillor Pavitt.

RESOLVED that the Director of Planning be authorised to grant planning permission for the development, as per the proposal above.

*Councillor M Young (Wimbish PC) expressed concern about the size of the property and whether two smaller properties could be built instead and also that consideration be given of building to passive house standards.*

Prior to closing the meeting, the Development Manager announced for transparency reasons that a recent Proposed Certificate of Lawfulness (CLP) application from the Chair of the Planning Committee reference UTT/22/1138/CLP had been approved.

*The meeting ended at 12.55 pm.*

## 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	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	January 2020- December 2021	October 2020 to September 2022	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (86.4%)	60% (83.64%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	70% (85.49%)	P153

*UDC performance in green % 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	Threshold and assessment period.	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)	April 2020 to March 2022 (appeal decisions to end December 2022)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (18.5%)	10% (16.5%)	10% (8.82%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.19%*)	P154

*UDC performance in green is good and red means that we exceeded the maximum %. \*To note there are appeal decisions outstanding and this data may change.*

**Committee:** Planning Committee  
**Date:** 31 August 2022  
**Title:** Quality of Major Applications  
**Author:** Dean Hermitage

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## **Purpose**

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 2022. The Quality of Major Applications is for decisions made within a two-year period with appeal decisions up to and including the 31 December of the two year period.
4. Therefore, the periods covered in this report are as follows:
  - April 2017 - March 2019 (*appeal decisions made by 31/12/2019*)
  - April 2018 - March 2020 (*appeal decisions made by 31/12/2020*)
  - April 2019 - March 2021 (*appeal decisions made by 31/12/2021*)
  - April 2020 - March 2022 (*appeal decisions made by 31/12/2019*)
5. The Planning Advisory Service provided each Local Authority with a 'Crystal Ball' (basically a spreadsheet) where the data can be added each month/quarter to monitor whether there is any risk of designation.
6. Below shows the periods 2017 - 2019; 2018 - 2020 and 2019 - 2021 annually with the overall two-year period % - as per the DHLUC monitoring periods.

Criteria: Quality	District matter Majors							
	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result	
Apr 2017 - Mar 2018	37	9	1	0	1	0	2.7%	
Apr 2018- Mar 2019	39	20	16	8	6	2*	15.38%	
<b>Total for 2017 - 2019</b>							<b>9.21%</b>	
Apr 2018 - Mar 2019	39	20	16	9	7	0	17.95%	
Apr 2019- Mar 2020	40	26	18	8	6	4**	15%	
<b>Total for 2018 - 2020</b>							<b>16.5%</b>	
Apr 2019 - Mar 2020	40	26	18	9	9	0	22.50%	
Apr 2020- Mar 2021	34	12	9	4	4	1***	11.76%	
<b>Total for 2019 - 2021</b>	<b>74</b>	<b>38</b>	<b>27</b>	<b>13</b>	<b>13</b>	<b>1*</b>	<b>17.57%</b>	
		Minimum level required						<b>10.00%</b>

*\*Pending decision falls outside of the criteria window of appeal decision made by 31/12/2019.*

*\*\*Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2020.*

*\*\*\*Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2021.*

7. Below shows the period 2020 - 2022 quarterly. This is on-going and will be monitored and updated.

		Incomplete Data						
		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 06	July - Sept 2021	5	2	2	0	1	0	20.00%
Quarter 07	Oct - Dec 2021	16	9	5	1		4	0.00%
Quarter 08	Jan - Mar 2022	8	4	2			2	0.00%
	total	68	31	19	6	6	7	8.82%
		Minimum level required						10.00%

Note data checked 16/08/2022.

If no further appeals are submitted and

- all 7 pending allowed – total 19.12%
- 6 pending allowed – total 17.65% etc.

#### 8 Cost of appeals per year\*

Year	Legal including Awards of Costs	Consultants
2017 - 2018	£102,660	£33,697
2018 - 2019	£ 21,325	£10,241
2019 - 2020	£182,013	£78,776
2020 - 2021	£144,117	£70,481
2021 - 2022	£129,453	£152,057
2022 - 2023	£221,524 (to 16/08/2022)	£82,039.89 (to 16/08/2022)

\*Not including the Stansted Airport Inquiry.

Please note that Inquiry cost may not be held in the same financial year as the application decision.

9. Appendix 1 shows the breakdown of the applications including the reference number, whether considered at committee or delegated, the officer recommendation along with the decision, appeal decision and the date of the appeal decision – for the current period.

The date of the appeal decision is a key factor - if it is after 31 December at the end of the 2-year period then it is not included in that round of monitoring by DHLUC.

**Recommendation**

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

**Impact**

<b>Communication/Consultation</b>	<b>Planning Committee</b>
Community Safety	None
Equalities	None
Health & Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

**Risk Analysis**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating actions</b>
3	3	3	Action Plan & Pathway work

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

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

Reference	ADDRESS	PROPOSAL	Decision Type	Date of Committee	Officer Recommendation	Decision	Appeal Status	Date of Appeal Decision
UTT/17/2832/OP	Land North Of Shire Hill Farm Shire Hill Saffron Walden	Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/34	Committee	19-Dec-18	Approve	Approved		
UTT/18/2508/OP	Land West Of Bury Farm Station Road Felsted	Outline application with all matters reserved, with the exception of access, for a mixed use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping and associated deve	Committee	20-May-20	Approve	Approved		
UTT/18/2574/OP	Land South Of Stortford Road Dunmow	"Hybrid planning application with: Outline planning permission (all matters reserved except for points of access) sought for demolition of existing buildings (excluding Folly Farm) and development of up to 332 dwellings, including affordable housing, 1,80	Committee	19-Aug-20	Approve	Approved		
UTT/20/0864/FUL	Land Behind The Old Cement Works Thaxted Road Saffron Walden	Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO	Committee	18-Nov-20	Approve	Refused	ALLOW	13-May-21
UTT/20/0865/FUL	Land East Of Thaxted Road Saffron Walden	Construction of spine road and associated engineering works and drainage infrastructure.	Delegated		Approve	Approved		
UTT/20/0866/FUL	Land West Of Woodside Way Woodside Way Dunmow	Variation of condition listing the approved plans as added by UTT/20/0420/NMA to UTT/16/1466/DFO - amendments to the spine road	Delegated		Approve	Approved		
UTT/21/0245/FUL	Venn House Tenterfields Great Dunmow	Demolition of existing buildings and construction of 12 no. residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure.	Committee	24-Nov-21	Approve	Refused	INPROG	
UTT/20/1744/FUL	Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow	Proposed 30 no. Self build and custom dwellings	Committee	09-Jun-21	Approve	Refused	INPROG	
UTT/20/2105/OP	Land To The North Of De Vigier Avenue Saffron Walden	Outline planning permission with all matters reserved except for access for the erection of up to 12 dwellings with associated landscaping, parking and support infrastructure.	Delegated		Refuse	Refused	LODGED	

UTT/21/0247/OP	The Rise Brick End Broxted	Outline application with all matters reserved except access, layout and scale for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated la	Committee	15-Dec-21	Refuse	Refused	INPROG	
UTT/21/0332/FUL	Land At Tilekiln Green Start Hill Great Hallingbury	Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities.	Delegated		Refuse	Refused	Appeal Withdrawn	23-Sep-21
UTT/19/2266/OP	Land North Of Bedwell Road And East Of Old Mead Road Ugley And Henham	Outline planning application for the erection of up to 220 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Bedwell Road. All matters	Committee	14-Apr-21	Approve	Refused	DISMIS	25-Oct-21
UTT/19/0573/OP	Land To The South West Of London Road Little Chesterford Essex	Outline application with all matters reserved except for access for the development of up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping	Committee	19-Feb-20	Approve	Approved		
UTT/20/0757/DFO	Land West Of Maranello Watch House Green Felsted CM6 3EF	Details following outline application UTT/18/1011/OP (granted under appeal ref: APP/C1570/W/18/3210501) for 28 dwellings. Details of appearance, landscaping, and scale.	Committee	22-Jul-20	Approve	Approved		
UTT/20/0398/FUL	Thremhall Park Stane Street Great Hallingbury CM22 7WE	Application to vary condition on UTT/16/0735/FUL ('The erection of four buildings to provide offices with cafe, gym and function room together with the provision of new hard surfaced parking.') inserted under UTT/19/1741/NMA - amendments to approved plans	Delegated		Approve	Approved		
UTT/19/1437/FUL	77 High Street Great Dunmow CM6 1AE	Demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping	Committee	30-Sep-20	Approve	Approved		
UTT/20/0921/DFO	Land North Of Ashdon Road Ashdon Road Saffron Walden CB10 2NQ	Details following outline application UTT/17/3413/OP - Erection of 4no. commercial buildings for use as B1, B2 and/or D2 in the alternative together with access road, car parking, bin and bike stores and associated works. Details of appearance, landscaping	Committee	17-Feb-21	Approve	Approved		
UTT/20/1643/FUL	Land At The Stables May Walk Elsenham Road Stansted Essex	Erection of 11 no. dwellings including alterations to existing access, formation of new internal road, landscaping and associated infrastructure	Delegated		Refuse	Refused	DISMIS	30-Oct-21
UTT/20/2175/DFO	Land South Of Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated	Committee	14-Apr-21	Approve	Refused	Appeal Withdrawn	23-Nov-21



		infrastructure including road, drainage and access - details of appearance, landscaping, layout						
UTT/19/2055/FUL	Tesco Supermarket Stortford Road Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Delegated		Refuse	Refused		
UTT/20/3329/DFO	Land To The South West Of London Road Great Chesterford Essex	Reserved Matters application, seeking approval of appearance, layout, scale and landscaping, for 76 dwellings following approval of outline planning permission UTT/19/0573/OP.	Committee	24-Nov-21	Approve	Approved		
UTT/19/1864/FUL	Terriers Farm Boyton End Thaxted Dunmow CM6 2RD	Construction and operation of a solar farm comprising arrays of solar photovoltaic panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, cctv, access tracks and landscape	Committee	15-Jan-20	Approve	Approved		
UTT/21/1755/DFO	Land To The South Of Braintree Road Felsted Essex	Details following outline approval UTT/18/3529/OP (approved under appeal reference APP/C1570/W/19/3234739) for the erection of up to 30 no. Dwellings with associated roads and infrastructure - details of appearance, landscaping, layout and scale.	Committee	06-Aug-21	Approve	Approved		
UTT/21/1987/FUL	Land At Warish Hall Farm Smiths Green Takeley	Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible	Committee	15-Dec-21	Approve	Refused	DISMIS	09-Aug-22
UTT/19/2354/OP	Land To The West Of Buttleys Lane Dunmow	Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved.	Committee	09-Sep-20	Approve	Refused	ALLOW	19-Jan-22
UTT/20/3419/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 464 residential dwellings and associated landscaping and infrastructure works	Committee	17-Mar-21	Approve	Approved		
UTT/20/1143/FUL	Saffron Walden County High School Audley End Road Saffron Walden CB11 4UH	Application to vary condition 8 (electric vehicle charging points) of application UTT/19/1823/FUL - amendment from 10 no. electric vehicle charge to 4 no. electric vehicle charge points.	Committee	22-Jul-20	Approve	Approved		
UTT/19/2388/DFO	Land North Of Water Lane Stansted Essex	Approval of reserved matters following outline application UTT/16/2865/OP. Details of appearance, landscaping and layout relating to the redevelopment of the former gas holder site to provide 9 no. dwellings.	Delegated		Approve	Approved		

UTT/19/2118/OP	Land East And North Of Clifford Smith Drive Felsted	Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	19-Feb-20	Approve	Approved		
UTT/19/2288/FUL	Land North Of Bartholomew Close Bartholomew Close Great Chesterford	Proposed residential development of up to 13 dwellings including associated external works and parking.	Committee	18-Mar-20	Approve	Approved		
UTT/21/2113/FUL	Land North Of Bartholomew Close Bartholomew Close Great Chesterford	Application to vary condition 15 and to revise the approved schedule of materials of previously approved planning application UTT/19/2288/FUL.	Committee	01-Sep-21	Approve	Approved		
UTT/20/2121/OP	Land West Of Pennington Lane Stansted Essex	Outline planning application with all matters reserved except access for up to 168 dwellings (Class C3) including 40% affordable homes, public open space including local equipped area for play, sustainable drainage systems, landscaping and all associated	Delegated		Refuse	Refused	DISMIS	21-Sep-21
UTT/20/2613/OP	Land North Of The B1256 Braintree Road Dunmow	Outline planning permission, with all matters reserved except for access for the development of up to 38 dwellings, open space, landscaping, drainage infrastructure and associated highway improvements.	Delegated		Refuse	Refused		
UTT/20/0336/DFO	Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green Great Hallingbury CM22 7TJ	Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.	Committee	30-Sep-20	Approve	Approved		
UTT/20/1929/OP	Helena Romanes School Parsonage Downs Dunmow CM6 2AT	Outline application with all matters reserved except access for the erection of up to 200 dwellings, demolition of existing school buildings, public open space, landscaping, sustainable drainage system and vehicular access from the B1008 Parsonage Downs.	Committee	29-Sep-21	Refuse	Refused	INPROG	
UTT/19/1219/FUL	Land East Of Braintree Road (B1256) Dunmow	A full application for Refuse Lorry Depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development.	Committee	19-Aug-20	Refuse	Approved		
UTT/19/3068/DFO	Land East Of Little Walden Road Saffron Walden Essex	Reserved matters following UTT/16/2210/OP for 85 residential dwellings including all necessary infrastructure and landscaping. Details of appearance, landscaping, layout and scale.	Committee	03-Jun-20	Approve	Approved		
UTT/20/0614/OP	Claypits Farm Bardfield Road Thaxted CM6 2LW	Outline application for demolition of existing buildings and erection of 14 no. dwellings with all matters reserved except access and layout (alternative scheme to that approved under planning permission UTT/18/0750/OP)	Delegated		Refuse	Refused	ALLOW	28-Oct-21

UTT/19/1585/FUL	Almont House High Lane Stansted CM24 8LE	Redevelopment of the site comprising demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) across two and a half storeys (plus part lower ground floor). The application also	Committee	30-Sep-20	Approve	Refused		
UTT/20/1102/OP	North Of Rosemary Lane Rosemary Lane Stebbing Essex	Outline Planning Application for up to 60 (maximum) residential dwellings including access with all other matters reserved	Delegated			Appeal Non Determination	DISMIS	27-Aug-21
UTT/19/0476/OP	Land East Of Warehouse Villas Stebbing Road Stebbing Essex	Outline application with all matters reserved except access, for the erection of a new residential development comprising of 17 dwellings along with associated works	Committee	18-Dec-19	Approve	Approved		
UTT/19/2470/OP	Land To The West Of Isabel Drive Elsenham	Outline application with all matters reserved except access for residential development of up to 99 no. dwellings including affordable homes, with areas of landscaping and public open space, including points of access of Stansted Road and Isabel Drive and	Delegated			Appeal Non Determination	ALLOW	31-Dec-20
UTT/19/1508/FUL	Land East Of St Edmunds Lane Dunmow	Construction of 22 Custom/ Self Build Dwellings (Revised Schemes to UTT/17/3623/DFO)	Committee	17-Jun-20	Approve	Approved		
UTT/19/2168/OP	Land West Of Bonningtons Farm Station Road Takeley	Outline application with all matters reserved except access for the cessation of use of site for storage, demolition of all associated buildings and redevelopment of site for 32 no. dwellings with improvements to existing access onto Station Road.	Delegated		Refuse	Refused	DISMIS	21-Jun-21
UTT/21/0977/OP	Land West Of Colehills Close Middle Street Clavering Essex	Outline application for the erection of 10 no. dwellings with all matters reserved apart from access	Delegated		Refuse	Refused		
UTT/19/2900/DFO	Bricketts London Road Newport CB11 3PP	Details following outline application UTT/16/1290/OP - Details of appearance, landscaping, layout and scale for 11 dwellings	Committee	19-Aug-20	Approve	Approved		
UTT/20/0604/OP	Land South Of Vernons Close Mill Road Henham Hertfordshire	Outline permission with all matters reserved except access for the erection of 45 no. dwellings	Committee	17-Feb-21	Approve	Refused	ALLOW	30-Nov-21

UTT/21/1708/OP	Land East Of Highwood Quarry Little Easton Essex	Outline planning application with the details of external access committed. Appearance, landscaping, layout (including internal access), scale reserved for later determination. Development to comprise: between 1,000 and 1,200 dwellings (Use Class C3); up	Committee	27-Oct-21	Refuse	Refused	INPROG	
UTT/21/2082/FUL	Land East Of Brick Kiln Lane North Of Pound Gate Stebbing Essex	Proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.	Committee	16-Mar-22	Refuse	Refused		
UTT/19/1744/OP	Former Friends School Mount Pleasant Road Saffron Walden CB11 3EB	Hybrid application consisting of full details for development of 30 dwellings utilising existing access, re-provision of swimming pool with new changing rooms, artificial grass pitches, sports pavilion, multi-use games area (MUGA), local equipped area for	Committee	17-Mar-21	Refuse	Refused		
UTT/20/2028/FUL	Tesco Supermarket Stortford Road Great Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Committee	21-Nov-20	Approve	Approved		
UTT/20/2417/OP	Barnston Warehousing Chelmsford Road Great Dunmow CM6 1LP	Outline application, with matters of landscaping and appearance reserved, for partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping.	Committee	24-Nov-21	Approve	Approved		
UTT/20/2653/FUL	The Joyce Frankland Academy Cambridge Road Newport Saffron Walden CB11 3TR	Application to Vary Condition 2 (Plans) attached to planning application UTT/18/0739/FUL (approved under appeal APP/C1570/W/19/3229420) - Amendments to footpath link, revisions to plots 5-8 and the re-location of visitor parking spaces.	Committee	17-Feb-21	Approve	Approved		
UTT/20/2220/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 326 residential dwellings and associated infrastructure works	Committee	17-Feb-21	Approve	Approved		
UTT/20/2784/FUL	Land At Takeley Street Next To Coppice Close Dunmow Road Takeley	Residential development of 23 dwellings with associated vehicular access points of Dunmow Road, open space, car parking and associated infrastructure.	Committee	08-Jul-21	Approve	Refused		
UTT/21/0405/FUL	Former Winfresh Site High Cross Lane Little Canfield Dunmow Essex CM6 1TH	Mixed use development on the site comprising the continuation of part of the existing building for warehouse/storage distribution and associated office use, internal refurbishment to create offices for the Council with an entrance canopy, separate offices	Committee	07-Jul-21	Approve	Approved		

UTT/19/1789/FUL	Land At Pound Hill Little Dunmow	Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure.	Committee	17-Mar-21	Approve	Approved		
UTT/20/2639/OP	Land To The West Of Stortford Road Clavering Essex	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	Committee	12-May-21	Approve	Approved		
UTT/19/2875/FUL	Holroyd Components Ltd Shire Hill Industrial Estate Shire Hill Saffron Walden Essex CB11 3AQ	Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier	Committee	18-Mar-20	Approve	Approved		
UTT/20/1098/FUL	Land To The East Of Tilekiln Green Great Hallingbury	Construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping	Delegated			Appeal Non Determination	ALLOW	01-Nov-21
UTT/21/2465/DFO	Land South Of Radwinter Road Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	29-Sep-21	Approve	Approved		
UTT/21/3356/FUL	Land Near Pelham Substation Maggots End Road Manuden	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and	Delegated		Refuse	Refused		
UTT/21/1618/OP	Land At Parsonage Farm Parsonage Farm Lane Great Sampford Essex	Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking	Delegated		Refuse	Refused	Appeal Withdrawn	23-Jun-22
UTT/21/2730/OP	Land East Of Pines Hill Stansted	Outline planning permission with all matters reserved except access, for up to 31 no. dwellings.	Delegated		Refuse	Refused		
UTT/21/2509/OP	Land South Of (East Of Griffin Place) Radwinter Road	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 matter	Committee	17-Mar-22	Refuse	Refused	INPROG	

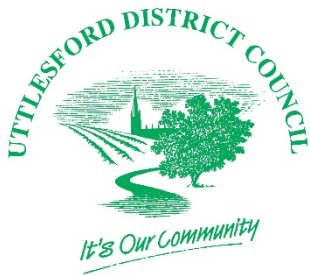
	Sewards End Essex							
UTT/21/2799/DFO	Land To The North West Of Henham Road Elsenham Hertfordshire	Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale.	Committee	15-Dec-21	Approve	Approved		
UTT/21/2506/FUL	77 High Street Great Dunmow CM6 1AE	Application to vary condition (approved plans) of planning application UTT/19/1437/FUL (added under UTT/21/2490/NMA).	Committee	24-Nov-21	Approve	Approved		
UTT/21/2584/FUL	Land West Of Woodside Way Woodside Way Dunmow	Application to vary condition 4 (walking and cycling network) and 5 (Ecology and lighting), and approved plans condition as added by UTT/21/2324/NMA to UTT/20/2220/DFO - Development of the site to provide 326 residential dwellings and associated infrast	Committee	24-Nov-21	Approve	Approved		

## The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:
26 April 2022	S62A/22/000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee
24 May 2022	S62A/22/0000004	UTT/22/474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee
06 July 2022	S62A/0000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield	Erection of 15 dwellings – <b>The application has been submitted and we await notification that it is valid - (16/08/2022)</b>	Consultee
20 July 2022	S62A/0000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.	Consultee
02 August 2022	S62A/0000007	UTT/22/2174/PINS	Land to the south of Henham Road Elsenham	Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham) - <b>The application has been submitted and we await notification that it is valid - (16/08/2022)</b>	Consultee

# Agenda Item 6



**ITEM NUMBER:** 6

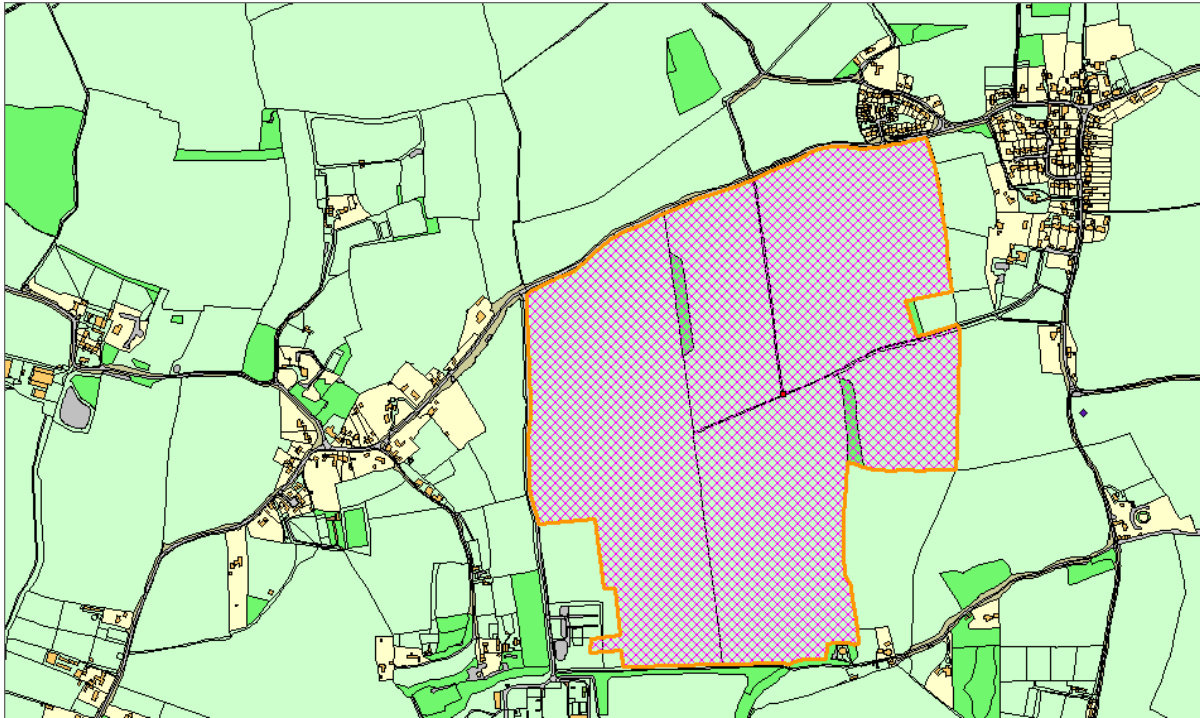
**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** S62A/22/0006

**LOCATION:** **UTT/22/2046/PINS**  
Land At Berden Hall Farm, Dewes Green Road,  
Berden



**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2022**

**PROPOSAL:** Consultation on S62A/22/0006 - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.

**APPLICANT:** Ms K Cassie

**AGENT:** N/A

**Date Consultation Response Due:** 5 September 2022

**CASE OFFICER:** Laurence Ackrill

**NOTATION:** Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Important Woodlands (Arnold's Spring), Within 100m of Local Wildlife Site (Park Green, Arnol's Spring & Pelham Centre Meadow), Outside Development Limits.

**REASON THIS APPLICATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decision-making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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1. **RECOMMENDATION**

Request that PINS **APPROVE** the application subject to:

**(A) Completion of a s106 Obligation Agreement in accordance with Heads of Terms**

**(B) Conditions**

As set out in sections 15 of the report.

2. **SITE LOCATION AND DESCRIPTION:**

**2.1** The site consists of approximately 71ha of a mix of grade 2 and grade 3 agricultural land. Made up of four large fields, divided by hedges, the site is located to the south-west of Berden outside of the boundary of any recognised development limits.

**2.2** The land is arable, agricultural land interspersed with ditches, hedgerows, and trees. There is an existing electricity substation to the south-west corner and access to the site would be from the existing farm entrance off Ginns Road. There are a number of Public Rights of Way that traverse the site.

### **3. PROPOSAL**

**3.1** The construction and operation of a ground mounted solar farm with a generation capacity of up to 49.99MW together with associated infrastructure, access and landscaping.

**3.2** The development would comprise of the installation of approximately 100,368 photovoltaic solar panels mounted on a metal frame and constructed from non-reflective glass. They would have a front edge height of approximately 0.9m above ground and the rear edge of 2.5m (a 20-degree slope). Rows would run west to east, following the existing contours of the ground with the panels facing south, with spacing between rows varying between 7.9m and 9.8m, depending on topography.

**3.3** Associated infrastructure would include 10 inverter units distributed among the panels and accessed via a combination of existing and proposed farm tracks (formed from crushed stone). Inverter units are typically the size of standard shipping containers, shown as being around 2.3m in height when measured from the ground.

**3.4** A small substation protected with a palisade fence to be built in the southwest corner, adjacent to the battery storage facility. This would be accessed via the internal track network from the main access to the solar farm on the Ginns Road.

**3.5** The facility will be enclosed by new 2.5m high fencing, with deer fencing around each field to exclude large mammals and humans from the facility. Gates to allow the passage of small mammals such as badgers and foxes will be provided at intervals along the fence, aside from the sections of fence alongside Protected Rights of Way.

**3.6** The location has been chosen due to its proximity to the existing Pelham Substation and the high solar irradiance associated with the area. The proposal would provide a clean, renewable and sustainable form of electricity and would also provide a contribution to the generation of electricity at a local level and would meet the annual equivalent electricity demands of approximately 15,200 homes.

3.7 The proposal also includes the establishment of a new permissive footpath to benefit the local community. The footpath will run along the northern edge of the site following the Ginns Road.

3.8 The submitted site plan includes boundary planting to complement existing around the site and also in between the fields, including 1ha of new woodland planting proposed between the village of Berden and the siting of the Solar PV Panels. The estimated lifespan of the proposed development is up to 40 years and as such the proposed development and associated infrastructure is long-term temporary and reversible.

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

4.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2158/SCO (appendix A).

4.2 The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

4.3 It was concluded that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size, or location.

4.4 Given the location of the proposed development and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

#### **5. RELEVANT SITE HISTORY**

5.1 UTT/22/1203/FUL - Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District - Land Off Pelham Road Berden. - Not yet determined.

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

6.1 Other than the screening opinion as mentioned in Paragraph 5.1, there has been no other pre-application advice sought from the Local Planning Authority.

6.2 A public exhibition was held at the Berden Village Hall by the applicant on the 21<sup>st</sup> March 2022, in accordance best practice and the Statement of Community Involvement.

## 7. **STATUTORY CONSULTEE RESPONSES**

7.1 All statutory consultees will write directly to PINS within the 21 days period being the 5<sup>th</sup> September 2022 and are thereby not mentioned within this report.

## 8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2022 and are thereby not informed within this report.

## 9. **CONSULTEE RESPONSES**

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2022 and are thereby not informed within this report.

## 10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 5<sup>th</sup> of September 2022. All representations should be submitted directly to PINS within the 21-day consultation period.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## 11. **MATERIAL CONSIDERATIONS**

11.1 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.

- 11.2** 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.

- 11.3** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission 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.

**11.4 The Development Plan**

- 11.4.1** 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)  
Stebbing Neighbourhood Plan (made July 2022)

**12. POLICY**

**12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2021)

**12.2 Uttlesford District Plan 2005**

- S7 – The Countryside
- GEN1- Access
- GEN2 – Design
- GEN3 – Flood Risk
- GEN4 – Good neighbourliness
- GEN5 –Light Pollution
- GEN6 - Infrastructure Provision
- GEN7 - Nature Conservation
- ENV2 - Development affecting Listed Buildings
- ENV3 - Open Space and Trees,
- ENV4 - Ancient monuments and Sites of Archaeological Importance
- ENV5 - Protection of Agricultural Land

E4 - Farm Diversification  
ENV7 - The Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV11 – Noise Generators  
ENV14 - Contaminated Land  
ENV15 - Renewable Energy

### **12.3 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)

## **13. CONSIDERATIONS AND ASSESSMENT**

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

**13.2 A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**

**B) Impacts on biodiversity**

**C) Access and highway safety**

**D) Aircraft Safety**

**E) Heritage and Archaeology**

**F) Impact on Neighbouring Residential Amenity**

**G) Land Contamination**

**H) Flood Risk and Surface Water Drainage**

**I) Benefits of the scheme and the Planning Balance**

**J) Other Matters**

**13.3 A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**

**13.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the NPPF (2021) provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).

- 13.3.2** The proposal cannot be tested against a fully up-to-date Development Plan. Therefore, Paragraph 11 of the NPPF (2021) is fully engaged and the proposal is assessed in line with Paragraph 8 of the NPPF (2021) to judge the sustainable merits of the scheme.
- 13.3.3** Paragraph 11 of the NPPF (2021) requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are any adverse impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 13.3.4** Paragraph 11 therefore advocates that a planning balance be made. Such a planning balance is undertaken by way of a wider assessment of the proposal against all relevant material considerations to determine if there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

#### *Visual Impact of the Proposed Development*

- 13.3.5** The application site is located outside the development limits of Berden & Berden (Gawlers) and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 13.3.6** Policy S7 is only partially compatible with the current NPPF, as it has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries some weight.
- 13.3.7** The applicant has submitted a Landscape and Visual Impact Assessment, which concludes that the proposed development would result in some adverse landscape and visual effects. The significant effects would be confined to a relatively small area of countryside which is already significantly influenced by electrical infrastructure. Once mitigation is effective the impact to the majority of receptors would be either Negligible or Minor with only those using the footpaths which pass through the proposed solar farm experiencing Moderate adverse effects.
- 13.3.8** In June 2019, the Government raised the UK's commitment in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, there is an agreement to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law. This builds on the nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the



power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

- 13.3.9** Following the above, at a local level, Uttlesford District Council voted to declare a climate emergency and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.
- 13.3.10** Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c) significant contribution towards the district and County's renewable energy production. The applicant has advised that it is estimated that the proposed development would generate approximately 49.99MW of renewable energy, which could provide approximately enough energy to power over 15,200 homes and displace approximately up to 47, 000 tonnes of CO2 per annum.
- 13.3.11** Paragraphs 152 and 155 of the NPPF (2021) advocate the transition to a low-carbon future including support for renewable energy production and its associated infrastructure, whereby development may draw its energy supply from renewable systems and the benefits the scheme provides need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. Conditions are suggested to ensure that a robust soft-landscaping scheme would off-set the visual impact of the proposed development.

#### *Loss of Agricultural Land*

- 13.3.12** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.3.13** The application site is located outside the Development Limits and includes Subgrade 3a (35%), Subgrade 3b (28%) and Grade 2 land (37%) agricultural land according to the MAFF Agricultural Land Classification Guidelines 1988. The development is not invasive or permanent and

does not damage the land. The land will maintain its agricultural designation and can be returned to arable or grazing at the end of the development. Therefore, it is considered that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

- 13.3.14** There is partial conflict with the requirements of Policy ENV5 as the applicant has failed to assess whether the proposed development could be accommodated elsewhere within the District, which may prove to be more sustainable or of a poorer quality of agricultural category. However, it is noted that the majority classification of agricultural land of the application site is classed as subgrade 3a/b. In addition, the site has been chosen based on the capacity of the national grid connections that are suitable for Solar PV development, due to the levels of solar irradiance and its proximity to the existing Pelham Substation to minimise the losses associated with the transmission of electricity over long distances. As such, it could be argued that the site location would represent an increased level of sustainability over other potential sites within the District, in accordance with Local Plan Policy ENV5.

*Proposed Farm Diversification*

- 13.3.15** Local Plan Policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- 13.3.16** Some conflict is identified with Policy E4 in terms of the scale and character of the development being sensitive to the character of the setting. However, there would be some landscape impact mitigation and biodiversity enhancements resulting from the scheme, there would not be any adverse impacts beyond the holding or the rural road network and the land could be returned to arable or grazing at the end of the development.
- 13.3.17** The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan. Noise would be generated as part of the construction phase, but this is unlikely to be significant and temporary.
- 13.3.18** In overall terms, it is not considered that the development would meet the requirements in full of Policies S7, E4 or ENV5 of the Local Plan and that, therefore the proposal is contrary to those policies. However, the applicant has stated that the solar farm shall be in existence for a lifespan of 40 years. Solar Farms tend to have a limited lifespan due to the reduction of efficiency of the solar panels and the expected progress of technology that may render the site unviable. This, coupled with the

effectiveness of proposed landscape mitigation, are factors that are given weight in the planning balance against the identified harm to the character and appearance of the area. It is expected that any final decision would include appropriate mitigation for the decommissioning and removal of the development and the re-instatement of agricultural land by way of a S106 Agreement.

**13.3.19** The impacts on the landscape and the proposed mitigation measures shall ultimately be assessed by the Landscape Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

#### **13.4 B) Impacts on biodiversity**

**13.4.1** An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2158/SCO, where it was decided that an Environmental Impact Assessment was unnecessary.

**13.4.2** Paragraph 180 of the National Planning Policy Framework (2021) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

**13.4.3** 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.

**13.4.4** The application is supported by an Ecological Appraisal Report which recognises that the site comprises arable farmland, The site consists of arable fields, two of which are currently fallow, hedging and a dry ditch system and two small copses. There are no SSSI's or European Protected Species licenses issued within 2km of the site. There are two local wildlife sites situated close to the development. The first is known as Stocking Pelham Field Centre and is designated for neutral grassland. The second is Crabbs Green Common and is designated for being common land on the edge of a rural village.

**13.4.5** Surveys were undertaken for Great Crested Newts (GCN), reptiles, bat activity and roosts, breeding birds, invasive species and badgers. No evidence of GCN were found and that the site overall provides low potential for GCN in the hedgerows and ditches for commuting. A badger sett and trees suitable for roosting will be fully retained in the development. A buffer of no less than 30m will be required around the badger sett, in order to prevent any damage or further survey works. However, a skylark nesting habitat will be lost in the development.

- 13.4.6** The applicant has submitted a Biodiversity Net Gain Assessment, which highlights that there is scope for biodiversity net-gain on site with the details indicating that the development proposals could provide area-based habitats with a net gain of 82.87% and hedgerows with a net gain of 126.39%. Therefore, the proposed development would comply with the requirements of Paragraph 180 of the NPPF (2021) and Local Plan Policies GEN2 and GEN7.
- 13.4.7** The proposal has not been supported by a tree survey. However, the applicant has stated that no trees or hedges would be required to be removed to facilitate the build of the solar farm. It is noted that trees covered by Tree Preservation Orders are found on adjacent land. However, these trees would be a sufficient distance from the site as not to be affected. A condition could be added to ensure that detailed tree survey information and relevant protective measures are installed prior to the commencement of development at the site.
- 13.4.8** The acceptance of the proposals shall be assessed by Essex County Council Place Services (Ecology) who are the lead authority in respect to matters of biodiversity, protected species, and their habitats. Place Service will directly provide written advice of their findings and conclusions directly to PINS.
- 13.5 C) Access and highway safety**
- 13.5.1** Paragraph 110 (b) of the NPPF states that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 112 (c) asks that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’
- 13.5.2** Local Plan Policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- 13.5.3** The applicant has submitted a Construction Traffic Management Plan and identifies the proposed use of an existing agricultural field access off Ginns Road to provide access for construction traffic and ongoing maintenance vehicles. The operational site would require little maintenance and any impacts from maintenance vehicles would be negligible due to activity limited to occasional visits.
- 13.5.4** The existing access track is currently gated at a point approximately 7m back from the edge of carriageway. It is proposed that this existing access be upgraded to facilitate vehicle access during construction of the Solar

Farm. It will also be retained post completion of the construction operations to allow for future maintenance access to the Solar Farm site.

- 13.5.5** During construction the Site will be accessed via a Site Security Checkpoint located at the entrance to the construction site. A temporary compound area will be established next to the site to allow for the set down of HGVs and materials relating to the construction of the site.
- 13.5.6** The total number of HGVs is estimated to be 350, over the 6-month construction period this averages at 2.2 HGVs per day (over a 6-day week), however this number is likely to be higher during the enabling and ground works phases and lower during the commissioning period.
- 13.5.7** The Site Manager or deputy would be responsible for supervising, controlling and monitoring vehicle movements to and from the site as well as whilst the vehicle is on site. Ensuring that there are suitable arrangements for the safe delivery and collection of the vehicle load. All plant, delivery/collection vehicles and cranes will be supervised by a Banksman when reversing. Height Restriction Barriers (Goal Posts) will be installed where there is a potential for accidental contact with overhead infrastructure.
- 13.5.8** Non-local workforce will stay at local accommodation and general operatives will be transported to the site by minibuses to minimise the impact on the local highway network. The number of car trips to the site will be minimised to those senior staff such as project managers and the Health and Safety Executive.
- 13.5.9** Arrangements would be made with other users of the access road to ensure that in times of peak traffic movements that no-one will be overly inconvenienced. These arrangements will be organised locally by the Site Manager.
- 13.5.10** The acceptance of the proposed vehicle access point and the Construction Management Plan will ultimately be assessed by the Highway Authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The Highway Authority will directly provide written advice of their findings and conclusions directly to PINS.

## **13.6 D) Aircraft Safety**

- 13.6.1** The location of the site is approximately 9km due north-west of Stansted Airport and the applicant is reminded that action may be taken against anyone found in contravention of the Air Navigation Order ("Order"). In contravention of the following provisions under that Order: -  
Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.  
Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

- 13.6.2** The proposed solar panel development is accompanied by a ‘Solar Photovoltaic Glint and Glare Study’ to assess any possible impacts upon aviation activity associated with Stansted Airport.
- 13.6.3** No significant impacts upon road users on the surrounding roads, observers in the surrounding dwellings, or aviation activity associated with London Stansted Airport and Nuthampstead Airfield, Langley are predicted. No mitigation requirement beyond the currently proposed area of intervening screening identified as part of that report.
- 13.6.4** The acceptance of the submitted ‘Solar Photovoltaic Glint and Glare Study’ will ultimately be assessed by the safeguarding authorities at Stansted Airport, NATS (En Route) Public Limited Company and MAG Aerodrome Safeguarding who will directly provide written advice of their findings and conclusions directly to PINS.

## **13.7 E) Heritage and Archaeology**

- 13.7.1** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker 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. This responsibility is enshrined in Section 16 of the National Planning Policy Framework, and subsequently transposed into Local Plan Policy ENV2 which requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.
- 13.7.2** The site is near to a range of Listed Buildings, including Grade 1 (Church of St Nicholas), II\* (Berden Hall) and a number of Grade II. The Crump, a ‘ringwork’ south of Berden, is a Scheduled Monument (SM). The site was Scheduled in 1954 and the Scheduling amended in 1992.
- 13.7.3** Local Plan Policy ENV4 ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.
- 13.7.4** Whilst the site is not located within a designated Archaeological Site, the applicants submitted Heritage Statement highlights the potential for archaeological deposits on the site, being confirmed through desk-based assessment, itself informed by analysis of historic aerial photography and geophysical survey of the site. A Written Scheme of Investigation will be prepared setting out a programme of archaeological evaluation in areas of archaeological potential as identified in this assessment. This

evaluation would be undertaken ahead of the construction of the proposed development. This could be adequately dealt with by way of condition.

- 13.7.5** No designated heritage assets would be physically impacted by any part of the proposed development. There would be 'less than substantial' harm to the significance of one Scheduled monument, as a result of change within its setting. The harm would be fully reversible. The application should therefore be considered against the balancing process identified in paragraph 202 of the NPPF.
- 13.7.6** The submitted heritage assessment considers that the significance of the majority of the built heritage assets proximate to the Site would not be affected by the proposed development. There are two built heritage assets which may be affected by the proposals, The Crump and Former Barn Adjoining to north-west and the Church of St Nicholas. However, due to the limited contribution of the Site towards the significance of these assets and that the Site will retain its open character, combined with the additional planting proposed within the Site the proposals are considered to result in a neutral impact on the significance of these two assets.
- 13.7.7** The Local Authorities Heritage Consultant has provided comments on the submitted detail and considers that the proposed development is considered to result in a more industrial character contrary to the prevailing rural character of the site. Whilst this impact could be mitigated, this would not remove the harm from the proposal. In particular, there are concerns regarding the setting of the Grade I listed Church of St Nicholas and Berden Hall, which shares a historic connection to the site. The proposed development is considered to result in several impacts including the change to general character, views to and from the heritage assets and the experience of the heritage assets. Furthermore, there are concerns upon proposed mitigation of additional planting (woodland) which is not considered to be appropriate given that the site historically has been open agrarian land. The proposals are considered to result in a level of less than substantial harm to the setting of the Church of St Nicholas, Berden Hall and the Scheduled Monument, The Crump, Paragraph 202 of the NPPF being relevant. This harm is towards the lowest end of the scale. This harm should be weighed against the public benefits of the proposal.
- 13.7.8** Given the above, the level of harm to the significance of the aforementioned heritage assets, as a result of the change within its setting, would be 'less than substantial' and towards the lower end of the scale of 'less than substantial'.
- 13.7.9** Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**13.7.10** It is likely that any harm identified would be of a low magnitude which would be sufficiently outweighed, in line with the NPPF, by the public benefit of providing a large-scale renewable energy scheme, that would be afforded significant weight, along with the associated levels of employment and the potential biodiversity net gain on the site, that would be afforded moderate weight.

**13.7.11** The acceptance of the submitted archaeological assessment, the suggested archaeological conditions, and the impact of the development on the setting of nearby listed buildings and Ancient Monuments will ultimately be assessed by the Planning Inspectorate and weighed against the public benefits of the proposed development.

## **13.8 F) Impact on Neighbouring Residential Amenity**

**13.8.1** Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

**13.8.2** 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.

**13.8.3** The closest residential areas within the district located to the application site are at Berden (Gawlers), due north of the application site on the other side of Ginns Road and the residential area of Berden, due east of the site would be located around a minimum of approximately 75m away from the site. The closest part of the site to both residential areas would comprise of new planting and landscaping to off-set the visual impact of the proposal. The proposed solar panels would not be of a scale that would result in a material detrimental impact on the living conditions of the occupants and future occupants of nearby dwellings, by way of an overshadowing or overbearing impact and the proposal would therefore comply with Local Plan Policy GEN2.

**13.8.4** A Noise Impact Assessment has been submitted which concludes that there is a low risk that sound from the development may result in adverse impacts. The combined noise rating levels of the proposed plants would be at least 5 dB below the measured background noise levels and that levels of sound arising from the operation of the facility would not result in any significant adverse impacts at any of the nearby Noise Sensitive Receptors. The Local Authorities Environmental Health Team have reviewed the submitted detail and recommend that mitigation measures are investigated to ensure that there is no increase to the background noise levels. Therefore, a request for a more detail is to be requested by way of a suggested planning conditions.

**13.8.5** The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental



Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

### **13.9 G) Land Contamination**

**13.9.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. 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 Planning condition should be included if contamination found during construction. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

**13.9.1** The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

### **13.10 H) Flood Risk and Surface Water Drainage**

**13.10.1** 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. A check of the Environmental Agency's website and the Council's Policy maps has identified the site is within a fluvial Flood Zone 1 and therefore at a Low Risk of flooding.

**13.10.2** Major developments must include sustainable drainage details to ensure that the risk of flooding is not increased to those outside of the development and that the development is future proofed to allow for increased instances of flooding expected to result from climate change.

**13.10.3** The applicant has submitted a Flood Risk Assessment and Drainage Assessment. No significant risk of flooding has been identified and the assessment concludes that there would neither exacerbate existing flooding problems nor increase the risk of flooding on Site or elsewhere. The bottom of the proposed solar panels would be elevated 900mm above surface level to help mitigate any risks.

**13.10.4** The submitted assessment is not intended to provide formal details of the final drainage design for the development. However, it provides information regarding the capabilities of the conceptual surface water drainage strategy to meet the requirements of the NPPF. Therefore, a request for a more detailed strategy is requested by way of a suggested planning condition. This may then be reviewed by the Local Lead Flood Authority and the Environment Agency.

**13.10.5** The impacts of the development on the flood risk, any increase in surface water and its drainage and mitigation shall ultimately be assessed by the Local Lead Flood Authority at ECC who shall directly provide written advice of their findings and conclusions directly to PINS.

**13.11 I) Benefits of the scheme and Planning Balance**

**13.11.1** It is accepted that the proposal would result in some adverse landscape and visual effects causing harm to the character and appearance of the area, contrary to Local Plan Policy S7, that is afforded moderate weight and that there is also conflict with Local Plan Policies ENV5 and E4. It would also result in less than substantial harm to the significance of a designated heritage assets, contrary to Policies ENV2 and ENV4. However, within the assessment of the accordance of the proposal towards these policies, it is recognised that the proposed solar farm has a limited lifespan and the levels of harm caused by the development could be adequately mitigated through the use of conditions, such as enhanced levels of planting and the eventual remediation of the site.

**13.11.2** Paragraph 8 of the NPPF (2021) outlines the aspects of development whereby a scheme may be classified as sustainable. These reflect the social, environmental, and economic roles that the scheme may play or deliver. In other words, the benefits of the scheme, which are in this case weighed against the harm and conflict identified.

**13.11.3** Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**13.11.4** 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 soils to 'rest' thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.

**13.11.5** The public benefit of providing a large-scale renewable energy scheme, which would be afforded significant weight, along with the associated levels of employment and the potential biodiversity net gain on the site, which would be afforded moderate weight.

**13.11.6** It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

**13.12 J) Other Matters**

**13.12.1** Section 62A Process

From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 05.09.2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

## **14. CONCLUSION**

**14.1** As set out in this report, the proposed development will cause some harm to the character and appearance of the countryside and is contrary to Local Plan Policy S7, however there is a case for the landscape mitigation of such impacts. Further, the proposal conflicts with other Local Plan policies relating to the use of agricultural land. These impacts would be long-term, with a lifespan of 40 years, but ultimately temporary due to the future decommissioning of the site.

**14.2** However, the proposed benefits of supplying enough renewable energy are considered to outweigh the temporary and reversible harm caused by the proposed solar installation. As such, when assessed against the criteria of Paragraph 11 (d) of the Framework, the application of policies in the Local Plan and the Framework provides no clear reason for refusing the development and the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the supply of renewable energy, when assessed against the policies in the Framework.

**14.3** The proposal is in accordance with other Local Plan policies which, although they are attributed with varying weightings, they closely reflect the requirements of the NPPF (2021) as a whole. Where there is conflict

with Local Plan policies, adequate mitigation measures are proposed. As such, the 'tilted balance' weighs towards the approval of this application, subject to suggested Section 106 details and planning conditions.

**15. S106 / Conditions**

**15.1 SUGGESTED S106 HEADS OF TERMS TO PIN's**

- 15.2**
- i. Decommissioning of the PV Plant and associated infrastructure securing of bond
  - ii. Pay the Council's reasonable legal costs
  - iii. Pay the monitoring fee

**15.3 SUGGESTED CONDITIONS TO PIN's**

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

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

- 2** Prior to the commencement of the development, precise details of the layout of the site(s), including the layout of the Solar Arrays, buildings, security infrastructure, fencing, and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

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Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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

REASON: To ensure safe access and egress of vehicles to and from the site, that on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policy GEN1.

**4** Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for;

I Safe access to the site and subsequent reinstatement of the highway

II vehicle routing,

III the parking of vehicles of site operatives and visitors,

IV loading and unloading of plant and materials,

V storage of plant and materials used in constructing the development,

VI wheel and underbody washing facilities.

VII Protection, treatment, and reinstatement of the PROW network

VIII Before and after condition survey to identify defects to highway network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

REASON: To ensure that impact of decommissioning of the site on the highway network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

proposed finished levels or contours;

legacy planting proposals

means of enclosure;

car parking layouts;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures (e.g. storage units, signs, lighting, etc.)

proposed and existing functional services above and below ground (e.g. drainage power communications cables, pipelines etc. indicating lines, manholes, supports.)

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

REASON: The landscaping of this site is required to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 and S8 of the Uttlesford Local Plan (adopted 2005).

- 6 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

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

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 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 to 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 in accordance with Policy GEN3 of the Adopted Local Plan and the NPPF.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. 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.

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

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

- 10** A mitigation strategy detailing the excavation/preservation strategy for the proposed development and the protection of underground archaeological deposits shall be submitted to the local planning authority.

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

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

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.



11

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.
- 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).

- 12** 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, 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).

- 13** 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the NPPF.

- 14** No works shall take place until a tree survey and tree protection measures, in accordance with BS 3998:2010, has been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the commencement of development and retained throughout the construction phases of development. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

REASON: To ensure the protection of the protected trees on the site in accordance with Policy ENV3 of the Adopted Local Plan and the NPPF.

- 15** Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 16** The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background measured background noise level expressed as LA90 during the night-time period and the day-time period when the all plant is operating at the boundary of the nearest residential premises. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 17** Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 18** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policy GEN4 (adopted 2005).

## Appendix A



### UTTLESFORD DISTRICT COUNCIL

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Textphone Users 18001  
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Kirsty Cassie  
Statera Energy  
1st Floor 145 Kensington Church  
Street  
London  
W8 7LP

14<sup>th</sup> October 2021

Our ref: UTT/21/2158/SCO

Please ask for Mr Lindsay Trevillian on 01799 510562  
email: [ltrevillian@uttlesford.gov.uk](mailto:ltrevillian@uttlesford.gov.uk)

Dear Madam,

#### **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017.**

**PROPOSAL: Request for a Screening Opinion in relation to a proposed solar energy  
scheme**

**SITE: Land Adj. Pelham Substation, Park Green Lane, Berden.**

I write further to the request for a screening opinion in respect of a development proposal on the above site. The site comprises around 67ha of agricultural land. The proposal relates to the erection of a solar farm along with upgraded access and landscaping. This letter provides a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) under Regulation 6 of the stated Regulations.

The 2017 Regulations provides guidance in regard to procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.

Schedule 1 identifies 20 different categories of development of which none relate to the proposed development in the LPA's opinion.

Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'.

The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

Uttlesford DC as Local Planning Authority conclude that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether or not the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.



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Schedule 3 of the Regulations sets out selection criteria which must also be taking into account in determining whether the development is likely to have significant effects on the environment. These criteria are identified under 3 separate headings and I shall deal with each in turn.

### **Characteristics of development**

The site consists of approximately 67ha of grade 2 agricultural land. At the present time, only an indicative plan of the proposal's layout has been provided and there are no details of drawings referring the scale or design other than descriptions of the proposed equipment contained within the supporting letter.

A project of this scale would require the use of natural resources, most notably the use of Grade 2 agricultural land and an application of this proposal is of such a scale that Natural England would be consulted on the loss of best and most versatile agricultural land, and the impacts of the proposal on the landscape, geodiversity and biodiversity receptors.

Soil surveys should be commissioned to assess the grading of the land. The results should be presented in a report that will accompany any future planning application. However, due to the large amount of BMV land within the authority and clear unprecedented need to rapidly increase the amount of renewable energy schemes, this helps to provide weight in support of the proposals.

The location of the site and the current use of the land the proposals are likely to result in less than significant impacts in respect of biodiversity. However, it is noted that mature hedgerows and trees are position centrally within and along the boundaries of the site. The hedgerows bordering the arable fields are likely to meet the criteria for priority habitat.

The site is located 4.8km to the west of Quendon Wood (SSSI) and 2.5km to the north of Hill Collins Pit (SSSI) and 3.2km to the north of Patmore Heath (SSSI). Impacts on these sites should be avoided and biodiversity including any species it supports e.g., bats, reptiles, should be conserved and enhanced where possible.

In Highways and Transportation terms, the application needs to be supported by a Transport Statement (TS); further, Essex County Council as Local Highway Authority recommend early pre-application consultation with them, in order to scope out the TS. Furthermore, any future planning application should be accompanied by a Construction Traffic Management Plan.

In terms of cumulative developments, this proposal would need to be considered in relation to similar applications that are currently being assessed for solar farms by the Local Planning Authority. These include application UTT/21/0688/FUL- Land At, Cole End Farm Lane, Wimbish and application UTT/21/2846/FUL- Chesterford Park, Little Chesterford, Essex.

In addition, landscape character assessments will also need to consider the existing the wider landscape impacts of the proposals and particularly for users of the public rights of way networks, both within and surrounding the footpath network.



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The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan, although this hasn't been stated in the Screening Opinion. Noise would be generated as part of the construction phase, but this is unlikely to be significant.

The risks of accidents should be low given the nature of the development. The site is not located within or adjacent to a Flood Zone and therefore, subject to appropriate mitigation measures, should not give rise to increased flooding risks. The risk of accidents is considered to be low. The risks to human health are required to be considered as part of the application. Whilst risks arising from potential pollution or water contamination are likely to be low, the main impact is likely to arise from noise during the construction phase. As noted above, the impacts are likely to be low.

### **Location of development**

The site consists of approximately 67 hectares of grade 2 agricultural land, which provides habitat for certain species of birds.

As identified above, the site is in reasonable proximity to a number of SSSI's and residential properties. The impacts of the proposals on these landscape elements will need to be considered as part of the application process, although they are not envisaged to be significant. However, careful consideration of the layout and ensuring appropriate buffer zones to the most sensitive areas are likely to mitigate any potential impacts. These are appropriate mitigation measures for these types of impacts.

Whilst the Screening Opinion Request notes that an assessment of heritage assets will need to be undertaken as part of the application, it should be noted that the proposed development area contains potentially significant archaeological remains.

Initially a desk-based assessment will be required and, depending on its results, there is the potential that a programme of archaeological ground truthing evaluation will be needed to assess the significance of any heritage assets on the site to inform the planning application. As part of the desk-based assessment it is recommended that the cropmarks be digitally rectified as part of this process. Also, there should also be an assessment of the proposed construction technique to be used for the solar farm and how much ground disturbance is proposed. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance. I refer to the response to the Screening Request from Essex County Council as the specialist archaeological advice dated 12th July 2021, which is appendix to this letter.

Whilst Uttlesford DC note your identification of Heritage Assets within the submitted Screening Request, Historic England have confirmed that the development has the potential to impact both designated and non-designated heritage assets and it is noted that the development is potentially within the setting of four schedule monuments and 55 listed buildings within 2km from the centre of the site. The impact of the proposal development on the setting and significance of the designated heritage assets will require a robust assessment. A detailed heritage impact assessment will be required to support the



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application. I refer to the response to the Screening Request from Historic England dated 9th July 2021, which is appendix to this letter.

In any event, I note that you will be submitting a Heritage Assessment, which should include reference to built Heritage Assets and Archaeology.

### **Types and characteristics of the potential impact**

The impacts are predicted to be localised, although cumulative visual impacts could arise from various vantage points within the landscape, in particular from the public rights of way. If the development is granted planning permission the impacts would be semi-permanent (40 years) and highly likely to take place. The most significant impacts are likely to be visual but not significant in terms of EIA impacts. No transboundary effects are envisaged.

### **Conclusion**

Given the location of the proposals and taking into consideration the potential of cumulative impacts arising, it is considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment is not required to be submitted with the application. This Screening Opinion is given on the basis of the documents listed in the Screening Opinion request being submitted with the application. A Transport Statement, together with a Construction Environmental Management Plan, Heritage Statement, Flood Risk Assessment, shall be submitted alongside the Technical Assessments you identify within the Scoping Request.

In addition, you should ensure that you submit the documents required to be submitted in line with the Uttlesford District Council's Validation Checklists.

Yours sincerely

**Tracy Coleman**  
Director of Public Services





**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/21/3596/OP

**LOCATION:** Moors Fields, Station Road, Little Dunmow

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2022

**PROPOSAL:** Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure.

**APPLICANT:** Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes.

**AGENT:** Mr G Armstrong

**EXPIRY DATE:** 11 March 2022

**EOT Expiry Date:** 9 September 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Listed Buildings, Close to Little Dunmow Conservation Area, Public Rights of Way, Adjacent Protected Lane, Adjacent Country Wildlife Park (Flitch Way), Adjacent Archaeological Site.

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

---

**1. EXECUTIVE SUMMARY**

**1.1** Outline planning permission is sought by the applicant (Catesby Land and Planning Limited, Ms A. Hawkes, Mr B. Hawkes) for the erection of up to 160 dwellings alongside associated works with all matters reserved at the site known as 'Moors Fields, Station Road, Little Dunmow'.

**1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS and thereby paragraph 11 of the NPPF is engaged. As such, 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 dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, opportunities for office working in a new office hub, on-site energy generation from low-carbon sources and the provision of public open spaces and a country park. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.4 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three adjoining listed buildings.
- 1.5 Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

## 2. **RECOMMENDATION**

That the Director of Planning 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 as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning 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 area of land subject to this outline planning application relates to the land known as 'Moors Fields, Station Road, Little Dunmow'. 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 is located on the south-eastern side of Station Road approximately 100m north of the village of Flitch Green. The site is relatively level with a slight slope falling approximately 10m from the north across the site to the south and is approximately 14.05 hectares in size. There is no established built form contained on the site and it primary consists of a single large arable field used for agriculture. There is an existing area of woodland known as Moors and an un-framed area of grassland to the south west of the site. Further vegetation in the form of mature hedgerows and trees are scattered along the boundaries of the site which provide some natural screening. No vegetation is covered by tree preservation orders.
- 3.3** The southern boundary of the site abuts 'The Flitch Way' which was a former railway but is now in use as a national cycle rout and public right of way and is designated as a country wildlife park. Opposite the 'The Flitch Way' is a modest size travellers' site and the main urban area of the village of Flitch Green.
- 3.4** The south-eastern corner of the application site is abutted by a residential development of approximately 25 dwellings at Ainsworth Drive and Harrisons Road. The rear gardens of approximately 10 residential dwellings set in a linear row along the southern side of Station Road back onto the northern boundary of the application site. Further to the north-west is the village of Little Dunmow located approximately 300m from the application site. Large open fields used for agriculture are located to the west of the site.
- 3.5** The site currently has three existing field access points, being in the north-western corner, a further alongside Pond Hill Villas, and another alongside Harrisons Road.
- 3.6** An existing public right of way (PRoW 35\_35) extends along the western boundary of the site in a north-south direction and joins to a further public right of way (PRoW 35\_10) which intersects through the site joining the village of Little Dunmow and Flitch Green.
- 3.7** 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'. The Site is not located within any national landscape designations. Although not abutting, Little Dunmow Conservation area is located approximately 175m to the north-west of the site. The village of Little Dunmow consists of a number of listed buildings. The closets heritage assets to the site are those buildings known as 'Brambles House', 'Brights Cottage', 'The Cottage' and 'Willow Cottage' which all abut or are located close to the north-western corner of the site.

**4. PROPOSAL**

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 160 dwellings be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans and a 'Design Code' which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The applicant confirms that there will be a mixed density and character areas throughout the site. This will include a lower density (25-30dph) along the interfaces with the northern open space, medium density (30-35dph) within the centre of the site and a higher density (35-40dph) along the southern edge of the site.
- 4.4** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings. The houses would be a mixture of detached, semi detached and terrace houses and occasional apartment buildings.
- 4.5** Up to 160 new dwellings are proposed, of which up to 64, or 40% of the total, are to be affordable housing units with a mix of affordable tenures.
- 4.6** The creation of a new 100 sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work.
- 4.7** Approximately 8 hectares of the application site will be of public open space which will include, a new countryside park, allotments, community orchard, new play areas, ecology areas and a circular walking and cycling trial.

## **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 Application Site:**

- 6.1.1** The application site formed part of a larger planning application in 2014 (application reference UTT/14/2756/OP) seeking permission for up to 750 dwellings, a village centre, community and employment use and a primary school. The application site only formed a small proportion of

the above proposals which extended to its north, south and west totalling approximately 55 hectares. This application was refused on grounds that it would be of a scale not compatible with the surrounding area, would result in coalescence with Little Dunmow and Flitch Green and harm the setting of the Little Dunmow Conservation Area and listed buildings.

## **6.2**      Surrounding sites:

**6.2.1**      Outline planning permission was sought under application ref: UTT/18/0440/OP for the construction of 18 dwellings with all matters reserved except for accesses and structural landscaping, at the site known as Land at Pound Hill, Little Dunmow. This site immediately abuts the northern boundary of the application site.

**6.2.2**      This application was refused by the Council on 13th December 2018 for reasons relating of visual impact to the character of the area and harm upon the heritage assets. This application was subsequently appealed under ref: APP/C1570/W/19/3228069 where the Inspector concluded to allow the appeal. The planning merits of this application are relevant to some extent to the assessment of this scheme and are referred to in the main assessment of this report.

**6.2.3**      UTT/19/1789/FUL – Full planning permission was granted 21<sup>st</sup> May 2021 for 14 dwellings vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure at the same site as above.

**6.2.4**      Outline planning permission was sought under application ref: UTT/18/1039/OP with all matters reserved except access for the erection of 9 no. bungalows on the site 'Land To The East Of Station Road Felsted Essex'. This application was appeal for non-determination by the Council under appeal ref: APP/C1570.W/18/3214763 whereby the Inspector concluded to allow the appeal on the 15th May 2021.

**6.2.5**      Following the allowed appeal, subsequently a full planning application was submitted for the same site under application ref: UTT/21/3182/FUL for the construction of 9 dwellings alongside associated infrastructure and access. This application was granted permission on 22nd April 2022.

## **7.**      **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1**      Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

- 7.2 This has included pre-application engagement including a programme of meetings between April and October 2021 between the Applicant and officers of Uttlesford District Council.
- 7.3 Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee on 13<sup>th</sup> August 2021.
- 7.4 The applicant has also undertaken a virtual consultation with the local community. This included setting up a website to display the proposals and various strands of technical work. Local residents were made aware of the consultation exercise via a leaflet drop to 1,230 addresses and advertisements in the local press.
- 7.5 The applicant also attempted to liaise with Ward Councillors, the Flitch Way Action Group and contacted both the Flitch Green and Little Dunmow Parish Council's offering to meet and discuss the proposals prior to the application submission. However, for an unknown reason, these parties did not make commit to meeting the applicant.
- 7.6 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 officers and the public throughout the duration of the pre-application and consultation stages 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 ECC Highway Authority – No Objection**

- 8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The Highway Authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions if permission was consented.

### **8.2 ECC 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. These conditions are attached to the list of conditions outline in Section 17 of this report.

### **8.3 ECC Minerals and Waste – No Objection**



**8.3.1** The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment is not required as part of the planning application.

**8.3.2** The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment is not required as part of the application.

**8.3.3** We would recommend a condition attached if permission is approved requiring a condition for the applicant to prepare an appropriately detailed waste management strategy through a Site Waste Management Plan. This has been suggested as part of the conditions in Section 17 of this report.

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

**8.4.1** We have carefully considered the comprehensive documentation submitted with the application and in this instance, we do not wish to offer any comments.

#### **8.5 ECC Infrastructure – No Objection**

**8.5.1** A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 160 dwellings:

Early Years & Childcare: 160 houses multiplied by 0.09 = 14.40. 14.40 multiplied by £20,508.00 = £248,659.20;

Primary: 160 houses multiplied by 0.3 = 48. 48 multiplied by £17,268.00 = £828,864.00;

Secondary: 160 houses multiplied by 0.2 = 32. 32 multiplied by £23,775.00 = £760,800.00;

Libraries: £77.80 per unit.

**8.5.2** In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

#### **8.6 NHS West Essex**

**8.6.1** The proposed development is likely to have an impact on the service of 2 GP practice operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The development could generate approximately 450 residents and subsequently increase demand upon existing constrained services.

**8.6.2** The proposed development must therefore, in order to be considered under the ‘presumption in favour of sustainable development’ advocated

in the National Planning Policy Framework, provide appropriate levels of mitigation. A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £92,542.00. West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Felsted Parish Council - Objects**

**9.1.1** Traffic / Highways – The development would have a significant and unacceptable impact on traffic flow through Felsted village on the services and facilities within Felsted Parish.

**9.1.2** The proposals will inevitably increase further the pressure on the local transport network contrary to UDC Policy GEN1.

**9.1.3** Infrastructure – The Parish understands that the sewage works are unable to take further housing.

**9.1.4** The doctors surgery within Felsted is already oversubscribed.

**9.1.5** Felsted Primary School is full in all year groups.

### **9.2. Little Dunmow Parish Council - Objects**

**9.2.1** Overdevelopment – The proposal is outside the development limits and therefore constitutes inappropriate development and unsustainable development and would almost double the size of Little Dunmow. The proposals constitute linear ribbon development linking Little Dunmow to Flitch Green and Felsted.

**9.2.2** Countryside – The proposals would have a negative impact on the landscape

**9.2.3** Heritage – The proposals would cause harm to Little Dunmow Conservation Area as well as a number of listed buildings.

**9.2.4** Biodiversity – The Flitch Way is a designated Local Wildlife Site. The proposals would adversely affect the rural landscape of the area and will irreparably harm the Flitch Country Park, wildlife and wildflowers.

**9.2.5** Access – The proposed access is on a bend and is dangerous. Station Road is already congested at peak times and has had a number of road traffic accidents.

**9.2.6**      Sustainability – Little Dunmow is classed as an unsustainable village. All local schools are oversubscribed and are unable to accommodate the number of children expected.

The two nearby doctor's surgeries are already oversubscribed.

**9.3**            **Flitch Green Parish Council - Objects**

**9.3.1**      Coalescence/Urban Sprawl – The proposals would provide coalescence of the three individual settlements of Flitch Green, Little Dunmow and Felsted. The three villages would simply become one linear conurbation losing their individual identities.

**9.3.2**      Environment – This proposal will have a devastating impact on the attractive rural landscape resulting in a loss of open countryside paving the way for significant urbanisation.

**9.3.3**      Biodiversity – The proposals will have a very significant negative impact on the local wildlife.

**9.3.4**      Drainage – Drainage and sewage systems are already at their capacity limits.

**9.3.5**      Sustainability – Lack of local services and amenities, schools, doctors, and employment to accommodate further development.

**9.3.6**      Transportation – The proposals will result in a detrimental impact to highway safety and congestion.

**10.**            **CONSULTEE RESPONSES**

**10.1**            **UDC Housing Enabling Officer – No Objection**

**10.1.1**      UDC housing officers has confirmed that the provision of 40% affordable housing is required and that it is Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

**10.2**            **UDC Environmental Health**

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

**10.3**            **UDC Urban Design Officer - No Objections**

- 10.3.1** A Design Code has been included which is a positive addition. The officer stipulates that a condition needs to be included which states that the Design Code must be complied with, to give adequate weight in the decision making process at reserve matters stage.
- 10.4 UDC Landscape Officer/Arborist – Concerns Raised.**
- 10.4.1** The revised illustrative landscape strategy plan goes some way to address my concerns. However, I remain concerned over the issue of coalescence between Fritch Green and Little Dunmow.
- 10.5 Place Services (Conservation and Heritage) – Concerns Raised.**
- 10.5.1** The application site through being open arable land makes a positive contribution to the setting to all identified heritage assets including the Little Dunmow Conservation Area and a number of Listed Buildings.
- 10.5.2** The proposed development will result in adverse impacts to the setting of the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape resulting in a level of less than substantial harm.
- 10.5.3** Place Services concluded that the proposals would fail to preserve the special interest of several listed buildings contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change to their setting. In particular, the proposals shall result in a level of less than substantial harm at a low to medium level for Willow Cottage, The Cottage and Brights Cottage and at the lowest end of the spectrum for several other designated heritage assets.
- 10.5.4** The proposed development shall be visible from within the Little Dunmow Conservation Area and in long views from the Grade 1 listed Church of St Mary the Virgin. In consideration of the revised plans, the robust landscaping plan and the distance between the sites, the proposals are not considered to result in harm to the significance of these heritage assets.
- 10.6 Place Services (Ecology) – No Objection**
- 10.6.1** Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and priority species & habitats and identification of appropriate mitigation measures.
- 10.6.2** They concluded that the mitigation measures identified the Ecological Appraisal (Aspect Ecology, November 2021) was appropriate and should be secured by a condition of any consent and implemented in full.

**10.6.3** It was also concluded that they support the proposed biodiversity enhancements including new native planting, the creation of wildflower grassland, wetland features and log piles, the installation of bat boxes, hedgerow nest domes, bird boxes and bee bricks which have been recommended to secure net gains for biodiversity and should also be secured by way of imposing planning conditions.

**10.6.4** Place Services conclude that impacts arising from the development will be minimal such that the proposals are acceptable subject conditions. These conditions are suggested in Section 17 of this report.

## **10.7 Crime Prevention Officer – Concerns Raised**

**10.7.1** Whilst there are no apparent concerns with the general layout, we question the need to provide additional points of access onto the Fritch Way other than the existing footpath. In this case we feel the increase permeability increases the potential for crime for this and neighbouring developments. To commit further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

## **10.8 London Stansted Airport – No Objection**

**10.8.1** 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 conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.

## **10.9 Anglian Water – No Objection**

### **10.9.1 Waste Water Treatment**

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

### **10.9.3 Used Water Network**

**10.9.4** The sewerage system at present has available capacity. If the developer wishes to connect to our sewerage network, they should contact ourselves.

### **10.9.5 Surface Water Disposal**

**10.9.6** 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.

## **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. Letter of representation were received in which the main concerns are summarised as per below.

### **11.3 Object**

**11.3.1** Infrastructure – The proposals will result in strain to existing services that are already overstretched such as doctors, and schools.

The sewage system is at capacity.

Construction Works – Building works will cause unacceptable noise, dust, vibration and increase construction traffic.

Traffic/Highways – The proposals will result in harm to highway safety, cause more traffic congestion on the local highways and result in more accidents.

The existing highways (station road) is of a poor quality, narrow and will not be able to accommodate the increase intensification of construction vehicles and residential traffic.

Urban Sprawl / countryside – The proposals will join Little Dunmow and Flitch Green spoiling the rural area and the historic site of Little Dunmow.

The development will erode the natural habitat.

The proposals represent an ongoing erosion of the countryside around Little Dunmow moving towards urbanisation.

The historic identity of Little Dunmow will be lost.

The proposals will set a precedent for other similar developments.

The density and placement of the proposals is out of character.

Unsustainable – The proposals are not located in a sustainable location in relation to local amenities and services. The bus service is not regular and existing and proposed footways are not safe.

Countryside Park – The proposed open space area is not necessary.

The Flitch Way – The proposals would add to the further pressure upon the Flitch Way.

Flooding/Drainage – The proposals would amount to increase flooding of Station Road and the surrounding area.

Pollution – The proposals would cause noise, air and light pollution in a semi rural environment.

Amenity – The proposals would be detrimental to the amenity of adjoining occupiers by way of loss of privacy, side and disturbance and visual blight.

Biodiversity – The proposals would harm local wildlife species and their habitats.

Heritage – The proposals would result in harm upon the nearby listed buildings and Little Dunmow Conservation area.

#### **11.4 Comment**

**11.4.1** The above concerns have been fully assessed 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.

## **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)  
Stebbing Neighbourhood Plan (made July 2022)

**12.4.2** **Uttlesford Local Plan (2005)** – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

## **13 POLICY**

**13.1** Relevant development plan policies and material considerations:

**13.2** S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
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  
H9 – Affordable Housing  
H10 – Housing Mix

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



- 13.4 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)

**13.5 National Policies**

- 13.7 **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.

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2
- A) Principle of Development
  - B) Suitability and Location
  - C) Countryside Impact
  - D) Character and Design
  - E) Heritage
  - F) Archaeological
  - G) Loss of Agricultural Land
  - H) Housing Mix and Tenure
  - I) Neighbouring Amenity
  - J) Parking and Access
  - K) Landscaping, Open Space
  - L) Nature Conservation
  - M) Contamination
  - N) Flooding
  - O) Planning Obligations
  - P) Other Issues

- 14.3 **A) Principle of Development**

- 14.3.1 The application site is located outside the development limits of Little Dunmow and Flitch Green within open countryside and is therefore located within the Countryside where 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 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**

**14.4.1** The Applicant submits that the proposals would represent a sustainable form of development. The villages of Little Dunmow and Flitch Green are identified within the Local Plan settlement hierarchy as being "Other Villages" where it is recognised that there is some limited potential for future development within their settlement boundary or on previously developed land.

**14.4.2** Although outside the settlement boundaries of the village of Flitch Green, the new built form would be constructed adjacent to the northern edge of the village and therefore to a limited extent, the proposals provide a logical relationship with the existing village.

**14.4.3** The villages of Little Dunmow and Flitch Green between them have a limited number of local services and amenities that are within walking/cycling distance from the application site. This is also confirmed with the lead local highway consultation response who suggested that the location of the site is such that access to facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive. The highway authority confirm that most journeys and the only practical option will be for residents to use a motor vehicle.

**14.4.4** Local facilities include a primary school, village hall, supermarket, public house, playing fields and cultural and religious buildings. The larger village of Felsted and the town of Great Dunmow are located approximately 1.7 and 3.8km retrospectively are a 5 min drive where other larger amenities can be found.

- 14.4.5** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus) links. A regular bus service runs along Station Road connecting the site to the nearby towns of Great Dunmow, Braintree, Chelmsford and further beyond. Full details of the site's accessibility are provided within the supporting Transport Assessment.
- 14.4.6** During the assessment of the appeal application ref: APP/C1570/W/19/3228069 which abuts the northern boundary of the application site, the Inspector concluded that the construction of 18 dwellings would not be unreasonable in respect to its location when one takes into account the sites proximity to local serves and facilities. Within their decision, the Inspector concluded:
- 14.4.7** *Future residents of the appeal scheme would be within walking distance of some facilities and a bus route passes the site. Thus, the occupants of the dwellings need not be reliant on private motorised transport.*
- 14.4.8** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Little Dunmow and Flitch Green.
- 14.4.9** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.10** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.11** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

- 14.4.12** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.
- 14.4.13** The creation of a new 100sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work. This will provide some limited benefits in context to the above.
- 14.4.14** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Dunmow and Flitch Green does not have any doctors or dentists within the village, although it is noted that these services are provided in Felsted and Great Dunmow. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 Legal obligation.
- 14.4.15** For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

## **14.5 C) Countryside Impact**

- 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** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.
- 14.5.4** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the

preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

- 14.5.5** The application site lies within the character area known as Felsted Farmland Plateau. The Felsted Farmland Plateau extends from the A120 in the north to Black Notley in the east, Chatham Green in the south and Felsted in the west. The farmland is gently undulating with a patchwork of irregular medium to large fields. Their boundaries are enclosed by either thick but intermittent hedgerows, or just marked by grassy banks and ditches. In long views scattered small woods and copses and hedgerow trees coalesce to sometimes create the illusion of a wooded horizon. The area is fairly densely populated with villages straggling along the roads to coalesce with each other. The farmsteads also form clusters of buildings. Interest and variety is added to the area through the presence of local vernacular buildings with colour washed walls and red tiled or thatched roofs.
- 14.5.6** The assessment describes that the key characteristics that are sensitive to change are the landscape elements within that include many small woodlands, copses and hedgerow trees. It also acknowledges that the comprehensive network of quiet rural lanes and byways, which cross the landscape are sensitive to potential increased traffic flow, associated with new development. It concludes that overall, this character area has low – to moderate sensitivity to change.
- 14.5.7** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character Assessment. The landscape fabric of the site can be described as a medium to large arable field containing a pocket of Woodland called 'The Moors' along with an area of grassland across the southern-western corner. Mature hedgerows are located along the northern and western boundaries and the Flitch Way woodland corridor abuts the southern boundary. A PRow crosses the site within the south west linking the Flitch Way extending to Little Dunmow.
- 14.5.8** Although it is acknowledged that the site comprises of arable land and is rather undulating in respect to its topography, it is set within pockets of settlement, woodlands and linear tree belts which to some extent help to enclose the site and thereby reducing the perceived sense of being in the open landscape.
- 14.5.9** The site is mostly screened in views from the south and west by the Flitch Way. Users of the Flitch Way will experience glimpsed views of the site through gaps and patches of the existing vegetation lining the route. From the north and east, the site is visible within a number of views from adjacent fields, residential dwelling and along Station Road.

- 14.5.10** It is acknowledged that the proposal introducing up to 160 dwelling alongside associated infrastructure will bring change to the visual aspects and character of the site change.
- 14.5.11** However, the application proposals will in part help to conserve and seek to protect and enhance where possible positive feature that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures. The proposals will also help to improve the integrity of the landscape, and reinforce its character, by introducing new and/or enhanced elements where distinctive features or characteristics are absent. For example, the proposals will:
- 14.5.12** Conserve and enhance the existing hedgerow pattern and strengthen through planting where appropriate to local landscape character.  
Conserve and manage areas of semi-natural woodland as important landscape and nature conservation features.  
Conserve and manage the ecological structure of hedges within the within the site and provide biodiversity net gains.  
Established a wildflower meadow for much of the countryside park with further pockets of tree planting.
- 14.5.13** The proposed scheme is for up to 160 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality.
- 14.5.14** It is acknowledged that there are some open views over the existing countryside from the north and east. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the site and the topography. The location of the proposed open space has been focussed on a green corridor that wraps around the northern and western edges of the development envelope to retain the visual and physical gap between the proposed development and Little Dunmow. This also helps to some extent and limit merging of the villages of Little Dunmow and Flitch Green.
- 14.5.15** The proposed indicative layout presents generally a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and buffer zones from Station Road and The Flitch Way is such that the proposed development would not be a would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.

- 14.5.16** The development envelope of the built form would nestle into a largely contained and framed site next to existing housing and the established existing and new vegetation on the boundaries would help limited/reduce the visual influence beyond the site itself and its immediate setting.
- 14.5.17** The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps. This seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide modest containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.18** In outlying views from the countryside from the north and east and from public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Flitch Green resulting in only a modest level of visual effect.
- 14.5.19** It could be considered that that tranquillity nature of the site has been slightly diminished by the existing and soon to be built modern residential developments that abuts the sites north and eastern boundaries. The surrounding urban context present along the site boundaries could be considered as a landscape detractor limiting the overall open sensitivity of the site and thereby that the proposals could be regarded as not being at odds or uncharacteristic in this locality.
- 14.5.20** It is considered that the most significant level of effect is from the north and east of the site, which is considered to be moderate to high, whilst views from the south are considered to be low to medium.
- 14.5.21** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

## **14.6 D) Character and Design**

- 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** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be between 25-40 dwellings/hectare and there would be a mixture of housing types.
- 14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.4** 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.
- 14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.
- 14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials and that these will be set out across three different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene.
- 14.6.7** The applicant has provided a 'Design Code' document which provides guidance and outlines measures of high level design coding and place making, including healthy lifestyles for future occupants to guide future reserve matters applications. A condition has been suggested in Section 17 of this report that any future reserve matters applications are to be guided by the measures outline in the 'design Code' to ensure an high quality design.
- 14.6.8** There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.



## **14.7 E) Heritage**

**14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. 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.

**14.7.2** The application site lies within the setting of several heritage assets including:

Penash, grade two listed  
Brights Cottage, grade two listed  
The Cottage, grade two listed  
Willow Cottage, grade two listed  
Bayleys, grade two listed  
Ivy House, Grade two listed  
The Church of St Mary the Virgin, grade 1 listed  
The Little Dunmow Conservation Area

**14.7.3** 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.

**14.7.4** 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.

- 14.7.8** To minimise the impact on setting of the listed buildings set along the north-western corner, a large area of open space has been proposed free of any built form and additional soft landscaping is to be planted to help soften and screened the proposed built form. The western edge of the development area is located approximately 180m from the nearest listed building at Willow Cottage. This area is directly between the listed buildings and the new residential section of the site.
- 14.7.9** The application was formally consulted to Place Services conservation officer who confirmed that they have concerns with the proposals. They stated that they are concerned with the cumulative impact of recent development within the setting of 'Brights Cottage', 'The Cottage', and 'Willow Cottage, and although there is open space separating the development which is positive, and a robust landscaping strategy is proposed, further additional built form would amount to less than substantial harm. Although this harm has been reviewed as being at the lower to medium end of the spectrum.
- 14.7.10** Place Services concluded that the proposals would fail to preserve the special interest of the above listed buildings, through the change in their setting and confirms that paragraph 202 of the Framework is relevant.
- 14.7.11** An important material considered to take into consideration are the comments made by the Inspector when assessing Appeal ref: APP/C1570/W/19/3228069 which sought outline permission for the construction of 18 dwellings on the land known as Land at Pound Hill, Little Dunmow, Essex. This appeal site abuts the northern boundary of the application site and lies directly to the east of the above listed buildings.
- 14.7.12** *The appeal site is within the setting of a group of listed buildings to the west. These are vernacular cottages intrinsically linked with the rural landscape. The appeal scheme would urbanise this setting, but an adequate buffer could be retained if the western extent is left undeveloped in the way indicated on the indicative layout. As such, the proposal would preserve the setting of the listed buildings. Similarly, the proposal is sufficiently far enough away from the Little Dunmow Conservation Area to ensure its character and appearance would be preserved.*
- 14.7.13** It is considered that material weight needs to be applied to the Inspectors comments above as they concluded that the proposals would preserve the setting of the listed buildings. The built form of the application proposals is significantly setback from that of the built form allowed under the above appeal appealed in which the Inspector concluded to be appropriate.

- 14.7.14** It has been found that the proposals will result in a low to medium impact of 'less than substantial harm' to the setting and significance of the grade two listed buildings of 'Brights Cottage', 'The Cottage' and 'Willow Cottage' as identified by Place Services conservation officer. As such, and as per the requirements of paragraph 202 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.
- 14.7.15** It is recognised that the proposals would result in up to 160 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits. It will also provide additional employment opportunities with the addition of an office hub building.
- 14.7.16** It is concluded that this significant benefit would overcome the identified harm upon the heritage asset identified as above. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

## **14.8 F) Archaeological**

- 14.8.1** 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.
- 14.8.2** The application is supported by a Historic Environmental Desk-Based Assessment and a Geophysical Survey Report. With respect to archaeology, the reports confirm that the site does not contain any known designed and non-designated archaeological assets and that based on the proximity to known archaeological sites, the site has a moderate to high potential for Iron Age/Roman remains and a low potential for all other past periods.
- 14.8.3** The applicant has advised that they are willing to agree, if necessary, a scheme of archaeological investigation including trial trenching prior to works commencing on site to be secured by means of a planning condition.
- 14.8.4** To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

## **14.9 G) Loss of Agricultural Land**

**14.9.1** 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’.

**14.9.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

**14.9.3** 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.

**14.9.4** 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.

**14.9.5** Defra’s mapping indicates that the application site is within Grade 2 and 3, and thus the proposed site is best and most versatile land.

**14.9.6** 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.

**14.9.7** The application site represents a comparatively small amount of agricultural land being approximately 14 hectares in size. It is part of a much larger agricultural unit however it is not integral to the operation of that unit. The application was consulted to Natural England who confirmed that they had no comments to make in respect to the proposals. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

## **14.10 H) Housing mix and Tenure**

**14.10.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council’s approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes,

including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

**14.10.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 160 properties. This amounts to up to 64 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

**14.10.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

**14.10.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refers to the above accommodate needs.

**14.10.5** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

#### **14.11 I) Neighbouring Amenity**

**14.11.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

**14.11.3** However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

## **14.12 J) Parking and Access**

**14.12.1** 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 compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

**14.12.2** Access forms part of merits of this application and is not reserved. The site will be accessed off Station Road via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles and pedestrians.

**14.12.3** This is an outline application and therefore the internal road layout and further details will also be provided as part of the Reserved Matters. The applicant states that it is the intention that the internal layout will be designed in accordance with ECC's requirements.

**14.12.4** The proposals are to provide a new footway on the western side of Station Road leading from the new vehicle access and connecting with the existing footpath provision on Station Road. Further pedestrian connections are proposed to the south of the site connecting onto the public rights of way which then lead onto the Flitch Way.

**14.12.5** The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection.

**14.12.6** The highway authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be sever.

**14.12.7** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions. The highway mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, enhancement of existing bus stops, lighting, and signage. Several connections for walking and cycling are proposed as part of the scheme and conditions are suggested to protect the Flitch Way and

existing public rights of way. In addition, it is suggested that a Flitch Way contribution of £206,720.00 should be paid to provide appropriate surfacing and drainage, signage, and information boards from this section of the Flitch in the vicinity of the site and to provide a contribution to the design implementation of a bridge (known as Cherry Garden Bridge) to help improve walking and cycling connections. Full details of the suggested conditions are within Section 17 of this report.

- 14.12.8** 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'.
- 14.12.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, 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.
- 14.12.11** The applicant states that the proposals will include the provision of electric vehicle charging infrastructure for each residential unit.
- 14.12.12** The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

#### **14.13 K) Landscaping, open space**

- 14.13.1** Landscaping is set as a reserve matter; however, 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.
- 14.13.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development

with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

- 14.13.3** It is understood that the proposals would include where possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.
- 14.13.4** The supporting Arboriculture Impact Assessment confirms that the only removal will be of low-quality scrub and hedgerows, although a single category B English Oak will be required to be removed to accommodate for the new access. No objections have been raised to removal of this vegetation by the Council's landscape officer.
- 14.13.5** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 14.13.6** The proposed development includes the provision of a new country park covering approximately 60% or 8.4 hectares of the total site area. The country park is to be located to the north and west of the site and it will include allotments, a community orchard and a play area. The applicant confirms that the existing wood within the western portion of the site will be retained with additional woodland provided to the south west to create additional wildlife habitats.
- 14.13.7** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.
- 14.13.8** It is acknowledged that Local Equipped Area of Play (LEAP) is to be form part of the proposals with the potential of a natural play areas and a trim trail within the opens space areas. Although the size of these areas is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future formal and informal play areas should accord with the guidance set out in the 'Fields of Trust'.



**14.13.9** The provision of land as allotments is proposed as part of the scheme to the western part of the site within the open space area. Details of the layout of the allotments have not been confirmed but there should be a mixture of plot sizes, with watering points spaced at 25m apart at the key junction points of the allotment paths. A hedgerow or security fencing in the form of a dark green weld-mesh fence 1500mm high should bound the allotments providing adequate security. In addition, suitable entrance points to allow access for delivery vehicles and for disabled access and a parking area with up to 5 parking spaces should be included to meet the needs of all users.

**14.14 L) Nature Conservation (GEN7 and the NPPF)**

**14.14.1** 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.

**14.14.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). 'The Flitch Way' is also a designated Country Wildlife Site.

**14.14.3** Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

**14.14.4** The ecologist noted that the applicant's submission which states that the proposed scheme will contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. In accordance with the National Trust requirements, a sum of £27,000.00 towards ongoing work to mitigate recreation impacts is to be provided. The financial contribution will be secured by a S106 legal agreement to help avoid and mitigate impacts on Hatfield Forest NNR/SSSI.

**14.14.5** Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

**14.15 M) Contamination**

**14.15.1** 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. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

**14.16 N) Flooding & Drainage**

**14.16.1** 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.

**14.16.2** A check of the Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1.

**14.16.3** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

**14.16.4** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including a large attenuation pond to the south of the site. In order to prevent flooding, both on and off-site attenuation and controlled discharged will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100 year rainfall event, plus an additional allowance to account for increase rainfall due to climate change.

**14.16.5** Essex County Council who are the lead local flooding authority who stipulate 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 appropriately worded conditions on the decision.

**14.16.6** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

## 14.17 O) Planning Obligations

14.17.1 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 Levy (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.

14.17.2 Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place Total contribution = **£248,659.20**)

Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £17,268.00 per place (Total contribution = **£828,864.00**)

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place total contribution = **£760,800.00**)

Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trial. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, Total contribution = **£12,448.00**)

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£92,545.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution = **£27,000.00**)

Bus stops: Prior to any occupation the enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N shall comprise of (but not limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, pole, flag and timetable information.

A financial contribution of **£416,000.00** to fund improvements to enhance bus services between the development and local amenities and/or key towns to improve frequency, quality and geographic cover of bus routes serving the site.

A financial contribution of **£86,720.00** towards improvements of 'The Flitch Way' to provide appropriate surfacing and drainage, signage, and information boards.

A financial contribution of **£120,000.00** towards Improvements to Cherry Garden Bridge, Great Dunmow

Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of **£1596.00** per annum (index linked), to be paid to Essex County Council.

Affordable Housing: 40% affordable housing (split across the affordable rent, intermediate tenures and first homes)

Provision of 9 residential bungalows, (4 affordable, 9 market units)

The provision of an on-site building to contain an office hub (100 square meters floor area) and its future management.

Payment of the council's reasonable legal costs. Payment of monitoring fee.

## **14.18 P) Other Issues**

### **14.18.1 Energy and Sustainability**

**14.18.2** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

**14.18.3** The applicant states that the proposed dwellings would be built to meet the 2025 Future Homes Standards, delivering net zero ready homes which reduce carbon emissions by at least 75% beyond current regulations. Furthermore, it is suggested that the buildings would be designed to make use of sustainable materials to reduce the environmental impact of construction and waste minimisation strategies would be employed throughout the construction.

**14.18.4** The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. The applicant states that this will be achieved through a combine fabric, energy efficiency and low carbon renewable energy approach such as; triple glazed windows, heat recovery systems, provision of solar PV on all homes and air source heat pumps,

**14.18.5** It is suggested that a condition be imposed if outline permission is approved that the development be constructed in accordance with the

supporting Sustainability and Energy Statement prepared by Turley November 2021 to ensure that the development meets the set targets contained in the Uttlesford Interim Climate Change Policy (2021).

**14.18.6** The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021) and are significantly in excess of the measures that can be secured by adopted local planning policy.

## **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. PLANNING BALANCE AND 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 they still carry reasonable weight.
- 16.3** In respect to addressing the benefits of the proposed development, the provision of up to 160 dwellings including 64 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. Furthermore, a new building to be used as an office hub to provide local workspace and enable remote working and reduce the need for residents to travel to work.
- 16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** The applicant has committed to a Carbon Reduction, that will include energy efficient dwellings built to meet the 2025 future home standards which will reduce carbon emissions by at least 75% beyond current regulations. These commitments by the Applicant meet and are excessive to the Council's corporate Interim Climate Change Planning Policy (2021).
- 16.6** The provision of approximately 8.4ha of new public open space would be delivered that would include space for play areas, allotments and a community orchard space.
- 16.7** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.8** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.
- 16.9** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three listed buildings. This harm has been found to be at the lower to medium end of the spectrum of 'less than substantial harm' and therefore paragraph 202 of the NPPF is engaged.

- 16.10** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.11** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.12** 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.
- 16.13** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

**17. S106 / CONDITIONS**

**17.1 S106 HEADS OF TERMS**

- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- ii. Libraries' contribution
- iii. Financial contribution for Health contributions
- iv. Provision of 40% affordable housing
- v. Provision and long-term on-going maintenance of public open space (including play areas, trim trial, community allotments and orchard)
- vi. Financial contribution to mitigate on impact of Hatfield Forest
- vii. Highways obligations and associated financial contributions
- viii. Monitoring cost

**17.2 Conditions**

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

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

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

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

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

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

- 4** The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 07a & Proposed Site Access Dwg Ref: 22268-04 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

- 5** The location of the built development shall be carried out in general accordance with the Development Framework Plan Dwg Ref: 3501H unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and street scene in accordance with Policies S7, GEN2 of the Adopted Local Plan and the NPPF.

- 6** The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' (February 2022) prepared by Catesby Estates Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a high-quality development and place making is achieved when applications for reserve matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.

- 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. We would expect to see further testing undertaken in winter to reflect the most conservation management. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDS Manual C753. Designing for infiltration should also take into consideration ground water levels.
- Where infiltration is not viable, the scheme should be limited discharging rates to 12.12l/s for all storm events up to and including 1 in 100 year rate plus 40% allowance for climate change. All relevant permission to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculation 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 routs, 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 ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 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: 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 in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 9** 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. 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.

- 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 policy GEN3 of the Adopted Local Plan and the NPPF.

- 11** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- m) M) routing strategy for construction vehicles

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

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

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 12** No development approved by this permission shall take place until the following has been submitted to an approved in writing by the Local Planning Authority:

A Phase 2 Site Investigation based on the findings of the Phase 1 Desk Assessment.

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

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

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

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13** A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic submitted to an approved in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environment are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 2300

Resting – Living Room 35db

Dining – Dining room/area 40db

Sleeping/Daytime Resting – Bedroom 35db

23:00 to 07:00

Sleeping/Nigh time Bedroom 35db

External areas shall be designed and located to ensure that amenity space areas are protected on all boundaries as to not exceed 50db. If a threshold level relaxation to 55db is required for external areas, full justification and explanation should be provided.

The dwellings shall not be occupied until such a scheme has been implemented in accordance with the approved details, and as shown to be effective, and is shall be retained in accordance with those details thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the Adopted Local Plan which requires appropriate noise mitigation and sound proofing to noise sensitive developments.

- 14** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, November 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk or 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 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 GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 15** A Biodiversity Net Gain Design State Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to an approved in writing by the Local Planning Authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Report should include the following:

- a) Baseline data collection and assessment of current conditions on site.
- b) A commitment to measure in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- c) Provision of the full BNG calculations, with detailed justification for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.

- d) Details of any off-site provision to be secured by a planning obligation
- e) Details of the monitoring and auditing measures.

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

REASON: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan.

**16** A Skylark Mitigation Strategy shall be submitted to an approved by the Local Planning Authority to compensate the loss of any Skylark territories. 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 Skylark plots following Agri-Environment Scheme option.
- c) Locations of the Skylark plots by appropriate maps/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 of 10 years.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

**17** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long-term maintenance of Receptor area(s).
- i) Details of monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

**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 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).

**19** 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.
- 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)

- 20** 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)

- 21** 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;

- the parking of vehicles of site operatives and visitors,

- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- routing strategy for construction vehicles
- before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** Prior to occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing Proposed Site Access Dwg Ref: 22268-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

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

- 23** Prior to the first occupation of the development, the pedestrian/cycle access of minimum effective width of 3.5m as shown in principle in drawing number 22268-04-02, including a clear ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To provide connectivity and ensure that pedestrians and cyclists can entre and leave the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24** Prior to the first occupation, the following infrastructure shall be provided. All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to



facilitate widening and traffic regulation orders to be carried out entirely at the developer's expense.

- a) A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For avoidance of doubt, such footway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.
- b) Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N which shall comprise (but not limited to) the following facilities; shelter, seating, raised kerbs, bus stop markings, poles and flag type signs, timetable casings.
- c) Provision of a scheme to improve the safety of pedestrian and cyclists on Station Road including signage and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road.
- d) Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number Ref: 22268-04.

REASON: In the interests of highway safety, reducing the need to travel by car, and promoting sustainable development and transport in accordance with policies DM9 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25** Prior to the first occupation, the developer shall provide pedestrian and cycle accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the Local Planning Authority in conjunction with Essex County Council.

REASON: To provide controlled access to the Flitch Way and improve accessibility of the site by walking and cycling and to protect it from uncontrolled use and damage in accordance with Policies GEN1, GEN7 and ENV7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26** The layout of the development will be such that no gardens back on to the Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: To protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policies GEN1, GEN2, ENV7 and GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27** Prior to the occupation of the dwellings hereby approved, the treatment and surfacing of the Public Right of Ways (PRoW) within the site to be agreed with the Local Planning Authority. The agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route.

REASON: To protect the PRoW network within land under control of the applicant in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 28** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29** 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. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 26 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 31** A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**32** 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**34** Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

**35** All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

**36** No reflective materials to be used in the construction of the new buildings and 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 required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

**37** The proposed development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Turley (November 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

## Appendix 1 – Statutory Consultee Responses

### ECC Highways

Your Ref: UTT/21/3596  
Our Ref: HT/TPD /SD/KW/49889/4B  
Date: - 30/05/2022



**Essex County Council**

Andrew Cook  
Director for Highways and Transportation

CC: Cllr Martin Foley  
Essex Highways DM

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

County Hall  
Chelmsford  
Essex CM1 1QH

#### Recommendation

Application No. UTT/21/3596/OP

Applicant Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes C/o  
Armstrong Rigg Planning

Site Location Moors Fields Station Road Little Dunmow

Proposal Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings (REDUCED FROM 180 dwellings), a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (AMENDED PLANS & ADDITIONAL INFORMATION INCLUDING reduction in units, increased open space & additional highway measures)

#### Note

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

It is noted that the location of the site is such that access to key facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive (LTN1/20 recommends an off road facility for this speed of road) and for the vast majority of journeys the only practical option will be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

The potential impact of the trips generated by the proposal has been assessed and while there is some impact on the at the village centre and the junction with the B1256 this is not considered severe. The most appropriate mitigation is considered to be improving the walking, cycling and public transport links to the site.

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

1. 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.
- V. Routing strategy for construction vehicles
- VI. Protection of any public rights of way within or adjacent to the site
- VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

1. **Access** Prior to first occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing 22263-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

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

2. **Pedestrian and cycle access:** Prior to first occupation of the development, the pedestrian/cycle access of minimum effective width 3.5m as shown in principle in drawing number 22268-04-02, including a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. **Reason:** To provide connectivity and ensure that pedestrians and cyclists can enter and leave the highway with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. **Highway infrastructure:** Prior to first occupation the following infrastructure shall be provided All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense.

- 3.1. A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For the avoidance of doubt such footway to include full depth construction/reconstruction of any existing footway

and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority

- 3.2. Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle on drawing number 03/001/N which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- 3.3. Provision of a scheme to improve the safety of pedestrians and cyclists on station road including signing and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road
- 3.4. Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number 22268-04-3.

**Reason:** In the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. **Bus services** Prior to first occupation payment of a financial contribution of £416,000 (indexed from the 1<sup>st</sup> of April 2022) to fund improvements to enhance bus services between the development and local amenities and/or key towns such as Great Dunmow, and/or Chelmsford improving the frequency, quality and/or geographical cover of bus routes servicing the site. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
5. **Flitch Way contribution:** Prior to first occupation a sum £206,720 (indexed from the 1<sup>st</sup> of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site and to provide a contribution to the design and implementation of a bridge (known as Cherry Garden Bridge) and walking cycling connections to the Flitch Way to help provide a continuous off road route to Great Dunmow. **Reason:** to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling
6. **Flitch Way Access:** Prior to first occupation the developer to provide pedestrian and cycling accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. **Reason:** to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.
7. **Flitch Way Protection:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. **Reason:** to protect the Flitch Way from uncontrolled use, littering and damage
8. **Public Rights of Way:** Prior to commencement the treatment and surfacing of PROWs within the site to be agreed with the planning authority, the agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route and to be

implemented prior to occupation. Reason – protection of PROW network within land under control of the applicant

9. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1596 (index linked), to be paid to Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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.

**Informatives:**

- (i) OUT LINE ONLY In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) 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.
- (iii) 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. To be provided prior to the issue of the works licence.
- (iv) 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 SMO2 -



**Highways England**

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

	Date: 4 April 2022
Signature:	
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England   Woodlands   Manton Lane   Bedford   MK41 7LW	

**Annex A National Highway's assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/ 21/3311/OP and has been prepared by Mark Norman.

We have completed our review and concluded that this application is unlikely to have a severe impact upon the strategic road network. However, it is noted that there are several applications of similar size in the area and the cumulative impact may start to be noticed as the network is very close to capacity

## Flooding Authority

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



William Allwood  
Uttlesford District Council  
Planning Services

Date: 25<sup>th</sup> Feb 2022  
Our Ref: SUDS-005636  
Your Ref: UTT/21/3311/OP

Dear William Allwood,

### Consultation Response – UTT/21/3311/OP – Land West Of Garnetts Dunmow Road Takeley

Thank you for your email 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 for planning application UTT/21/3311/OP based on the following:

#### Condition 1

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

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any

marginal flooding is predicted then it should be directed away from the building using appropriate site grading.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

### **Condition 2**

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

### **Reason**

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

### **Condition 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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>

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)

## Historic England



Historic England

Mr William Allwood  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Direct Dial: 01223 582716

Our ref: W: P01445895

29 November 2021

Dear Mr Allwood

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

**LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY, ESSEX  
Application No. UTT/21/3311/OP**

Thank you for your letter of 10 November 2021 regarding the above application for outline planning permission with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

Further to our EIA Scoping Opinion response of July 2021 and having considered the documentation submitted with the application, we are satisfied that the setting of the grade I listed Holy Trinity Church has been appropriately addressed.

We do not wish to offer any other additional 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)



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 682749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

## Natural England

Date: 08 December 2021  
Our ref: 374873  
Your ref: UTT/21/3311/OP



William Allwood, c/o planning@uttlesford.gov.uk

**BY EMAIL ONLY**

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

T 0300 060 3900

Dear Mr Allwood

**Planning consultation:** UTT/21/3311/OP Outline planning application with all matters reserved, for up to 155 dwellings, public open space, children's play area, land retained in agricultural use, landscaping and associated infrastructure.

**Location:** Land west of Garnetts, Dunmow Road, Takeley

Thank you for your consultation on the above dated 08 November 2021 which was received by Natural England on the same date.

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 - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (ZoI) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

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

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

#### **Further advice on mitigation**

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24<sup>th</sup> September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28<sup>th</sup> June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".



On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

### Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### **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.

### **Environmental gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 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.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

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.

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

- 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).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

### ***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](#)

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me at:  
tessa.lambert@naturalengland.or.uk

Please consult us again once the information requested above, has been provided.

Yours sincerely

Tessa Lambert  
Lead Advisor – Sustainable Development, West Anglia Team

## Sports England

**From:** [Planning Central](#)  
**To:** [Planning](#)  
**Subject:** [External] UTT/21/3311/OP - Land West Of Garnetts Dunmow Road Takeley CM22 6RL  
**Date:** 11 November 2021 09:25:17

---

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.*

Yours sincerely,

Planning Administration Team

[Planning.central@sportengland.org](mailto:Planning.central@sportengland.org)

## ECC Infrastructure

Essex County Council  
Planning and Development  
CG05, County Hall  
Chelmsford  
Essex CM1 1QH



Uttlesford District Council  
Old Hospital Building, London Road  
Saffron Walden  
Essex  
CB11 4ER

Our ref: 49554  
Your ref: UTT/21/3311/OP  
Date: 05/02/2022

Dear Sir or Madam

Garnetts (west of), Takeley  
Without Prejudice - UTT/21/3311

Thank you for providing details of the above planning application for up to 88 new homes. From the information I have received, I have assessed the application on the basis of 155 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 13.95 Early Years and Childcare (EY&C) places; 46.50 primary school, and 31.00 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

An additional 13.95 places would be provided at an estimated total cost of £240,888.60 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £240,888.60, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

The nearest primary school serving this development would be Roseacres Primary school, which has a Published Admission Number of 30 pupils per year. As at October 2021, the school was full in Reception with a total of 212 pupils on roll. Roseacres is grouped with Takeley Primary School for pupil place planning purposes (Uttlesford Group 08). Although Takeley Primary currently has some surplus capacity, it is anticipated that this will be taken by pupils from other housing developments that either have permission or are advanced in the planning process. Of particular relevance is Warish Hall Farm (UTT/21/1987), which is expected to generate around eight extra pupils per year and provide sufficient land to allow Roseacres Primary School to become a two form entry school.

The estimated cost of the project is £802,962.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on demand generated by this proposal as set out

above, a developer contribution of £802,962.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

#### Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

The estimated cost of the project is £737,025.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on demand generated by this proposal as set out above, a developer contribution of £737,025.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

#### School Transport:

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

#### Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of a local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,059.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

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

If your council were minded to turn down the application, I would be grateful if the lack of

surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Yours faithfully

Elliott Moore  
Infrastructure Planning Officer

Telephone      033301 39446  
E-mail          [elliott.moore@essex.gov.uk](mailto:elliott.moore@essex.gov.uk)

Our Ref: WECCG/UTT/21/3311/GR  
Your Ref: UTT/21/3311/OP

Building 4  
Spencer Close  
St Margaret's Hospital  
The Plain  
Epping  
Essex  
CM16 6TN

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

Tel: 01992 566140

9 February 2022

Dear Sir/Madam

**Address:** Land West Of Garnetts Dunmow Road Takeley

**Proposal:** Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

#### **1.0 Introduction**

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

#### **2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

#### **3.0 Review of Planning Application**

- 3.1 West Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development.



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

#### 4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 388 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

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

Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
The Eden Surgeries	10,165	621.92	9,070	-75.11
<b>Total</b>	<b>10,165</b>	<b>621.92</b>	<b>9,070</b>	<b>-75.11</b>

#### Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
  2. Current Net Internal Area occupied by the Practice
  3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

#### 5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICS estates strategies, by way of extension, refurbishment

or reconfiguration for the benefit of the patients at the Eden Surgeries, a proportion of the cost of which would need to be met by the developer.

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

**Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals**

	<b>Additional Population Growth (155 dwellings)<sup>5</sup></b>	<b>Additional floorspace required to meet growth (m<sup>2</sup>)<sup>6</sup></b>	<b>Spare Capacity (NIA)<sup>7</sup></b>	<b>Capital required to create additional floor space (£)<sup>8</sup></b>
The Eden Surgeries	388	26.61	-75.11	79,830
<b>Total</b>	<b>388</b>	<b>26.61</b>	<b>-75.11</b>	<b>79,830</b>

**Notes:**

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
  6. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  7. Existing capacity within premises as shown in Table 1
  8. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m<sup>2</sup>).
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£79,830**. Payment should be made before the development commences.
- 5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 6.0 Conclusions**
- 6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

- 6.3 Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.
- 6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



**Geoff Roberts**  
Assistant Director - Estates and IT Development  
West Essex Clinical Commissioning Group

# Agenda Item 8



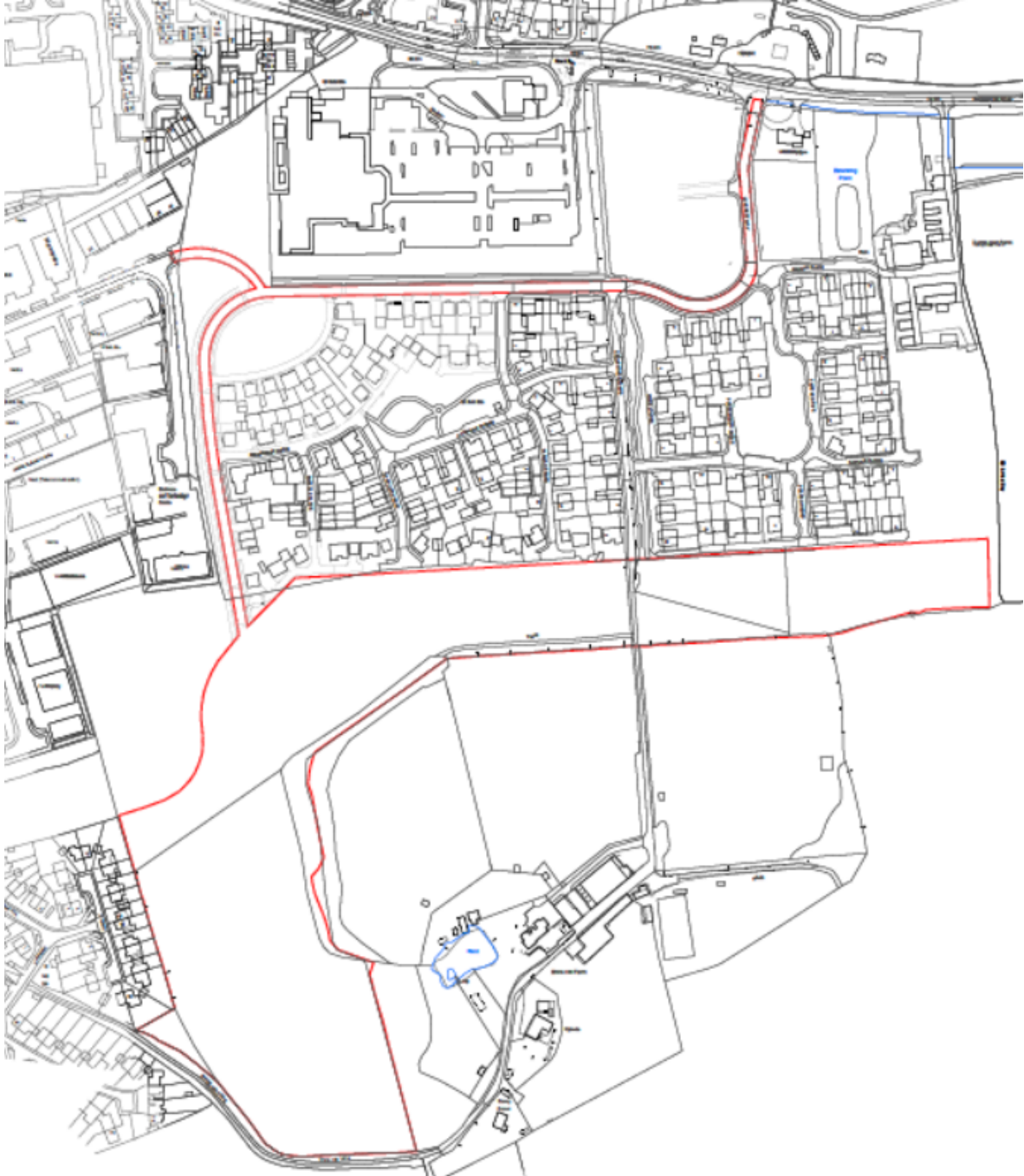
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1598/DOV

**LOCATION:** Land North of Shire Hill Farm, Shire Hill, Saffron Walden

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2022

**PROPOSAL:** Request for variation of 106 agreement made pursuant to section 106 of the 1990 Act dated 13th July 2020 and made between (1) UDC (2) ECC (3) Gordon Carl Kenmure Roberts, John Anthony Shippey, Lucinda Burnett, William Gustav Robert Engelmann and (4) Dianthus Land Limited in relation to UTT/17/2832/OP

**APPLICANT:** Redrow Homes Limited

**AGENT:** Mr Ben Pridgeon (Bidwells)

**EXPIRY DATE:** 7 March 2022

**EOT Expiry Date:** 2 August 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits.

**REASON THIS APPLICATION IS ON THE AGENDA:** Deed of Variation to a Legal Agreement of a Major Planning Application - UTT/17/2832/OP.

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## **1. EXECUTIVE SUMMARY**

- 1.1** A Deed of Variation (DoV) application has been submitted by the Applicant (Redrow) seeking permission to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline permission reference UTT/17/2832/OP.
- 1.2** This is submitted following lengthy discussions with the Applicant and both UDC and ECC legal representatives during the assessment of the reserve matters application that there are several anomalies contained within the original legal agreement that need to be rectified. None more so than the lack of a mechanism to secure a link over the existing Public Rights of Way (Bridleway 19) to allow for a new 'Spine Road' to extend from Radwinter Road to Thaxted Road.
- 1.3** This application has been submitted to resolve these anomalies and to allow for the future residential development of the site to come forward as intended by the approval of the outline planning permission.
- 1.4** This report concludes that the proposed variations/amendments to the Legal Agreement attached to the outline permission are appropriate and that the variations/amendments are recommended for approval.

## **2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP.

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

- 3.1** The area of land subject to this deed of variation application relates to the land known as 'Land North of Shire Hill Farm, Shire Hill, Saffron Walden, Essex.'
- 3.2** The site is located to the South-East of Saffron Walden. The site is an irregularly 'L' shaped piece of land being made up of two roughly perpendicular areas that intersect at their north-western corners. It covers an area of approximately 7.05 hectares whilst its topography generally slopes south to north with the southern part of the site being on the highest point, on a ridge which then plateaus and then slopes towards the south and western boundaries.
- 3.3** The site is free of any built form and consists mainly of arable fields (Grade 2 agricultural land) and lies within the rolling landscape of the River Cam/Granta.
- 3.4** The site to the north is currently being built out by Linden Homes consisting of 200 dwellings. To the south 150 new dwellings is currently being built out by Bellway Homes. The application site sits effectively land locked between the two sites.
- 3.5** There is a Public Right of Way (Bridleway 19) which extends along the southern perimeter of the application site and separates this site from the Bellway site to the south. This bridleway leads into Shire Hill Lane to the west.
- 3.6** Outline planning permission with all matters reserved apart from access was granted 14th July 2020 for the construction of up to 100 dwellings alongside associated works. A reserve matters application to seek approval of details of Layout, Scale, Appearance and Landscaping is currently being assessed by the Local Planning Authority under application reference: UTT/21/3565/DFO.

## **4. PROPOSAL**

- 4.1** This deed of variation application seeks permission to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline permission reference UTT/17/2832/OP. The main revisions are outline as per below:
- 4.2**
- To secure a mechanism within the agreement for the provision and construction of a link over Bridleway 19 to allow for a new 'Spine Road' to extend from the B1053 Radwinter Road to the B184 Thaxted Road. A new Schedule 8 is an entirely a new schedule in respect of the Link Road and the Link Road Specification is set out in Appendix 1 of the DoV.
  - To extend the trigger points within the agreement to procure the bus service enhancement, making it land ready, to enter into the Highways Works Agreement for the Spine Road to be constructed from the occupation of the 50th residential unit to the 80th residential unit.

- The trigger for the payment of the Bus Service Contribution is extended to the Occupation of the 30th Housing Unit.
- Amend paragraph (a) under the definition of 'Highway works' to co-inside with the removal of condition 25 attached to the outline consent which granted permission to allow for a financial contribution instead of undertaking the works for a footpath/cycleway between Monks Hill and the Land

## **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** The application site contains the following relevant recorded planning history:
- 6.2** UTT/21/3565/DFO - Approval of reserved matters subject to permission UTT/17/2832/OP for up to 100 dwellings, for the following: - Layout - Strategic highway masterplan for the spine road- Scale- Public open space- Landscaping – Appearance.
- 6.3** The above application is currently being assessed by the Local Planning Authority and will be presented to members of the planning committee following a decision of this deed of variation application.
- 6.4** UTT/17/2832/OP - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking.
- 6.5** This application was approved by Uttlesford District Council on 14 July 2020 subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development.
- 6.6** UTT/21/1920/NMA - Non Material Amendment for the removal of condition 25 (pedestrian/cycle access details) attached to UTT/17/2832/OP. This condition stated that:
- “Before the commencement of development, details of the provision of pedestrian and cycle access onto Monks Hill, to consist of a shared use footway/cycleway 3.5m wide, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority, and thereafter implemented in accordance with the approved details.”*
- 6.7** This application was approved by Uttlesford District Council on 09 July 2021. The effect of this is to remove condition 25 from planning permission UTT/17/2832/OP.

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



- 7.1 Although there was no formal pre-application submission, extensive discussions were held between the Applicant, both ECC and UDC legal officers, UDC planning officers and ECC highway authority to address the issues surrounding how to best proceed with securing a mechanism to allow for the link over the bridleway to be constructed to allow for the spine road to extend through the application site and beyond to the south.

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

### **8.1 Highway Authority – No Objection**

- 8.1.1 The application was consulted to the highway authority due to the ongoing conversations prior to the submission of this application in respect to addressing the need for the missing link to the spine road.

- 8.1.2 The Highway Authority confirmed that in order to ensure mitigations for traffic, sustainable transport and air quality of the outline application are fulfilled the spine road must be completed by a link across Bridleway 19. The applicant has agreed to enter into a S106 obligation and design and build a link across the bridleway. It will be necessary for the applicant to liaise with the developers to the south of the site. The Highway Authority has started the process and will continue to work closely with the applicant to ensure that the delivery of the spine road is as smooth as possible.

## **9. SAFFRON WALDEN TOWN COUNCIL COMMENTS**

- 9.1 Saffron Walden Town Council in their formal response date 27<sup>th</sup> June resolved to make no comments regarding the proposals.
- 9.2 A further response from the Town Council was received on the 5th August confirming that they object to the removal of the 3m wide footpath/cycleway between Monks Hill and the land obligation (education) and that the trigger point should ideally remain at 50% occupation so the works are carried out prior to completion of building works.

## **10. CONSULTEE RESPONSES**

- 10.1 There is no statutory obligation to notify non-statutory consultees in respect to the application proposals.

## **11. REPRESENTATIONS**

- 11.1 There is no statutory obligation to notify residents in respect to the application proposals.

## **12. MATERIAL CONSIDERATIONS**

- 12.1.1 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.

**12.1.2** 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.

## **12.2 The Development Plan**

**12.2.1** 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)  
Stebbing Neighbourhood Plan (made July 2022)

## **13. POLICY**

### **13.1 National Policies**

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

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

**13.2.1** Relevant development plan policies and material considerations:

Uttlesford Local Plan (2005):

- GEN1 - Access
- GEN6 – Infrastructure Provision

### **13.3 Saffron Walden Neighbourhood Plan**

**13.3.1** The Saffron Walden Neighbourhood Plan has been prepared in draft and has currently just been to examination. In respect to the SWNP, the examiner has confirmed that the Plan on the 28<sup>th</sup> April 2022 has undergone Examination and that the Plan can now go to referendum subject to the suggested modifications which includes the deletion of a number of policies and amending the wording to others. It officers understanding that these modifications are currently being prepared to the Plan prior to it going to a referendum. It is therefore considered that limited to moderate weight can be given to the SWNP.

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

**13.4.1** Uttlesford Interim Climate Change Policy (2021)

## **14.1 CONSIDERATIONS AND ASSESSMENT**

- 14.1.1** The main issues to consider in the determination of this application is whether the proposed revisions/amendments to the original S106 agreement attached to the outline consent are appropriate.
- 14.1.2** It is important to understand the recent planning history of the site as this helps to provide an understanding behind the submission of the Deed of Variation application.
- 14.1.3** On the 14<sup>th</sup> July 2020 outline planning permission was approved under application reference UTT/17/2832/OP for the construction of up to 100 dwellings and the provision of land to facilitate an extension to the approved primary school with all matters reserved apart from Access. This permission was granted subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development.
- 14.1.4** Although not forming part of the indicative plans that were approved as part of the outline application, it was agreed during the decision-making process that a new 'Spine Road' be constructed between B1053 Radwinter Road and B184 Thaxted Road. The 'Spine Road' would extend through the Linden Homes development to the north, extend through the application site, across the Public Rights of Way (Bridleway 19) and exit through the Bellway development to the south. It was agreed that a new 'Spine Road' be constructed between the three sites to improve traffic connections and reduce the impact of air quality.
- 14.1.5** Conditions were imposed on the decision notice and the wording contained within the S106 Agreement reflected the details of the new 'Spine Road' that was to form part of the proposals.
- 14.1.6** Thereafter, the applicant submitted a full application on the 6<sup>th</sup> December 2021 seeking approval of the details of Appearance, Scale, Layout and Landscaping known as the reserve matters in association with the outline planning approval above.
- 14.1.7** It was during officers' assessment of this reserve matters application that although it was the intention of the wording of the S106 Legal Agreement attached to the outline permission for the applicant to provide a link over the Public Right of Way (Bridleway 19) so that a new 'Spine Road' could link the B1053 Radwinter Road and B184 Thaxted Road, it was found that there was no mechanism or hook contained with the S106 Agreement. The wording of the agreement only stipulated that the new 'Spine Road' was to be constructed up to the southern boundary of the application site and not extend over Bridleway 19 linking to the development to the south.
- 14.1.8** The S106 Legal Agreement has been thoroughly checked by both the District Council's and Essex County Council's legal teams, and the Applicant's legal representatives and all parties agree that unfortunately no mechanism was contained with the agreement to secure the link over Bridleway 19.
- 14.1.9** As such, this Deed of Variation application has been submitted to correct the wording and secure an appropriate mechanism or hook within the S106 Legal Agreement for the Applicant to provide and construct a link over the Bridleway 19 to allow for the 'Spine Road' to be constructed as intended.

- 14.1.10** To accommodate the additional works, costs, and timings for the Applicant to provide the link, the trigger points to procure the bus service enhancement, making it land ready and financial contributions have been extended from the occupation of the 50<sup>th</sup> residential unit to the 80<sup>th</sup> residential units which has been agreed in principle by the lead local highway authority.
- 14.1.11** Furthermore, following the granting of a non-material amendment UTT/21/1920/NMA which allowed the removal of condition 25 (pedestrian/cycle access details) attached to UTT/17/2832/OP, this is being sought to amend the obligations within the legal agreement to allow for a financial contribution instead of actually undertaking the works so that the obligation does not impact on the commencement of the development.
- 14.1.12** The variations to the original Section 106 Legal Agreement as discussed above are considered appropriate in that they will rectify and address the previous unfortunate oversights contained within the Legal Agreement and will ensure that the proposals will be built out to provide a link over Bridleway 19 allowing for a new 'Spine Road' to extend from the B1053 Radwinter Road to the B184 Thaxted Road and allow for the provision of a new bus link.

## **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**

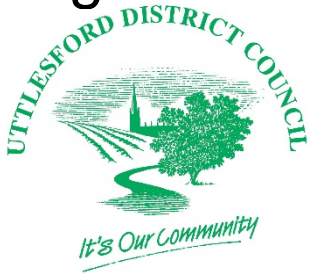
- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these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

## **16. CONCLUSION**

- 16.1** The proposed variations to the original S106 legal agreement which includes securing a mechanism for the construction of a link over Bridleway 19 to allow

for the construction of a Spine Road to extend Radwinter Road to Thaxted Road, revising the trigger points to accommodate bus provision and highway works, and other additional irregularities are appropriate and will help to deliver the future residential scheme for the site. The proposals comply with the Uttlesford District Adopted Local Plan and the National Planning Policy Framework and thereby it is recommended to grant permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP.

# Agenda Item 9



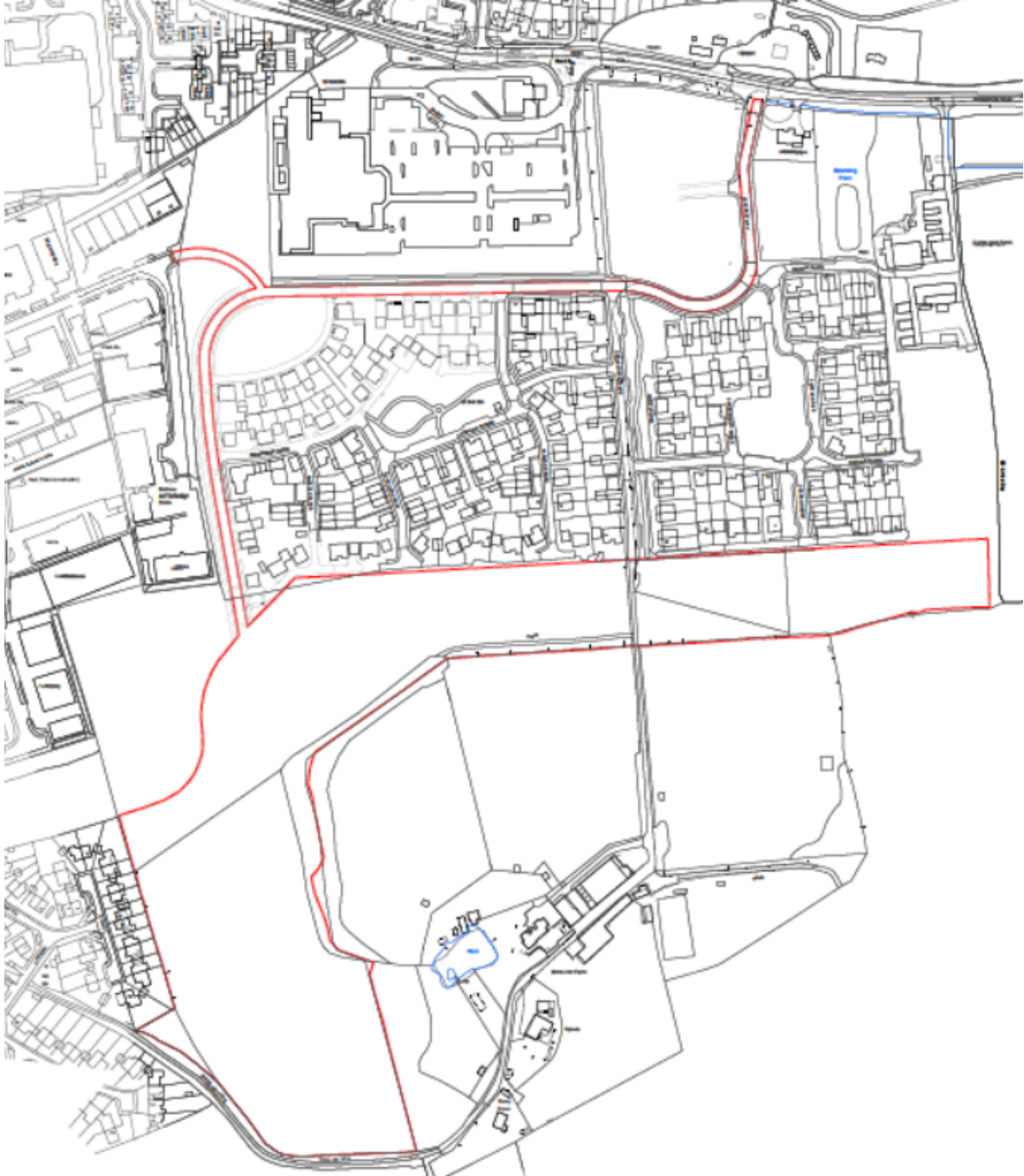
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/21/3565/DFO

**LOCATION:** Land North of Shire Hill Farm, Shire Hill, Saffron Walden

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2022

**PROPOSAL:** Approval of reserved matters subject to permission UTT/17/2832/OP for up to 100 dwellings, for the following:

- Layout
- Strategic highway masterplan for the spine road
- Scale
- Public open space- Landscaping
- Appearance

**APPLICANT:** Redrow Homes Limited

**AGENT:** Bidwells

**EXPIRY DATE:** 7 March 2022

**EOT Expiry Date:** 20 April 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits.

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** This application seeks approval of details following the granting of outline planning under reference UTT/17/2832/OP whereby permission was approved for the erection of up to 100 dwellings along with associated open space and play areas, land for education use and other ancillary works.
- 1.2** The principle of the development along with the details of Access have been approved at outline stage, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.
- 1.3** The applicant has undertaken pre-application discussions prior and post submission of the application with Officers' of Uttlesford Council which has helped to enhance the quality of the scheme in complying with the standards and guidance as per local policy and in order to achieve a sense of better place making whilst ensuring that future occupants have a quality development that provides reasonable enjoyment to all.
- 1.4** The proposals generally comply with the indicative illustrative masterplan that formed part of the Outline consent in respect to layout, number of units and



housing mix. The design and appearance of the buildings generally conform to the required standards with each residential unit provided with appropriate parking and amenity provision to meet the needs of future occupants. Appropriate areas of informal and formal of public open space are provided throughout the site including the provision of additional land for a future school.

- 1.5** The proposals comply with the guidance and standards as set out within the Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It has thereby been recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with Outline permission reference UTT/17/2832/OP

**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) Conditions

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land North of Shire Hill Farm, Shire Hill, Saffron Walden, 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 is located to the South-East of Saffron Walden. The site is an irregularly 'L' shaped piece of land being made up of two roughly perpendicular areas that intersect at their north-western corners. It covers an area of approximately 7.05 hectares whilst its topography generally slopes south to north with the southern part of the site being on the highest point, on a ridge which then plateaus and then slopes towards the south and western boundaries.
- 3.3** The site is free of any built form and consists mainly of arable fields (Grade 2 agricultural land) and lies within the rolling landscape of the River Cam/Granta.
- 3.4** The site to the north is currently being built out by Linden Homes (now Vistry Group). This was subject to Outline planning permission UTT/13/3467/OP for up to 200 dwellings, along with provision of 1.2 hectares of land for a new primary school. To the south is currently being built out by Bellway Homes. This was subject to Outline planning permission UTT/18/0824/OP for up to 150 dwellings and reserve matters have now been approved. These dwellings are now under construction. The application site sits between the two sites.
- 3.5** Shire Hill Industrial Estate lies to the northwest containing a mixture of commercial buildings along with the buffer zone for the new primary school. There is a 1950/60s housing estate to the southwest of the site which is accessed from Rylestone Way off Thaxted Road. The south-eastern edge follows the limits of Shire Hill Farm and is strongly defined by trees, shrubs and hedges.

**3.6** In terms of local designations, the site is near a designated Air Quality Management Area which is located at the junction with Thaxted Road/Radwinter Road. There are no County Wildlife Sites or any 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'.

**3.7** There is a bridleway which run along the southern perimeter of the site and separates this site from the Kier site to the south. This bridleway leads into Shire Hill Lane to the west.

**4. PROPOSAL**

**4.1** This application relates to the reserved matters following the granting of Outline planning permission which was for the erection of up to 100 dwellings along with associated open space and play areas, land for education use and other ancillary works – ref: UTT/17/2832/OP. This application was granted by Uttlesford District Council on 14 July 2020 subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development.

**4.2** Access to the development was approved as part of the Outline application which established access to the site to the north from the Linden Homes development.

**4.3** The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of up to 100 dwellings.

**4.4** The proposed residential mix has been developed to comply with the parameters set by the Outline planning permission. The proposal incorporates a range of housing types including one-bedroom units, two-bedroom bungalows, and two, three and four bedroom houses. The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
<b>1 – bed dwelling</b>	4	0	4 (4%)
<b>2 - bed dwelling</b>	17	3	20 (20%)
<b>3 - bed dwelling</b>	16	13	29 (29%)
<b>4 - bed dwelling</b>	3	44	47 (47%)
<b>Total</b>	40 (40%)	60 (60%)	100 (100%)

**4.5** The dwellings would be predominantly two stories in height although there would also be a limited amount of single storey dwellings. Building styles within the development would range from terrace style, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of 5 bungalows and a mix of maisonettes, housing is proposed. Each of the dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

**4.6** In addition to the proposed housing, the provision of 4,217 square metres of land made up of informal and formal open space areas including two small play spaces are proposed within the development proposals to the south west and

north of the site. The allocation of 0.9Ha of land to support a 2-form entry primary school with playing fields.

- 4.7 The extent of the land subject to the proposed primary school is fixed by the Section 106 Agreement to permission UTT/17/2832/OP and the Agreement for the Linden Homes site. The primary school would be delivered across the two sites with the 'primary school extension site' falling within the site subject to this application.

## 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 The application site contains the following relevant recorded planning history:

- 6.2 UTT/17/2832/OP - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking.

- 6.3 This application was approved by Uttlesford District Council on 14 July 2020 subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development.

- 6.4 UTT/21/1920/NMA - Non Material Amendment for the removal of condition 25 (pedestrian/cycle access details) attached to UTT/17/2832/OP. This condition stated that:

*“Before the commencement of development, details of the provision of pedestrian and cycle access onto Monks Hill, to consist of a shared use footway/cycleway 3.5m wide, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority, and thereafter implemented in accordance with the approved details.”*

- 6.5 This application was approved by Uttlesford District Council on 09 July 2021. The effect of this is to remove condition 25 from planning permission UTT/17/2832/OP.

- 6.6 UTT/22/1598/DOV - Request for variation of 106 agreement made pursuant to section 106 of the 1990 Act dated 13th July 2020 and made between (1) UDC (2) ECC (3) Gordon Carl Kenmure Roberts, John Anthony Shippey, Lucinda Burnett, William Gustav Robert Engelmann and (4) Dianthus Land Limited in relation to UTT/17/2832/OP.

This application has yet to be determined and will be presented to members of the planning committee on the 31 August 2022 in association with this reserve matters application to secure the link for the proposed spine road that extends through the site.

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

**7.1** A pre-application meeting was undertaken with Uttlesford District Council and Essex County Council by Microsoft Teams on 27 May 2021 (UTT/21/1646/PA). This meeting identified the key issues which would need to be addressed. A further pre-application meeting was held with Essex County Council on 23 September 2021 to discuss the requirements for the proposed primary school extension. Following this, a presentation and 'questions and answers' session was held with Saffron Walden Town Council on 14 October 2021. The main themes arising from the feedback given were the specification for the proposed feeder road and the proposed public open spaces.

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

### **8.1 Highway Authority – No Objection**

**8.1.1** The Highway Authority has worked with the applicant and Planning Officer to achieve an acceptable layout of the site in highway terms. The layout includes bus stops and a crossing of the spine road. From a highway and transportation perspective the impact of the proposal as outlined in submitted drawing 2154.01 rev G is acceptable to the Highway Authority subject to imposing conditions.

### **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 the planning permission UTT/21/3565/DFO. It is in line with the approved outline drainage strategy.

### **8.3 NHS West Essex – No Objection**

**8.3.1** A developer contribution will be required to mitigate the impact of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £41,009.00 Payment should be made before the development commences. West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

**8.3.2** However, it is acknowledged healthcare contribution has already been accounted for under the original outline application which is secured by way of the Section 106 Agreement. Within the Agreement it stipulates that a financial sum of £394.22 for each housing unit to be constructed is required to mitigate the capital costs to the NHS for the provision of additional healthcare service arising directly as a result of the Development Index. This results in a total £39,422.00.

## **9. TOWN COUNCIL COMMENTS**

**9.1** The Town Council in their formal response stipulated that they have strong concerns with this application due to the number of unresolved queries as follows:

- There is no obligation or mechanism to construct the road over the bridleway, thereby joining the two sections of road. This therefore means that the link road will not itself actually be connected and must be joined by someone else at some moment in time. This is unacceptable and there must be certainty in who in joining the link and when; this must be established prior to determination of this application.
- Until this matter is resolved, the clause in the S106 stating that the land needs to be Bus Ready prior to the 50th housing unit being occupied should not be agreed until the gap in the link road is resolved as it is of course impossible to implement.
- The play area and public open space is directly next to the spine road which is not suitable because residents (likely young families) will be nearby. The play area as proposed fails to meet the NPPF requirements contrary to para 93 of the NPPF.
- The spine road will be one of the main sources of pollution and with the limited play spaces being next to the road, it will not improve the health of residents. With the play areas next to the road and proposed bus stops it is not safe or healthy with fumes being inhaled.
- As the non-material amendment, UTT/21/1920/NMA was approved there are now fewer pedestrian and cycle links. There are non-vehicle connection points listed but it is not clear if a crossing will be provided anywhere along the potential school site or along the spine road for pedestrians to safely cross.
- As noted in UDCs Housing Department response, the three- and four-bedroom affordable house types do not meet the nationally described space standards (NDSS).
- The application notes that 40% of the parking will be made suitable for electric cars but there is no reason as to why 100% cannot be made suitable to ensure that there is capacity for future needs.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer – No Objection**

**10.1.1** The affordable housing mix which is proposed meets the need identified within the SHMA 2017 and will provide 28 affordable rented and 12 shared ownership properties.

**10.1.2** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as a preference for 5% of all units to be bungalows and I note that the application meets these requirements.

**10.1.3** This revised application has addressed the points which I previously raised as the affordable housing provision now meets the NDSS and the private amenity space either meets or exceeds the recommendations within the Essex Design Guide. There is now private amenity space for each of the affordable rented maisonettes.

## **10.2 UDC Environmental Health – No Objection**

**10.2.1** The EHO confirmed that the submitted EVCP plan has covered the condition for EV Charge Points applied in Condition 24 attached to UTT/17/2832/OP. Furthermore, although the lighting strategies and specifications report are not included with this submission as per condition 7 of UTT/17/2832/OP the lighting levels shown in Figure 2 of the Biodiversity Mitigation and Enhancements Strategy are satisfactory.

## **10.3 UDC Urban Designer – No Objection**

**10.3.1** When considered against the available Policy GEN2, taking into account positive and negative aspects of the scheme, and on balance, an overall objection is not raised.

## **10.4 Place Services (Ecology) – No Objection**

**10.4.1** We have reviewed the Biodiversity Mitigation and Enhancements Strategy (Greengage Environment Ltd., March 2022) relating to the likely impacts of development on protected species and Priority species & habitats and identification of appropriate mitigation measures. The mitigation measures identified in the Biodiversity Mitigation and Enhancements Strategy (Greengage Environment Ltd., March 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, reptiles, nesting birds and Priority species.

## **10.5 Crime Prevention Officer – No Objection**

**10.5.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

## **10.6 Anglian Water – No Objection**

**10.6.1** We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

## **10.7 London Stanstead Airport – No Objection**

**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 proposals.

**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** Provided information for the applicant in respect to a copy of their records which show the electrical lines and/or electrical plant and important information regarding the use of their plans and working around our equipment. It was advised that during excavation of the works, if these affect their Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), it was stipulated to contact UK Power to obtain a copy of the primary route drawings and associated cross sections.

**10.10 Cadent Gas – No Objection**

**10.10.1** After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning perspective.

**10.11 Defence Infrastructure Organisation – No Objection**

**10.11.1** Advised that their records indicate there may be a redundant pipeline in the area shown on the supporting plan. The plan supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. If the developer is working in close proximity to the pipeline we would recommend that they seek the advice of a specialist pipeline contractor by contacting the Pipeline Industries Guild.

**10.12 Exolum Pipeline System - Not Affected Response**

**10.12.1** Exolum Pipeline System, does not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

**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 and supporting the proposals for the following reasons:

**11.2 Object**

**11.2.1 Highway & Traffic**

- This new development will create congestion with access through a single road that already serves a large number of houses. Construction traffic and the din/dust of construction will make life difficult for the residents.

- With another planning permission already in place for a 300+ houses development off Radwinter road, Radwinter road will become very congested.
- Thaxted Road and Radwinter Road are extremely busy and this will also serve as a cut through for traffic to avoid the lights on Thaxted Road causing traffic and noise pollution.
- This planning application for a further 100 dwellings should not be granted until there is a ring road linking the Ashdon, Radwinter, Thaxted and Debden Road to the Newport Rd.

Biodiversity

- The proposals would reduce green land and impact upon the habitation of protected and priority species.

Amenity

- The proposals would due to their orientation and setbacks from existing adjoining residential properties would lead to visual blight, loss of privacy.

Infrastructure:

- Saffron Walden is at breaking point. The roads can't cope with the volume traffic. Schools and doctors are full and not taking on new patients. NHS dentists are full and it's impossible to obtain an emergency appointment.

Safety

- Potential safety risk for children walking to school without any provisions for traffic calming, including pedestrian crossings.

**11.3 Comment**

- 11.3.1** The above concerns have been addressed in detail in the main assessment of this report. However, the principle of the development has been already approved under planning reference UTT/17/2832/OP and a lot of the above concerns raised have been considered at the time of that application's assessment.

**12. MATERIAL CONSIDERATIONS**

- 12.1.1** 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.

- 12.1.2** 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.

**12.2 The Development Plan**

- 12.2.1** 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)  
Stebbing Neighbourhood Plan (made July 2022)

## **13. POLICY**

### **13.1 National Policies**

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

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

**13.2.1** Relevant development plan policies and material considerations:

Uttlesford Local 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  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy  
H9 – Affordable Housing  
H10 – Housing Mix  
T1 – Transport Improvements

### **13.3 Saffron Walden Neighbourhood Plan**

**13.3.1** The Saffron Walden Neighbourhood Plan has been prepared in draft and has currently just been to examination. In respect to the SWNP, the examiner has confirmed that the Plan on the 28<sup>th</sup> April 2022 has undergone Examination and that the Plan can now go to referendum subject to the suggested modifications which includes the deletion of a number of policies and amending the wording to others. It offers understanding that these modifications are currently being prepared to the Plan prior to it going to a referendum. It is therefore considered that limited to moderate weight can be given to the SWNP.

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

- 13.4.1** 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)

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) **Whether the layout, design and appearance of the proposal is acceptable**
  - B) **Dwelling mix and Affordable Housing provisions**
  - C) **Access to the site and highway issues**
  - D) **Landscaping and open space**
  - E) **Biodiversity and Protection of Natural Environment**
  - F) **Drainage**
  - G) **Whether the proposal would cause harm to the amenities of adjoining property occupiers**
  - H) **Planning Obligations**
  - I) **Other Issues**

**14.3** **A) Whether the layout, design and appearance of the proposal is acceptable**

**14.3.1** The guidance set out in Section 12 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

**14.3.2** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in it's setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

**14.3.3** The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.

**14.3.4** Layout:

**14.3.5** The drawing submitted and approved with the outline planning permission for the site (UTT/17/2832/OP) did not include a proposal for a link road which connects from the northern to the southern boundary. The approved indicative plans, including the Access and Movement Parameter Plan (Drawing 005), indicate an access from the north extending to the south of the site where the development will be served by a primary loop road that will have a network of

shared surfaces and private drives connecting inner and outer properties. An extract of the approved indicative site plan is shown below in Figure 1.



**Figure 1: Extract of southern portion of approved indicative site plan UTT/17/2832/OP**

- 14.3.6** The committee report associated with the outline permission describes the history behind the introduction of the link road requirement. This was based following a cumulative assessment of wider development impacts which identified a potential impact upon the Air Quality Management Area in Saffron Walden. Extensive air quality and traffic modelling was undertaken to demonstrate that air quality concerns could be addressed through the introduction of a link road between B1053 Radwinter Road and B184 Thaxted Road without unacceptable transport impacts, and such a Spine Road was proposed to connect the B1053 Radwinter Road to the north and B184 Thaxted Road to the south. The Spine Road would connect and provide vehicle access through the site including the provision of a new bus link. Hence this is the main change in respect to the layout from that of which the indicative plan showed and that of the now proposed site plan forming this reserve matters application.
- 14.3.7** The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and also allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of properties which is not ideal, however, these hardstanding areas are broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.
- 14.3.8** The masterplan will ensure the residential layout is designed to integrate with Saffron View (the consented Linden Homes scheme) housing to the north and Poppy View (the Bellway Homes) development to the south.
- 14.3.9** In relation to the southern portion of the site, the edge spaces around the permitter have no clear public or private function. The layout is inward looking,

the leftover space around the edge could be regarded to represent an inefficient use of land. Rear garden timber fences will be visible from recreational route severing any feeling of connection with this route and there is potential for fly tipping and crime in the large unoverlooked areas to the rear of houses which is not ideal. However, a 1.5m Chestnut Post and Rail Fencing with Gate will help to reduce footfall into these areas.

- 14.3.10** As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary. This standard is achieved throughout the site.
- 14.3.11** Scale:
- 14.3.12** The Applicant has applied careful consideration in the design rationale behind the scale of the development taking into account the constraints of the site, the surrounding buildings and the natural environment. In terms of height, the applicant has taken the opportunity to provide two-storey dwelling houses along with 5 single storey bungalows.
- 14.3.13** 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.
- 14.3.14** Appearance:
- 14.3.15** The proposals are generally predetermined house types that have been most likely be used for other developments by the applicant with no modification or design approach to adapt them to reflect positive local character of Essex and Uttlesford.
- 14.3.16** The house style generally represents neither traditional nor contemporary design and are generic. The site analysis undertaken by the applicant within the supporting Design and Access Statement to support these designs is minimal and refers to a number of places that represent average or generic suburban design, rather than high quality vernacular/contemporary precedent as would normally be required.
- 14.3.17** In particular, some of these house types have elements that are inconsistent with the Essex Design Guide namely the hipped projection to the front of the Shaftesbury, the short-ridged hip roof of the tweed, the incongruous forms of the Chester, the incongruous roof pitches of the Hadleigh, the poorly resolved roof of the maisonettes.

- 14.3.18** However, although the dwellings are not strictly in accordance with the Essex Design Guide in terms of preferred elements and features, the buildings will still provide a reasonable sense of place and are of an appropriate quality to provide a street scene that is visually pleasing and provides a strong sense of character.
- 14.3.19** Overall, a simple palette of materials that includes variation in facing bricks, roof tiles and render is proposed. In addition, selected variations in house design respond to the constraints of the site, ensuring that a neighbourly relationship is created and that a strong frontage is created along the internal highways.
- 14.3.20** The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development.
- 14.3.21** Quality of Accommodation:
- 14.3.22** All of the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.23** In light of this, the new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new home will function, be adaptable and cater to changing lifestyles that meet the needs of families, children and older people.
- 14.3.24** For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three or more bedroom dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For a 1-bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 14.3.25** All residential units within the scheme have been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.3.26** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes.
- 14.3.27** The applicant suggests that energy use and efficiency are maximised through a 'fabric first' approach to design and construction and a well-researched selection of materials with the intention is to minimise carbon emissions over the extent of the buildings' life.
- 14.3.28** However, there is no commitment or no meaningful references to any passive design measures, renewable energy, building fabric specifications, or any other measures that would meaningfully reduce carbon emissions, none of which is in accordance with the Interim Climate Change Policy. A suitable worded planning condition should be imposed if permission is granted for the applicant to provided

details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change Policy.

#### **14.4. B) Dwelling mix and Affordable Housing provisions**

**14.4.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Paragraph 62 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

**14.4.2** The S106 agreement attached to the Outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned in separate groups which will not be contiguous and will not comprise more than 10 affordable housing units and 5% of these units shall be wheelchair assessable. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units.

**14.4.3** The affordable house type tenure mix complies with the S106A in that 40 of the residential units are to be affordable units which amounts 40% of the total units. 28 of these units are to be rented affordable units and 12 are to be shared ownership affordable units which amounts to a 70%-30% split. Furthermore, 2 of the 40 affordable units proposed are wheelchair accessible which amounts to 5% of the total units and thereby complies. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.

**14.4.4** As shown on drawing ref: 2154.20 A, the clusters of affordable units are spread across the site in separate groups. Although there are two clusters of affordable units containing 11 and 12 units, this is considered to be acceptable in this case as the scheme provides other smaller clusters approximately 6 to 8 affordable units and the clusters of affordable units are well spread out.

**14.4.5** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings.

**14.4.6** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 76 of the 100 dwellings proposed comprise of 3 bedrooms or more which equates to 76%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 1 and 2 bedroom dwelling units, on balance it is considered that the mix of one, two, three and four bedroom dwellings across the development as a whole is appropriate.

**14.4.7** The provision of 5 bungalows has been incorporated into the scheme, 3 private and 2 affordable. This accords to Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as a preference for 5% of all units to be bungalows. The bungalows are located on Plots 8, 9, 18, 22 and 85.

**14.5 C) Access to the site and highway issues**

**14.5.1** Spine Road:

**14.5.2** It's useful to set out the relevant parts of the s106 agreement dated 13 July 2020 attached to the outline planning permission. It defines 'the Spine Road' as:

**14.5.3** *"The 6.75m wide section of carriageway between the Spine Road Connection Points to be constructed to a suitable standard for adoption by ECC as a highway maintainable at the public expense with a minimum 2m footway on one side and minimum 3m footway/cycleway on the other along its full length of this section and a minimum two bus stops, each to current Essex County Council Specification to be constructed on the Land between the southernmost boundary of the Land and the northern boundary of the Land in accordance with the Permission (and any approvals of matters reserved or for approval under condition under it) such position as to allow a new road to be built linking the Land to Radwinter Road by way of a road already provided by the adjoining landowner to the north as part of the developer granted planning permission under reference UTT/13/3467/OP and linking the Land to Thaxted Road by way of a road to be provided by the adjoining landowner to the south as part the development granted planning permission under reference UTT/18/0824/OP in the future (if required) and FOR THE AVOIDANCE OF DOUBT does not include any road or part of a road to be constructed outside the Land."*

**14.5.4** The layout includes a proposed 6.75m wide carriageway between the southernmost boundary of the site and the northern boundary of the site as required by the S106A.

**14.5.5** The Spine Road is provided with a 3.5m footway/cycleway on its western boundary, consistent with the width provided through the adjacent development site, and is provided with a 2m footway on its eastern boundary along the southern section of the spine road and a 3m footway on its eastern boundary along the northern section of the spine road in the vicinity of the land secured in the site and the Saffron View site for a primary school which accords with the S106A.

**14.5.6** Furthermore, the provision of new bus stops as show in drawing number 2012-515-SK021 Rev E will be provided. The bus stops shall comprise the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings, all in accordance with the S106A.

**14.5.7** Link over Bridleway:

**14.5.8** A Deed of Variation (DoV) application has been submitted by the Applicant (Redrow) seeking permission to make revisions/amendments to the Section 106 Legal Agreement that was attached to the Outline permission reference UTT/17/2832/OP. This application has been presented to Members of the Planning Committee prior to the determination of this Reserve Matters

application. If Members agree to approve the DoV application, this will secure and provide a link over the bridleway connecting the new 'Spine Road' from the application site to that of the adjoining development to the south of the site. This will enable the connection of the new 'Spine Road' to be delivered between the B1053 Radwinter Road and the B184 Thaxted Road and provide access, including bus links from both the north and south.

**14.5.9** Parking:

**14.5.10** 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.

**14.5.11** The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition, each dwelling should also be provided with at least 1 secure cycle covered space.

**14.5.12** All parking spaces are a minimum of 2.9m x 5.5m with detached garages having internal dimensions of 3m x 7m. 1 bedroom homes have 1 parking space, 2 and 3 bedroom homes have 2 spaces and 4 bedroom homes have 3 spaces in accordance with Local Plan Policy GEN8, Uttlesford Residential Parking Standards (2013) and Essex Parking Standards (2009).

**14.5.13** A total of 285 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. There is also the allowance for 25 additional visitor parking spaces which is regarded as being sufficient given the extra off street parking spaces provided for the dwelling units themselves. In addition, secure cycling would be provided for each residential unit within the site.

**14.5.14** All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EV charging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

**14.5.15** All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

**14.6** **D) Landscaping and open space**

**14.6.1** All larger development 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.



- 14.6.2** Where based on retention of hedgerows, these should be within the public realm and not just in back gardens. The existing mature hedgerows along the boundaries of the site have been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.
- 14.6.3** The general landscape layout particularly that of the plot landscaping has been designed to enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.
- 14.6.4** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 14.6.5** The indicative masterplan that was submitted under the outline application showed most of the open space areas around the perimeter of the site.
- 14.6.6** A landscaping plan accompanies this application and shows where public open spaces would be delivered at the site and the nature and extent of landscaping. In addition to small areas of open space around the perimeter of the site which helps to provide an appropriate transition between the urban edge and the wider countryside, the proposed development comprises three key open space areas. This includes:
- 2,460 square metre of public open space land adjacent to the SuDS area, within the eastern part of the site.
  - 757 square metres of a formal play area adjacent to the proposed school extension site. This is a formal space, which will act as a focus of play.
  - 1,000 square metres of enclosed formal play area, landscaping and associated play equipment and benches in the southern part of the site.
- 14.6.7** In total, 4,217 square metres of informal and formal public open space is proposed throughout the site. This is easily accessible on foot or bicycle. Although the informal and formal play spaces are in slightly different locations to that indicated on the Outline indicative masterplan, the proposed open play areas as proposed are considered to be appropriate. Specifically, the size and amount of play areas are acceptable, and they will be within convenient locations to the housing and help encourage healthy living.
- 14.6.8** It is acknowledged that concerns were raised by the Town Council in respect to the location of the play areas sited next to the proposed spine road as this may result in harm upon safety and not ideal in respect to air pollution.
- 14.6.9** Two areas of informal play space are included in the proposals. The first being an area to the north outside what would be the gateway to the new school site. This area includes an informal area of play and will include benches and

boulders. The second play area is to the south will include trees and amenity grassland planting, timber equipment for play and benches.

**14.6.10** Although it is acknowledged that this is not an ideal situation, the play area will include secure fencing, large trees, hedges and underplanting to creating a sense of enclosure and separation from the main road, thereby providing an environment which is and feels safe. The same matter was also considered and dismissed by the Planning Inspector for the adjacent Bellway site's Reserved Matter application (planning reference UTT/19/2355/DFO).

**14.6.11** The design of the surface water run-off system should be considered in conjunction with the landscape structure. The SUDS basin shown located to the east of the developed area as part of the drainage strategy for the site would not be permanently full as required by Aerodrome Safeguarding. In addition, the basin can be a valuable ecological and landscape feature and help add to the visual amenity of the area.

**14.6.12** The proposed landscaping of open spaces including street frontages is considered to be appropriate.

#### **14.7 E) Biodiversity and Protection of Natural Environment**

**14.7.1** 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.

**14.7.2** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

**14.7.3** The application site itself is not the subject of any statutory nature conservation designation being largely fields with some mature trees and hedgerows scattered throughout.

**14.7.4** It is therefore clear that the proposals would not result in adverse impacts in relation to ecology and that in fact a net biodiversity gain is achievable on the site through the implementation of the mitigation measures suggested in the accompanying ecology report. The proposals therefore comply with all policies relating to the conservation and enhancement of biodiversity. Furthermore, no objections were raised by Place Services Ecologist subject to imposing conditions if permission were to be granted.

#### **14.8 F) Drainage**

**14.8.1** The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.

**14.8.2** The applicant has submitted an addendum Flood Risk Assessment in support of the proposals. This addendum outlines the changes accommodated within the proposed drainage strategy designs but also ensures that all the original principles of the original FRA that was approved as part of the Outline proposals have been maintained.

- 14.8.3** The applicants have stated that the risk of flooding on the site is low and that it is intended that sustainable drainage measures would be implemented so that the development would not worsen flood risk to the application site or surrounding areas. The applicants also confirm that the updated designs present an improvement in added ecological and amenity value over the previous proposals.
- 14.8.4** The applicant concludes that in terms of cumulative effects there would be negligible cumulative effects for flood risk, surface water drainage and surface water quality for the completed development.
- 14.8.5** A natural drainage system including linear swales and a large SUDS basin has a functional benefit whilst creating a new habitat and helps achieve bio-diversity gain.
- 14.8.6** The application was consulted to Essex County Council SuD's team who are the Lead Local Flooding Authority who confirmed that having reviewed the supporting Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of the planning permission UTT/21/3565/DFO. It was confirmed that the proposals would be in line with the approved outline drainage strategy and as such should be subject to the same conditions applied to the Outline application (UTT/17/2832/OP).
- 14.8.7** The development at the site will not increase flood risk elsewhere and neither direct surface water runoff off site. The proposals will therefore not result in adverse impacts in respect either flood risk or drainage and thereby in accordance with Policy GEN3 and GEN6 of the adopted Local Plan and the NPPF.
- 14.9** **G) Whether the proposal would cause harm to the amenities of adjoining property occupiers**
- 14.9.1** Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.
- 14.9.2** Although a large proportion of the new dwellings within the development would have the pleasure of views overlooking public spaces to the east and south of the site, other new dwellings would back onto the land that has been allocated for the school to the west and abut the adjoining dwellings to the north forming the Linden Homes development to the north and those dwellings to the west fronting onto Rylstone Way.
- 14.9.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.
- 14.9.4** It is noted that the dwellings along the western side of the new spine road of the site would be able to overlook the area that is being given to the school for future growth, however, this was deemed acceptable at outline stage and there no

guidance in terms of how far dwellings should be setback from non-domestic uses such as schools.

**14.9.5** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan if permission were to be granted consent.

**14.9.6** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with Local Plan Policies GEN2, GEN4 and ENV11.

## **14.10 H) Planning Obligations**

**14.10.1** 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 Levy (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.

**14.10.2** The Section 106 Agreement to permission UTT/17/2832/OP specifies a number of obligations/requirements in which proposals need to comply with. The proposals have been checked against of the S106 agreement and it is confirmed that the proposals have been designed to facilitate the necessary obligations/requirements as highlighted in the S106 agreement.

## **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 proposed layout of the site generally accords with the approved indicative masterplan that was granted permission under the outline application. The layout, size and scale of the proposals is considered appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time pricing a sense of well-being for future occupiers. The proposed landscaping and open space including street frontage is considered to be appropriate.

**16.2** The proposed affordable housing meets the requirements of the S106 agreement and is therefore acceptable and on balance it is considered that the mix of one, two, three and four bedroom home across the development is appropriate.

**16.3** It is concluded that the proposed development would cause no harm in relation to highway safety. In addition, appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers including visitor parking.

**16.4** The living conditions of future occupiers of the new dwellings would be appropriate and the proposals would not lead to excessive harm upon the amenities of adjoining property occupier surrounding the site.

**16.5** The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It is thereby recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/17/2832/OP subject to the conditions outline 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 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** The external finishing materials of the buildings hereby approved shall be constructed in accordance with the details as set out in drawing reference 2154.03 Rev F (Materials Plan) unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity and quality of the street scene and locality in accordance with Policy GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

- 4** Prior to the occupation of the 80th dwelling, the spine road shall be fully connected to the north and south of the application site. The connection to the site to the south shall include uncontrolled crossing of PROW 19 (Saffron Walden) situated on a raised table and be of standard for all users of the bridleway.

REASON: In the interests of highway safety and promoting sustainable development and transport in accordance with policies DM1 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 5** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose other than parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles on the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 6** Dwellings shall not be occupied until cycle parking has been provided in accordance with the Essex Parking Standards (Design and Good Practice) September 2009. The approved facilities shall be secure, convenient, covered and provided prior to the occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interests of highway safety and that appropriate parking is provided in accordance DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with

Policy GEN8 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 7** Prior to the occupation of the 80th dwelling, the bus stops as shown in principle in drawing number 2012-515-SK021 REV E shall be provided. The bus stops shall comprise (but not limited to) the following facilities: shelters, seating, raised kerbs, but stop markings, poles and flag type signs, timetable casings.

REASON: In the interest of reducing the need to travel by car and promoting sustainable development and transport in accordance with DM9 of the Highway Authority's Development Management Polices, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 8** Prior to first occupation, a timetable for the provision of the pedestrian crossing as shown in principle in drawing number 2012-515-SK021 REV E shall be agreed with the Local Planning Authority. The crossing shall thereafter be implemented in accordance with the approved timetable.

REASON: In the interest of reducing the need to travel by car and promoting sustainable development and transport in accordance with DM9 of the Highway Authority's Development Management Polices, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 9** A foot/cycleway of a minimum width of 3.5m to the eastern boundary of the site as shown in principle in drawing number 2454.01 REV G shall be provided. The developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footway/cycleway either at the boundaries of the land or any point on the land within the ownership of the developer.

REASON: To provide safe and convenient walking and cycling access in accordance with Policy DM1 of the Highway Authority's Development Management Polices, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

- 11** The carriageway, footway and foot/cycleway between Plots 33 and 36 as shown in principle in drawing number 2425.01 REV G shall be provided right up to the southern boundary of the site. The developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footway/cycleway either at the boundaries of the land or any point on the land within the ownership of the developer.

REASON: To provide safe and convenient walking and cycling access in accordance with Policy DM1 of the Highway Authority's Development Management Polices, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.

**13**

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Mitigation and Enhancement Strategy (Greengage Environment LTD, March 2022) 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 or 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and S40 of the NERC Act 2006 (Priority Habitats & Species) and in accordance with Policy GEN7 of the Uttlesford District Council Adopted Local Plan 2005 and the National Planning Policy Framework.





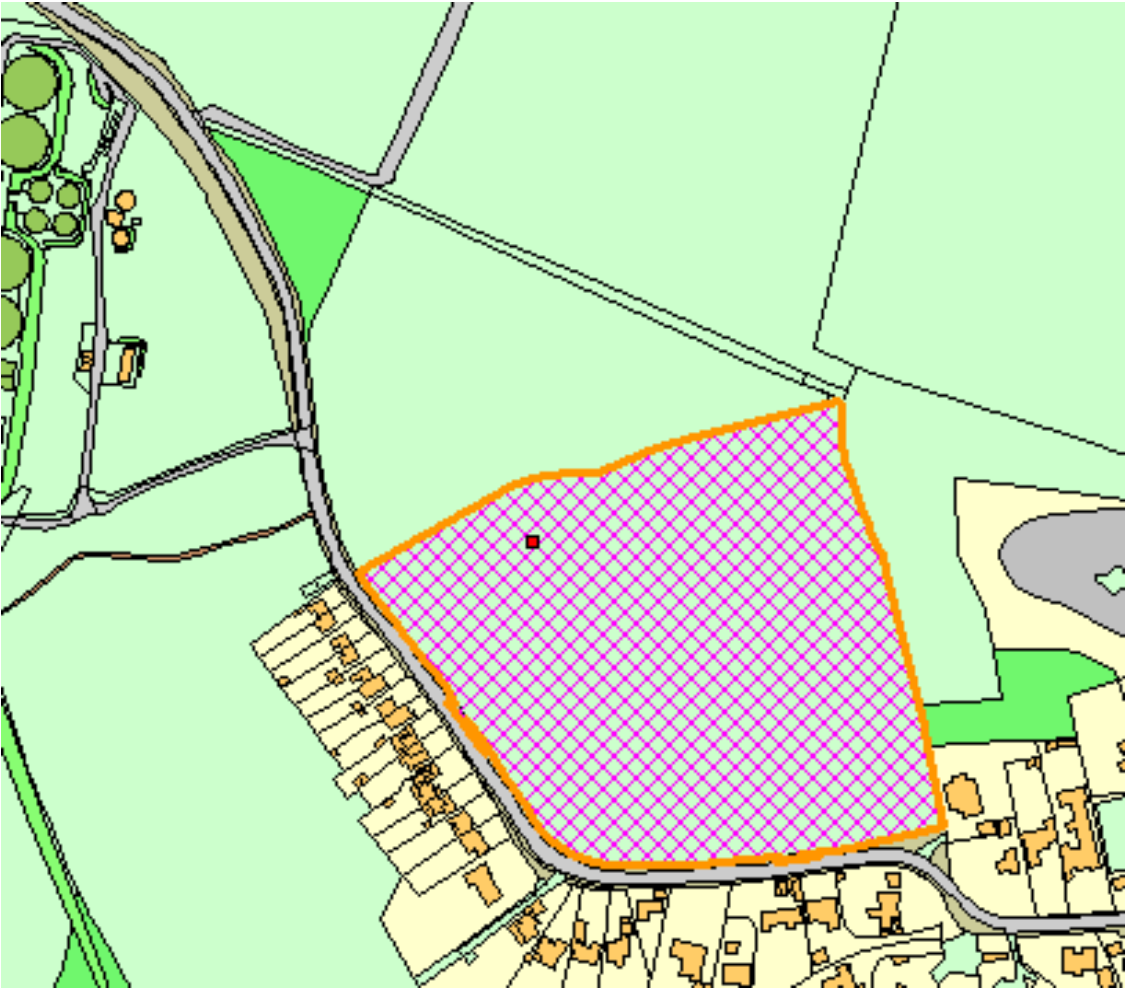
**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1078/DFO

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

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 03/08/2022

**PROPOSAL:** Reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.

**APPLICANT:** Mulberry Homes (C/O Bidwells)

**AGENT:** Mr Sam Metson,

**EXPIRY DATE:** 27 July 2022

**EOT Expiry Date:** 01 September 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Scheme

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**1. EXECUTIVE SUMMARY**

**1.1** This reserved matters application follows the submission of the outline application, UTT/18/2508/OP. The outline consent was for all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.

**1.2** This reserved matters application is to be considered in conjunction with UTT/22/1080/FUL. The differences of the two applications are that the Full Application seeks to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors' surgery.

- 1.3 Following approval of the outline application, it is recommended that this application is approved. The overall appearance, layout and landscaping are compatible with the immediate surrounding area and have been through a rigorous assessment with internal and external consultees to ensure a successful scheme.

2. **RECOMMENDATION**

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

**A) Conditions**

3. **SITE LOCATION AND DESCRIPTION:**

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

4. **PROPOSAL**

- 4.1 Reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.
- 4.2 The principle for development, including the access arrangements into the site, have already been approved as part of the outline application, these aspects do not therefore form part of the considerations with this current reserved matters submission.
- 4.3 The current reserved matters application seeks approval for the detailed elements of the scheme comprising:

Layout, elevations, materials of construction,  
House size, types and mix of units,  
Public open space, play space  
Landscaping,

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
6.1			

UTT/18/2508/OP	Outline application with all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.	Approved with Conditions on 25.03.2021
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## 7. **PREAPPLICATION ADVICE**

7.1 A pre-application enquiry was undertaken as per referenced UTT/21/3771/PA. The pre-application enquiry examined matters of house design, layout, scale, and landscaping, as well as matters of Ecology.

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

### 8.1 **Highway Authority**

8.1.1 It is noted that this is a full application and there is also a DFO application. This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

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 mitigation and conditions.

### 8.2 **Manchester Airport Group**

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

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.

Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

## 9. **PARISH COUNCIL COMMENTS**

- 9.1** Felsted Parish Council fully supports this application which is consistent with the approved "outline" plan and the associated s106 agreement and confirms the delivery of a new Doctors Surgery / Health Centre (which will need to comply with Primary and Social Care Premises specification as set out in the Department of Health's (DH) Design Guidance (The Design Guidance - <https://www.england.nhs.uk/estates/health-building-notes/>).

It is a well thought out proposal that should provide the community with the assurance of a future local health facility for Felsted residents, as outlined in the Made Felsted Neighbourhood Plan and it will become a real and tangible asset to the Felsted community, in ownership of the Felsted Community Trust.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

- 10.1.1** Thank you for consulting me regarding this application.

I note that the FVA undertaken by Kift Consulting concluded that the site could support the provision of 5 affordable housing units, and this is the affordable provision included within the application.

The 5 affordable homes meet the NDSS, and the garden sizes meet those recommended in the Essex Design Guide.

The 5 new affordable homes will help towards meeting the affordable housing need within the district.

### **10.2 UDC Environmental Health**

- 10.2.1** This service has been consulted following the submission of additional information after the outline permission of the above application.

Having reviewed this information, none of which relates to Environmental Health, this service has no comments.

### **10.3 UDC Landscape Officer/Arborist**

- 10.3.1** The submitted landscaping details in respect of UTT/22/1078/DFO and UTT/22/1080/FUL are considered satisfactory and can be approved.

### **10.5 Place Services (Ecology)**

- 10.5.1** No objection subject to the inclusion of conditions relating to an updated Ecological Assessment, Landscape and Ecological Management Plan and a Wildlife Lighting Design Scheme.

### **10.6 Place Services (Archaeology)**

- 10.6.1** An archaeological condition was attached to the original planning application UTT/18/2508/OP. As part of that application a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted for the site and approved and the trial trenching has been undertaken. The archaeological condition recommended on the outline required a WSI, the archaeological field

work and the final archaeological report. Open area excavation still needs to be undertaken along with a final report. Therefore, this condition is reiterated.

## **10.7 Crime Prevention Officer**

**10.7.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, 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.

## **10.8 Cadent Gas**

**10.8.1** We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action – to add an Informative Note to the Decision Notice.

## **10.9 Chelmsford City Council**

**10.9.1** We refer to the above application and are writing to advise you that we have NO OBJECTION to this proposal. For a copy of the officers report please view our website [www.chelmsford.gov.uk/planningonline](http://www.chelmsford.gov.uk/planningonline) and search for application 22/00892/OBS3.

## **10.10 UK Power Networks**

**10.10.1** Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful. I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

## **10.11 NATS Safeguarding**

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

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 96 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

**11.2 Support**

11.2.1 The proposed layout looks good.

**11.3 Object**

11.3.1 Concerns over access including crossing for elderly visitors and the use of fast vehicles approaching the access.  
Traffic will be exacerbated by the new development.  
Proposed lighting should be motion activated rather than solar.  
Roofing materials should blend into the landscape.

**11.4 Comment**

11.4.1 List and or summarise the reasons for comment the

**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)  
Stebbing Neighbourhood Plan (made 19 July 2022)

**3. POLICY**

**3.1 National Policies**

3.1.1 National Planning Policy Framework (2021)



### **3.2 Uttlesford District Plan 2005**

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,  
H10 - Housing Mix Policy  
ENV3 - Open Space and Trees, Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land

### **13.3 Felsted Neighbourhood Plan (made Feb 2020)**

FEL/HN1 – Meeting Housing Needs  
FEL/HN3 Land at Station Road (Bury Farm)  
FEL/HN5 Residential Development outside Development Limits  
FEL/HN7 Housing Mix  
FEL/ICH1 High Quality Design  
FEL/ICH3 Light Pollution  
FEL/CW1 Landscape and Countryside Character  
FEL/CW2 – Nature Area, including Felsted Fen  
FEL/CW3 Footpaths, Bridleways and Cycleways  
FEL/CW4 – Green Infrastructure

### **13.4 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) Layout of the development including the design, impact to amenity and Parking**
  - B) Scale and appearance of the development, including the design and impact to amenity**
  - C) Landscaping**
  - D) Protected species and biodiversity**
  - E) Affordable Housing**
  - F) Climate Change**
  - G) Archaeology**

**14.3 A) Layout of the development including the design, impact to amenity and Parking**

**14.3.1** The proposed development is for mixed use sharing the site between residential and a health care centre. The residential section consists of 38 houses ranging from 2 to 5 bedroom's, the Health Care Centre has been designed in accordance with the S106 agreement and has been allocated parking to accommodate the centre. The scheme provides detached units with a few semi-detached affordable rented properties. The detached houses have their own garages, and the semi-detached houses are served by shared private drives.

**14.3.2** There are 5 affordable units located within the site which covers 13% of the total plots. The scheme is designed to be tenure blind, using the same material palette across the site and providing high quality private amenity space. The affordable units face onto a small pocket park providing an attractive frontage to the units. The gross area of the site is 4.2 ha with 3.18 ha being public open space.

**14.3.3**

Type	Market	Affordable	Total
2 Bed Houses	0	2	2
3 Bed Houses	6	3	9
4 Bed Houses	21	0	21
5 Bed Houses	6	0	6
<b>Total</b>	<b>33</b>	<b>5</b>	<b>38</b>

**14.3.4** The development will include a layout that will provide an appropriate siting of the dwellings, garages, and open public space within the site and that is compatible with its surroundings and nearby residential development. The design of the buildings is traditional and considered in keeping with residential development in the vicinity

**14.3.5** The scheme ensures the properties will have sufficient private amenity space in accordance with the Essex Design Guide; this is contributed by the distance between properties and landscaping features. A breakdown of the proposed dwelling accommodation is listed above.

**14.3.6** Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.

**14.3.7** ULP Policy GEN2 also considers the impact to neighbouring properties in regard to loss of light, over shadowing, overlooking and loss of privacy. The layout of the development includes separation distances between the proposed dwellings and the existing neighbouring dwellings that ensures the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings and would be in accordance with the aims of the Essex Design Guide. Sufficient distance between the dwellings and the existing dwelling outside the application site to not result in any harmful impact to neighbour's private amenity. The boundary treatment of the amenity areas of the proposed dwelling is set out in the landscaping plans and include 1.8m close board fencing.

- 14.3.8** The Housing Enabling Officer has been consulted regarding the proposal, no objections have been made. It is noted 5 % of the development will be delivered as Part M, Category 3 Home (wheelchair accessible). All other dwellings remain M4(2) compliant. Therefore, the development is considered the proposal accords with ULP Policies H10.
- 14.3.9** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and residential occupational use, that being said, this would be consistent to the other residential development in the west and south of the application site. As such the officer does not consider the disturbance would be of a significant level that will result in a material harmful impact to the residential amenity of the existing neighbouring residential sites. Therefore, the proposal is in accordance with ULP Policy GEN4.
- 14.3.10** ULP Policy GEN3 considers the development in regard to flood protection. The site is not in an area at risk of flooding however due to the scale and design of the development the appropriate Local Lead Flood Authority has been consulted due to the proposed drainage and SUDs features. No objections have been raised. The development will still be subject to the conditions imposed under the outline planning permission regarding the submission and approval of a surface water drainage scheme, scheme to minimise off site flooding, maintenance plan and year log records. Taking into consideration the comments from the statutory consultees the development is not considered to not give rise to any significant adverse effects with respect to flood risk and accords with ULP Policy GEN3 and the NPPF.
- 14.3.11** The site has two main access points, both of which lead from Station Road. The main access point creates a loop road that leads through the scheme and allows private roads to stem from these. The accompanying pavements along the access roads mean that as well as vehicular access, pedestrian access is also easy and a viable option. The access to the site was considered and approved in the approved outline planning application UTT/18/2508/OP.
- 14.3.12** Some amendments have been made from the Outline Application. The internal layout of the site has been adjusted to provide an outward facing frontage and to provide an approach to the village and natural surveillance to Station Road. This arrangement also provides a footpath link through a new landscaped area inside the retained hedge on the frontage of the site. This will provide a pedestrian link between the doctors' surgery and the new open space to the north-west, whilst providing a softer the frontage and a more appropriate transition between Felsted's village centre and the surrounding countryside. This is in addition to the new footpath between Station Road and the public footpath on the northern boundary, enhancing walking links for the benefit of all residents.
- 14.3.13** The internal street layout has developed through pre-application discussions. The primary perimeter road through the site has been altered slightly to accommodate the outward facing frontage. It has also been separated at the northern end to prevent vehicle users from driving around the whole perimeter road, requiring them instead to use the nearest access onto Station Road. Private drives will serve several houses around the periphery of the site and in a central courtyard to create an additional sense of privacy for residents in certain areas.

- 14.3.14** Two vehicular access points were approved as part of the outline consent. Within the site, shared surfaces are proposed to be used as a speed limiting feature that also compliment the soft landscape buffer along the southern boundary.
- 14.3.15** Across the site all the housing has its allocated parking slots varying from 2 spaces for the lower bed house to 4 spaces for the higher bed houses. There are 128 spaces on the site for parking. Some of the houses have their own private drives that are gated resulting in better secured parking found on the site. As well as the residents parking, there are 8 visitor spots found around the access road for people that are wanting to visit the site via vehicle.
- 14.3.16** Off the access road as well is the private parking for the health centre detaching it from the main part of the site. The parking is also enclosed by a surrounding fence to provide security for the residents. There are 31 provided spaces with 6 of those being primarily for disabled usage.
- 14.3.17** All of the houses will have secure cycle storage in their garages or sheds in rear gardens. Public bicycle stands have been provided by the entrance to the medical centre and the play area, with additional stands within the play area itself.
- 14.3.18** The layout of the proposed development considers the proposed parking standards, ULP Policy GEN8 states development will not be permitted unless the number, design and layout of vehicle parking proposal is appropriate for the location. A realistic approach is required to try and discourage unlimited car parking provision on new developments and thereby car usage, to help tackle the growing problem of traffic emissions and road congestion and making it easier to walk or cycle for local short distance trips, only in appropriate locations and must avoid parking to be displaced elsewhere in the neighbourhood.
- 14.3.19** In terms of layout and number of the parking spaces, the revised scheme is in accordance with the Uttlesford Residential Parking Standards, furthermore, 19 visitor parking spaces will be provided within the development, this is in excess of the guidance provided in the Essex County Council Parking Standards, also the layout of the site is not restrictive and provides sufficient turning spaces.
- 14.3.20** In terms of layout and number of the parking spaces, the revised scheme is in accordance with the Uttlesford Residential Parking Standards, furthermore, 19 visitor parking spaces will be provided within the development, this is more than the guidance provided in the Essex County Council Parking Standards, also the layout of the site is not restrictive and provides sufficient turning spaces.
- 14.3.21** All houses have access to secure bicycle storage located within the rear garden. Those dwellings without a garage will have a cycle store accommodating at least 2 bicycles. Public bike stands have been provided by the entrance to the medical centre and within the play area. Residential provision - A minimum of 2 spaces per dwelling = 76 Bicycle spaces  
Medical Centre - 1 space per 4 staff plus 1 space per consulting room. = 9 Bicycle spaces  
Visitor provision - Approx. 4 Sheffield Stands
- 14.3.22** The Local Highways Authority has been consulted and raises no objection subject to conditions. Two conditions that are key include the provision of the spine road an adoptable footway/cycleway link with a minimum width of 3m should be provided to the north of plots 20 and 21. It should be clear that this is for public use and offered for adoption. Furthermore, a footway/cycleway to the

south of the site will be provided, it will be built to adoptable standards and have a minimum width of 2.5. This will also be secured via condition.

**14.3.23** Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies S7, GEN2, GEN4, GEN8, H10, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**14.4 B) Scale and appearance of the development, including the design and impact to amenity.**

**14.4.1** Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings. The design rationale in regard to the appearance of the development is ensuring a scheme that respects the local vernacular and scale of the existing and surrounding areas using high quality building materials from sustainable sources.

**14.4.2** The scale of the dwellings is considered appropriate and will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The scale of the dwellings is not dominant or intrusive in the setting of the site or its surroundings.

**14.4.3** Although this location for the development is tacked on the village and has a rural appearance to the north of the site there are a number of more recently constructed developments. It is considered the scale of the development including the scale of the dwellings within the site are compatible with the neighbouring residential developments and therefore would not be out of place or harmful to the character of the site.

**14.4.4** Eleven different house types are proposed, each with different styles and features to ensure variety in the street scene and respond to the mixed character of surround housing. The palette of materials used will generate further variety, while taking lead from local context and focusing the use of red brick, cream render, and black weatherboarding. The design and use of materials for the doctors' surgery has taken lead from characteristics and design of a typical Essex barn clad with weatherboarding, to provide a further response to the village edge location of the site and its relationship with the wider countryside. The Materials Plan (drawing 21-3135-005) submitted with the reserved matters application shows the materials proposed across the site.

**14.4.5** The site is predominately comprised of 2 storey housing with accompanying 1 storey garages. The only units found on the site without the garages is the affordable/rent properties and the health care centre. The traditional 2 storey height provides continuity with the local vernacular around Felsted and the wider areas. The surgery is provided as a single storey building. The Massing Plan (drawing 21-3135-003) submitted with the reserved matters application shows the storey heights proposed across the site.

**14.4.6** A simple pallet of materials is proposed across the site to illustrate a clean and simple rural style. These materials include a red and orange coloured brickwork, cream render, black weatherboarding, red and grey roof tile. The use of the weatherboarding located on top of a red projecting brick plinth and red roof tiles on the medical centre helps to distinguish this as a gateway building and way

finder. However, even though it stands out the materials chosen helps it blend into the vernacular of Felsted and its surrounding countryside.

- 14.4.7** The external finishing materials will include the use of external materials that will be considered acceptable in this location. The scale and appearance of the dwellings are not considered to be adversely intrusive or dominant in the street scene or surrounding area.
- 14.4.8** Careful consideration has been given to the relationship between the proposed dwellings near the southern and western boundary of the site and the existing dwellings located within Ash Green. This includes ensuring the distance between the application site and neighbouring residential properties is appropriate, also that the orientation of the proposed dwellings ensures any overlooking or loss of privacy will not be of a significant level that will have a harmful impact
- 14.4.9** The site does not include any significant change in the existing ground levels across the site or as it extends away from the highway. The proposed dwellings have been designed to respond in scale to these existing levels ensuring dwellings do not unduly overbear neighbouring properties.
- 14.4.10** The proposed dwellings as submitted meet the technical housing standards – nationally described space standard (2014). Although this is not an adopted document it provides good practice for the design of residential development.
- 14.4.11** As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance and is in accordance with ULP Policies S7, GEN2, Essex Design Guide and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

## **14.5 C) Landscaping**

- 14.5.1** The landscape design approach has sought to create a simple, functional, and legible landscape structure that distinguishes the hierarchy of streets and spaces within the scheme and knits together the architecture and public realm, whilst enhancing the character of the development. The scheme has been designed to respect the existing landscape features and to ensure the retention of as many existing features as possible, including hedgerows and trees.
- 14.5.2** The new semi-natural public open space proposed at the north-western end of the site is designated as part of Felsted Fen by Neighbourhood Plan policy CW2. The policy states:
- “The area defined on Map 11 is designated as a Nature Area important to the local community which will be protected from development, with the exception of development supported by Policy FEL/VA4.”*
- 14.5.3** This part of the site has been designed to provide an extension to the nature area and a new area of open space for residents to enjoy. It will provide an appropriate transition between the village the surrounding countryside and whilst supporting local wildlife. Mown paths through the site will provide informal pedestrian connections to the existing nature area and Flitch Green Primary School whilst protecting the natural appearance and wildlife interest of this part of the site.

- 14.5.4** In addition, new green space is proposed on the site frontage and an equipped play area will be delivered adjacent to the surgery, the detailed design of which is shown on the plan extract below. Play equipment that is befitting of a rural location has been specially selected for the development and hedgerows and estate-rail fencing will help to enclose the space to soften its appearance and assimilate it with the wider landscape.
- 14.5.5** The landscape design aims to achieve a high quality, robust landscape strategy that seeks to complement the built form, and strengthen the sense of place, identity, and legibility of the development. Utilising the open space that has been provided on the site assists to the vast vistas that can be seen at the north side of the site. It also provides an area for homeowners to use at their leisure.
- 14.5.6** A garden and playground area are proposed to the East of the site. Paths draw visitors and residents from the south of the site and interconnect around the northern edge. This incorporates an accessible play space and a lawn area. Within the northern open public will include the attenuation depression, extensive planting, and wildflower area.
- 14.5.7** To the south of the site, a footpath will be created at 2.5m to an adoptable standard consisting of a bound material to be specified at condition as to the exact type of material to be used.
- 14.5.8** As such taking into consideration the details above it are considered the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

#### **14.6 D) Protected species and biodiversity**

- 14.6.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 14.6.2** Opportunities to enhance biodiversity through the landscaping proposals have been taken. In accordance with condition 11 of the outline planning permission, a Biodiversity Enhancement Strategy for Protected and Priority species accompanies the reserved matters, full and discharge of conditions application.
- 14.6.3** The following habitat enhancement measures will be undertaken throughout the site:
- Planting of 116 native trees.
  - Planting of over 300m of native hedgerow.
  - Creation of over 16000m<sup>2</sup> of species rich grassland.
  - Creation of approximately 800m<sup>2</sup> of marshy grassland; and
  - Creation of a new permanent waterbody with associated native marginal planting.

The following bird and bat boxes will also be installed:

#### Bird Boxes

- Three Schwegler 1B tit boxes.
- Two Schwegler open front boxes.
- Two Schwegler wren boxes; and

One barn owl box

#### Bat Boxes

- Two Schwegler 1FF; and
- Four Schwegler 2FN

**14.6.4** The habitat creation will be undertaken in the first suitable season after construction has been completed. The bird and bat boxes will be installed at the start of the construction phase. The long-term management of these measures will be undertaken by a management company.

**14.6.5** The Council's Ecology Consultant has reviewed the Landscape Masterplan and the Hard and Soft Landscape Proposals relating to the likely impact's development on designated site, protected species, priority species and habitats. Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework 202 as well as Felsted Neighbourhood Plan Policies FEL/CW2 and FEL/CW4.

### **14.7 E) Affordable Housing**

**14.7.1** The outline planning permission provides the starting point for the consideration of this application. is subject to a Section 106 agreement (S106 agreement) and associated planning conditions. The S106 agreement sets out the necessary contributions and planning obligations along with the trigger points for delivery including:

- 14.7.2**
- Affordable Housing – delivery of five Affordable Housing units, two as shared ownership units and three as Affordable Rented units.
  - Public Open Space – delivery of a children's play space, informal open space and a footpath link between Station Road and the public right of way on the northern boundary of the site.
  - Delivery of Felsted's new doctors' surgery – to the specification set out in the S106. The surgery is to be constructed and then to be transferred to the Felsted Community Trust or Felsted Parish Council. The specification required by the S106 is as per the extract copied below.

**14.7.3** Within the outline application, the level of affordable housing was considered proportionate, and this was justified given the inclusion of the above elements within the scheme. The proposal is therefore in accordance with aims of the ULP Policy H9 and the UDC Developer Contributions (2014) as well as Felsted Neighbourhood Plan Policies FEL/HN1, FEL/HN3 and FEL/HN7.

### **14.8 F) Climate Change**

**14.8.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the way



their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance.

- 14.8.2** The location of the site is part of a sustainable extension Felsted, as per the allocation within the Neighbourhood Plan, in accordance with Policy FEL/HN3 – Land at Station Road (Bury Farm). The site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth, as per the approved outlined planning permission. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs:
- 14.8.3** The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.
- 14.8.4** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.
- 14.8.5** The proposed landscaping scheme includes extensive planting of native trees, shrubs, and areas of open grassland as well as extensive hedgerow planting. This will also provide a significant gain in habitat creation.
- 14.8.6** Electric vehicle charging points will be included in all dwellings and underfloor heating and air source heat pumps to address Uttlesford District Council's aspirations in respect of sustainable methods of construction.
- 14.8.7** In promoting sustainable travel, the development will provide appropriate storage for cycle. The development is located within a sustainable location in terms of being close to local amenities and transport links. The S106 agreement provides for an upgrade to the existing bus stop along the west boundary of the site, where the 16, 133 Sapphire, 451 and 570 buses stop along Station Road. These services connect to Chelmsford, Braintree, Stansted Airport, Great Dunmow, and Colchester.

## **14.9 G) Archaeology**

- 14.9.1** Following the comments made by the Archaeology Officer, an archaeological condition was attached to the original planning application UTT/18/2508/OP. As part of that application a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted for the site and approved and the trial trenching has been undertaken. The archaeological condition recommended on the outline required a WSI, the archaeological field work and the final archaeological report. Open area excavation still needs to be undertaken along with a final report. Therefore, this condition is reiterated.
- 14.9.2** Subject to the imposition of this condition, the proposal accords with ULP Policy ENV4 of the Uttlesford Local Plan 2005 and the NPPF 2021.

## **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 considered in the determination of this application

## **16. CONCLUSION**

**16.1** The revised layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and complies with Policies GEN2 and GEN8. The housing mix for the development is also considered acceptable (ULP Policy H10). This is also in accordance with FNP Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**16.2** The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2 GEN8 and the NPPF. This remains also in accordance with FNP Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**16.3** The landscaping details are considered appropriate internally for the site subject to conditions and therefore accords with ULP Policies S7, GEN2, and ENV3. This is also in accordance with FNP Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**16.4** The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4 as well as FNP policy FEL/ICH1.

**16.5** The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7 and FNP Policy FEL/CW4).

**16.6** The S106 agreement provides for the numbers of affordable housing, open space, and Doctors Surgery, in accordance with Policy H9 of the Local Plan and FNP Policies FEL/HN1, FEL/HN3 and FEL/HN7).

**16.7** The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1 and FEL/HN

**16.8 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS**

**17. CONDITIONS**

**1** The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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.

**2** Dwellings and non-residential buildings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**3** Dwellings and non-residential buildings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**4** In phase with the provision of the spine road an adoptable footway/cycleway link with a minimum width of 3m should be provided to the north of plots 20 and 21. It should be clear that this is for public use and offered for adoption.

REASON: to provide connection across the development and to the PROW for dwellings to the west in accordance with Policy DM1 of the development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**5** A scheme of traffic calming for a 20mph zone shall be provided on the spine road in phase with the delivery of the spine road.

REASON: in the interests of highways safety and GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6 Prior to occupation the footway/cycleway to the south of the site should be provided, it should be built to adoptable standards and have a minimum width of 2.5 metres.

REASON: to provide a walking and cycling connection across the development in accordance with Policy DM1 of the Development management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7 Any gates provided at vehicular accesses off adopted highway shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 8 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 9 An updated Preliminary Ecological Appraisal shall be submitted to and approved in writing by the local planning authority. This will contain any further precautionary mitigation measures and/or works to reduce potential impacts to protected and Priority species during the construction phase.

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

- i. establish if there have been any changes in the presence and/or abundance of protected and Priority species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 10** Prior to first occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 12**
1. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
  2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
  3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The site lies immediately adjacent a spread of aerial photographic cropmarks which shows a sequence of enclosures and linear features, indicative of a multi-period extensively farmed landscape in accordance with ULP Policy ENV4 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021 and policy FEL/ICH1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 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 ULP Policy GEN5 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021 and policy FEL/ICH3 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 14**
- Notwithstanding any provisions to the contrary, prior to occupation of 60% of the residential dwellings approved under this permission:
- (i) Details of the works granted permission under UTT/22/1080/FUL for landscape planting, sustainable drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO shall be submitted to the LPA for approval in writing; and
  - (ii) The works approved in sub-paragraph (i) of this condition shall be carried out and completed and operational to the satisfaction of the LPA.

REASON: To ensure the simultaneous delivery and implementation of the works granted under this permission and application reference: UTT/22/1080/FUL in accordance with the National Planning Policy Framework (NPPF) 2021.

**Appendix 1 – Essex County Council Highways Comments**

Your Ref: UTT/22/1080/FUL  
Our Ref: HT/TPD /SD/KW/4B  
Date:- 14/07/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Essex Highways DM

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1080/FUL / UTT/22/1078

Applicant Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings

Site Location Land West Of Bury Farm Station Road Felsted

Proposal Mulberry Homes C/o Bidwells

### Note

It is noted that this is a full application and there is also a DFO application . This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

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 mitigation and conditions:

1. Dwellings and non-residential buildings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and



associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings and non-residential buildings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. In phase with the provision of the spine road an adoptable footway/cycleway link with a minimum width of 3m should be provided to the north of plots 20 and 21. It should be clear that this is for public use and offered for adoption –. Reason: to provide connection across the development and to the PROW for dwellings to the west in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. A scheme of traffic calming for a 20mph zone shall be provided on the spine road in phase with the delivery of the spine road. Reason: in the interests of highways safety.
5. Prior to occupation the footway/cycleway to the south of the site should be provided, it should be build to adoptable standards and have a minimum width of 2.5 Reason: to provide a walking and cycling connection across the development in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
6. Any gates provided at vehicular accesses off adopted highway shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. There shall be no discharge of surface water onto the Highway. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**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.**

**Informatives:**

- (i) Payment of a commuted sum for maintenance of highway trees will be required prior to the issue of the works licence. Reason: To ensure that the public rights

of way are maintained to a suitable standard to allow safe and convenient access for public use

- (ii) The highway authority would not agree a gradient greater than the maximum width of 2.5% within 10m of the junction
- (iii) Private drive for plots 8-14 will need a UU if we apply the APC
- (iv) Further details will be required of the construction access as part of the S278
- (v) 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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU
- (vi) 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.
- (vii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (viii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.
- (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 the public right of way 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.

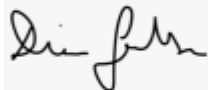
Massie

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pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

## Appendix 2 – Manchester Airport Group Comments



STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002					
Planning Authority:	Uttlesford District Council			Application No: UTT/22/1078/DFO	
Date Application Received (including sufficient information as required by Circular 1/03):	03/05/2022	Response Deadline on Consultation	24/05/2022	Date Response Returned:	0/0/2022
Development Proposal:	Reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.				
Location:	Land West Of Bury Farm Station Road Felsted			Application Type: DFO	
OS Co-ordinates (Eastings/Northings):	567096 / 220511				
Our Reference:	2022/101				
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection	
X	X				
<p>The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Condition:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.</p> <p>Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <a href="https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/">https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/</a></p> <p>It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town &amp; Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.</p>					
Signed: Diane Jackson		 (Authorised MAG Aerodrome Safeguarding Officer)			
Date: 24/05/2022					

The appropriate office for consultation is:  
[aerodrome\\_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)

Enterprise House  
 Bassingbourn Road  
 Essex  
 CM24 1QW

Switchboard: +44 (0) 844 335 1803





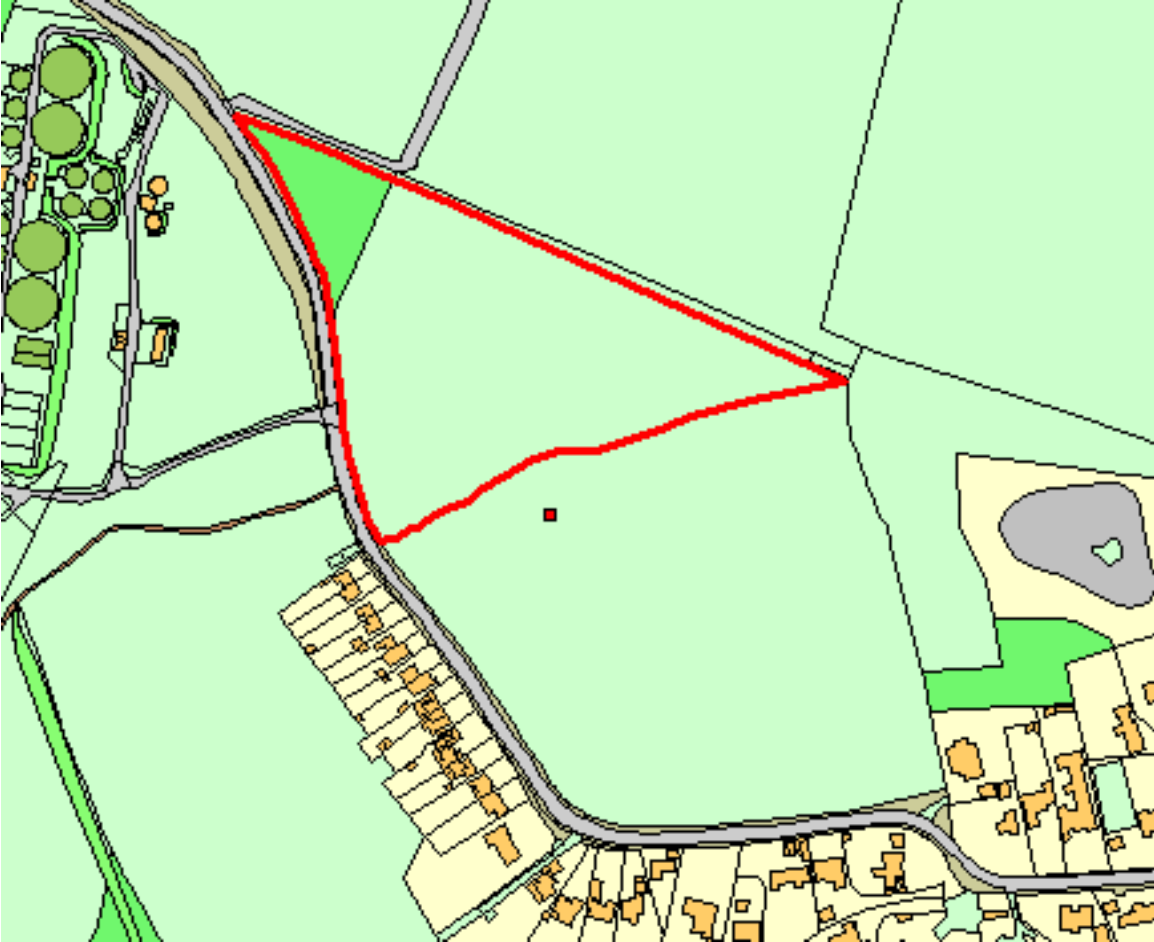
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1080/FUL

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

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 03/08/2022

**PROPOSAL:** Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.

**APPLICANT:** Mulberry Homes (C/O Bidwells)

**AGENT:** Mr Sam Metson, Bidwells, Bidwell House, Trumpington Road, Cambridge, CB2 9LD

**EXPIRY DATE:** 27 July 2022

**EOT Expiry Date:** 01 September 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Scheme

---

**1. EXECUTIVE SUMMARY**

**1.1** This full application follows the submission of the outline application, UTT/18/2508/OP. The outline consent was for all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.

**1.2** A separate 'full' planning application is submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors' surgery. Whilst the outline permission always anticipated the delivery of public open space, landscaping and drainage features on this land, it was not included in the red line boundary of the outline planning application, so it cannot form part of the reserved matters application. A separate application is submitted to secure these details. Identical site layout and landscaping plans are submitted with the reserved matters and full applications and they should be read alongside each other. If necessary, Mulberry Homes would be willing to agree to obligations to ensure that the details secured via both applications are delivered concurrently.

- 1.3 Following approval of the outline application, it is recommended that this application is approved. The principle of development has been established, Section 106 and planning obligations will be the same as the Outline Application. Therefore, there is no difference between the Outline, Reserved Matters and this application, save for the additional land up north which is needed to secure the drainage features and other requirements for the land up north.

2. **RECOMMENDATION**

That the 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 - Conditions**

3. **SITE LOCATION AND DESCRIPTION:**

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

4. **PROPOSAL**

- 4.1 Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.
- 4.2 The principle for development, including the access arrangements into the site, have already been approved as part of the outline application. As outlined above, this application has been submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors' surgery.

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/18/2508/OP	Outline application with all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a	Approved with Conditions on 25.03.2021



	residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.	
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## 7. **PREAPPLICATION ADVICE**

- 7.1 A pre-application enquiry was undertaken as per referenced UTT/21/3771/PA. The pre-application enquiry examined matters of house design, layout, scale, and landscaping, as well as matters of Ecology.

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

### 8.1 **Highway Authority**

- 8.1.1 It is noted that this is a full application and there is also a DFO application . This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

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.

### 8.2 **Manchester Airport Group**

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

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.

Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

### 8.3 **ECC Suds (Lead Local Flood Authority)**

- 8.3.1 Further to our response to the above consultation of 14th June 2022, please note that this referenced application UTT/22/1078/DFO in error, for which we apologise. We have received additional information from the applicant which has enabled us to reconsider our response 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 of 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 conditions.

## **9. PARISH COUNCIL COMMENTS**

- 9.1** Felsted Parish Council fully supports this application which is consistent with the approved "outline" plan and the associated s106 agreement and confirms the delivery of a new Doctors Surgery / Health Centre (which will need to comply with Primary and Social Care Premises specification as set out in the Department of Health's (DH) Design Guidance (The Design Guidance -<https://www.england.nhs.uk/estates/health-building-notes/>).

It is a well thought out proposal that should provide the community with the assurance of a future local health facility for Felsted residents, as outlined in the Made Felsted Neighbourhood Plan and it will become a real and tangible asset to the Felsted community, in ownership of the Felsted Community Trust.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

- 10.1.2** This service has been consulted following the submission of additional information after the outline permission of the above application.

Having reviewed this information, none of which relates to Environmental Health, this service has no comments.

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

- 10.2.1** The submitted landscaping details in respect of UTT/22/1078/DFO and UTT/22/1080/FUL are considered satisfactory and can be approved.

### **10.3 Place Services (Ecology)**

- 10.3.1** No objection subject to securing ecological mitigation and enhancement measures.

#### **10.4 Cadent Gas**

**10.4.1** We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action – add an informative note to any decision notice.

#### **10.5 Chelmsford City Council**

**10.5.1** We refer to the above application and are writing to advise you that we have NO OBJECTION to this proposal. For a copy of the officers report please view our website [www.chelmsford.gov.uk/planningonline](http://www.chelmsford.gov.uk/planningonline) and search for application 22/00892/OBS3.

#### **10.6 UK Power Networks**

**10.6.1** Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful. I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

#### **10.7 NATS Safeguarding**

**10.7.1** 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.

#### **10.8 Ministry of Defence (Defence Infrastructure Organisation)**

**10.8.1** Thank you for your correspondence enclosing details of your proposals as listed below. This is based on the confirmed location provided by your LSBUD search.

Your Ref: LSBUD-220503-25507147 made on 3 May 2022.

The Defence Infrastructure Organisation does not have GPSS apparatus situated within the vicinity of your proposed works, and as such does not have any further comments to make.

#### **10.9 Anglian Water**

**10.9.1** Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments. If this is to change, please re-consult with us.

#### **10.10 UDC Environmental Health**

**10.10.1** Further to our conversation I have reviewed these applications and the previous EH responses.

I can confirm that there are no significant Environmental Health issues that have not been commented on, however I would recommend that conditions relating to contaminated land, air quality and a Construction Method Statement are attached to any consent granted.

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 96 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

**11.2** Representations received neither objecting nor supporting the application. The representation received has been summarised below.

### **11.2 Neither supporting nor objecting**

**11.2.1** The plot looks open to further development, it must be ensured that no new development occurs on this site.

## **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.

### **12.4 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)  
Stebbing Neighbourhood Plan (made 19 July 2022)

## **3. POLICY**

### **13.1 National Policies**

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

**13.2 Uttlesford District Plan 2005**

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,  
H10 - Housing Mix Policy  
ENV3 - Open Space and Trees, Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land

**13.3 Felsted Neighbourhood Plan (made Feb 2020)**

FEL/HN1 – Meeting Housing Needs  
FEL/HN3 Land at Station Road (Bury Farm)  
FEL/HN5 Residential Development outside Development Limits  
FEL/HN7 Housing Mix  
FEL/ICH1 High Quality Design  
FEL/ICH3 Light Pollution  
FEL/CW1 Landscape and Countryside Character  
FEL/CW2 – Nature Area, including Felsted Fen  
FEL/CW3 Footpaths, Bridleways and Cycleways  
FEL/CW4 – Green Infrastructure

**13.4 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:

- A) The Principle of Development**
- B) Landscaping**
- C) Flood Risk and Drainage**
- D) Protected species and biodiversity**
- E) Climate Change**
- F) Highways and Access**
- G) Environmental Health**

**14.2 A) The Principle of Development**

- 14.2.1** This application follows an outline planning permission granted by Uttlesford District Council on 25 March 2021 for “a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping and associated development” (Uttlesford District Council ref: UTT/18/2508/OP).
- 14.2.2** The outline establishes the principle of this development and approved the detail of the two proposed site accesses from Station Road, but it reserved the following details for later consideration: Layout, Appearance, Landscaping and Scale. A reserved matters application (RMA) is therefore being submitted to secure approval for these details, pursuant to the outline permission.
- 14.2.3** A separate ‘full’ planning application is submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors’ surgery. Whilst the outline permission always anticipated the delivery of public open space, landscaping, and drainage features on this land, it was not included in the red line boundary of the outline planning application, so it cannot form part of the reserved matters application. A separate application is submitted to secure these details. Identical site layout and landscaping plans are submitted with the reserved matters and full applications, and they should be read alongside each other. If necessary, Mulberry Homes would be willing to agree to obligations to ensure that the details secured via both applications are delivered concurrently.
- 14.2.4** The previous outline application considered that the community benefits, strategic or otherwise, arising from this proposal as a local community infrastructure project to provide a new “smart” doctors surgery for Felsted with enabling market housing in accordance with made Felsted NP Policy FEL/HN3 – Land at Station Road (Bury Farm) should be viewed favourably for this submitted proposal where it should be noted that Policy S7 includes within its policy text “where there are special reasons why the development in the form proposed needs to be there” and as landscaping mitigation measures have been put forward to show how the environmental impacts of the scheme could be lessened through a reserved matters scheme.
- 14.2.5** It determined that the 38 new market dwellings proposed as enabling housing development for the proposed surgery at Bury Farm is within the quantum of dwellings assessed as being acceptable in the Council’s “Call for Sites” process for the 2015 SHLAA and also within the Felsted NP’s quantum of dwellings of approximately 39 units for Policy FEL/HN3.
- 14.2.6** It further stated that the inclusion of enabling housing for the application is predicated on the basis of being able to fund the surgery to make the infrastructure scheme financially viable where it is considered that a normal application for housing without any infrastructure provision would not be acceptable for this greenfield site.
- 14.2.7** Given the above assessment, the principle of development has therefore been established and the proposal accords with ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3, GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4 as well as NPPF 2021.
- 14.3 B) Landscaping**

- 14.3.1** The landscape design approach has sought to create a simple, functional, and legible landscape structure that distinguishes the hierarchy of streets and spaces within the scheme and knits together the architecture and public realm, whilst enhancing the character of the development. The scheme has been designed to respect the existing landscape features and to ensure the retention of as many existing features as possible, including hedgerows and trees.
- 14.3.2** The new semi-natural public open space proposed at the north-western end of the site is designated as part of Felsted Fen by Neighbourhood Plan policy CW2. The policy states:
- “The area defined on Map 11 is designated as a Nature Area important to the local community which will be protected from development, with the exception of development supported by Policy FEL/VA4.”*
- 14.3.3** This part of the site has been designed to provide an extension to the nature area and a new area of open space for residents to enjoy. It will provide an appropriate transition between the village the surrounding countryside and whilst supporting local wildlife. Mown paths through the site will provide informal pedestrian connections to the existing nature area and Fritch Green Primary School whilst protecting the natural appearance and wildlife interest of this part of the site.
- 14.3.4** To the north of the site is a large area of open space, providing areas for resident’s enjoyment and maintaining the rural aesthetic of the site. This area also provides for the drainage basin feature providing opportunities for biodiversity enhancements.
- 14.3.5** As such taking into consideration the details above it is considered that the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

#### **14.4 C) Flood Risk and Drainage**

- 14.4.1** This full application is supported by a series of drainage plans and calculations, in addition to a Surface Water Strategy and Sustainable Drainage System Maintenance Plan. The drainage strategy includes an attenuation basin, swales, on plot permeable paving on the private driveways. These follow the principles adopted at the outline stage.
- 14.4.2** The majority of the main drainage attenuation basin is proposed on the land outside the red line boundary for the outline planning permission and will be secured via the separate application for the land to the north.
- 14.4.3** The surface water strategy follows the principals of SuDS, by collecting and slowing down rainfall in a controlled and sustainable manner. There are two main surface water networks that flow around the site and join at a large pond to the west. Before each basin, there are two swales that help to collect, slow, and treat rainwater as well as add to the aesthetics of the site. The pond will help to store excess rainwater in a controlled manner before discharging it to a nearby ditch at the agreed greenfield runoff rate.

**14.4.4** The pond is designed to store rainfall scenarios that have a probability of happening every 100 years plus 40% for climate change allowance. The surface water strategy has attempted to mimic the current flow routes but also improve the current situation by preventing access water from flowing onto the adjacent road. The foul water strategy is to flow towards the two entrances of the site and connect into the existing network.

**14.4.5** The Lead Local Flood Authority (LLFA) at Essex County Council have been consulted on the above measures and submitted documents. They do not object subject to the detailed conditions listed below in this report.

**14.4.6** As such taking into consideration the details above it is considered the Flood and Drainage details submitted are appropriate and accord with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), Felsted Neighbourhood Plan policy FEL/INF1 and the NPPF 2021.

#### **14.5 D) Protected species and biodiversity**

**14.5.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.5.2** Opportunities to enhance biodiversity through the landscaping proposals have been taken. In accordance with condition 11 of the outline planning permission, a Biodiversity Enhancement Strategy for Protected and Priority species accompanies the reserved matters, full and discharge of conditions application.

**14.5.3** The following habitat enhancement measures will be undertaken throughout the site:

- Planting of 116 native trees.
- Planting of over 300m of native hedgerow.
- Creation of over 16000m<sup>2</sup> of species rich grassland.
- Creation of approximately 800m<sup>2</sup> of marshy grassland; and
- Creation of a new permanent waterbody with associated native marginal planting.

The following bird and bat boxes will also be installed:

##### Bird Boxes

- Three Schwegler 1B tit boxes.
- Two Schwegler open front boxes.
- Two Schwegler wren boxes; and
- One barn owl box

##### Bat Boxes

- Two Schwegler 1FF; and
- Four Schwegler 2FN

**14.5.4** The habitat creation will be undertaken in the first suitable season after construction has been completed. The bird and bat boxes will be installed at the



start of the construction phase. The long-term management of these measures will be undertaken by a management company.

**14.5.5** The Council's Ecology Consultant has reviewed the Landscape Masterplan and the Hard and Soft Landscape Proposals relating to the likely impact's development on designated site, protected species, priority species and habitats. Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework 202 as well as Felsted Neighbourhood Plan Policies FEL/CW2 and FEL/CW4.

## **14.6 E) Climate Change**

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

**14.6.2** The location of the site is part of a sustainable extension Felsted, as per the allocation within the Neighbourhood Plan, in accordance with Policy FEL/HN3 – Land at Station Road (Bury Farm). The site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth, as per the approved outlined planning permission. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs:

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

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

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

## **14.7 F) Highways and Access**

**14.7.1** It is noted that the Local Highways Authority has recommended the same comments for this application as per the Reserved Matters application: UTT/22/1078/DFO. Whilst the schemes are necessary for each other, the proposed conditions are not applicable for this site (as there are no roads or access entry/egress points into the site).

**14.7.2** It is therefore excessive to apply such conditions when they need not be applied in the first place. The same also applies to the condition proposed by the Manchester Airport Group. Instead, all conditions will be applied on the Reserved Matters Application.

**14.7.3** Nevertheless, for clarity and for reference, the conditions list is attached below.

## **14.8 G) Environmental Health**

**14.8.1** The Environmental Health Officer has been consulted and has recommended the imposition of two conditions relating to a Construction Method Statement to safeguard the amenity of local residents and a watching brief condition should any contaminated land be found during the period of construction. These conditions are considered acceptable and in accordance with ULP Policies ENV13 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

## **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 considered in the determination of this application

## **16. CONCLUSION**

**16.1** The principle of development has been established and the proposal accords with ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3, GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4 as well as NPPF 2021

**16.2** The landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**16.3** It is considered the Flood and Drainage details submitted are appropriate and accord with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), Felsted Neighbourhood Plan policy FEL/INF1 and the NPPF 2021.

**16.4** The proposal would not be harmful to protected/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7 and FNP Policy FEL/CW4).

**16.5** The proposal is considered acceptable subject to conditions to safeguard neighbour amenity and contaminated land in accordance with ULP Policies ENV13 and ENV14 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

**16.6 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS**

**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 below:

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** All mitigation measures and/or works pursuant to this permission and the reserved matters application under: UTT/1078/DFO shall be carried out in accordance with the details contained in the Ecology and Biodiversity Implications (Cedar Land Management Ltd, April 2018), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination.

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 Environmental Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

**4** Prior to first occupation of the dwellings hereby approved, a Landscape and Ecological Management Plan (LEMP) pursuant to this permission and the reserved matters application: UTT/1078/DFO, shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 5** Prior to first occupation, a lighting design scheme for biodiversity pursuant to this permission and the reserved matters application: UTT/1078/DFO, 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 ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 6** Prior to any works commencing above slab level, an updated Biodiversity Enhancement Strategy for protected and Priority species (birds, bats, Hedgehog and reptiles) 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, orientations and heights of proposed enhancement measures by appropriate maps and plans (where applicable);
- d) persons responsible for implementing the enhancement measures; and
- e) 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 6** The development permitted by this planning permission and the scheme approved under Condition 8, pursuant to the outline permission UTT/18/2508/OP, shall be carried out in accordance with the document Land North of Station Road, Felsted, Flood Risk Assessment, dated April 2018 and the following mitigation measures detailed within the FRA:

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 3.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, OR if impracticable
- 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 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: 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 topsoil's 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 10** The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. The following condition is therefore, recommended.

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 in accordance with ULP Policy ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 11** Taking into consideration the size of the proposed development and the proximity of the existing residential dwellings there is the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 7.30am or after 6.00pm on Monday to Friday or before 7.30am or after 1.00pm on Saturdays.

REASON: To protect human health and the environment in accordance with ULP Policy ENV13 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

## Appendix 1 – Essex County Council Highways Comments

Your Ref: UTT/22/1080/FUL  
Our Ref: HT/TPD /SD/KW/4B  
Date:- 14/07/2022



CC: Essex Highways DM

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1080/FUL / UTT/22/1078

Applicant Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings

Site Location Land West Of Bury Farm Station Road Felsted

Proposal Mulberry Homes C/o Bidwells

### Note

It is noted that this is a full application and there is also a DFO application . This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

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 mitigation and conditions:

1. Dwellings and non-residential buildings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and



associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings and non-residential buildings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. In phase with the provision of the spine road an adoptable footway/cycleway link with a minimum width of 3m should be provided to the north of plots 20 and 21. It should be clear that this is for public use and offered for adoption –. Reason: to provide connection across the development and to the PROW for dwellings to the west in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. A scheme of traffic calming for a 20mph zone shall be provided on the spine road in phase with the delivery of the spine road. Reason: in the interests of highways safety.
5. Prior to occupation the footway/cycleway to the south of the site should be provided, it should be build to adoptable standards and have a minimum width of 2.5 Reason: to provide a walking and cycling connection across the development in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
6. Any gates provided at vehicular accesses off adopted highway shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. There shall be no discharge of surface water onto the Highway. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**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.**

**Informatives:**

- (i) Payment of a commuted sum for maintenance of highway trees will be required prior to the issue of the works licence. Reason: To ensure that the public rights

of way are maintained to a suitable standard to allow safe and convenient access for public use

- (ii) The highway authority would not agree a gradient greater than the maximum width of 2.5% within 10m of the junction
- (iii) Private drive for plots 8-14 will need a UU if we apply the APC
- (iv) Further details will be required of the construction access as part of the S278
- (v) 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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU
- (vi) 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.
- (vii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (viii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.
- (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 the public right of way shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

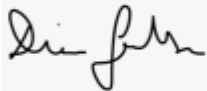
The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant 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.

Massie

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

## Appendix 2 – Manchester Airport Group Comments



STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002					
Planning Authority:	Uttlesford District Council			Application No: UTT/22/1078/DFO	
Date Application Received (including sufficient information as required by Circular 1/03):	03/05/2022	Response Deadline on Consultation	24/05/2022	Date Response Returned:	0/0/2022
Development Proposal:	Reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.				
Location:	Land West Of Bury Farm Station Road Felsted			Application Type: DFO	
OS Co-ordinates (Eastings/Northings):	567096 / 220511				
Our Reference:	2022/101				
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection	
X	X				
<p>The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Condition:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.</p> <p>Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <a href="https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/">https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/</a></p> <p>It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town &amp; Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.</p>					
Signed: Diane Jackson				(Authorised MAG Aerodrome Safeguarding Officer)	
Date: 24/05/2022					

The appropriate office for consultation is:  
[aerodrome\\_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)

Enterprise House  
Bassingbourn Road  
Essex  
CM24 1QW

Switchboard: +44 (0) 844 335 1803



## Appendix 3 – Essex County Council SuDs (LLFA) Comments

Essex County Council  
**Development and Flood Risk  
Waste & Environment**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Ms Rachel Beale  
Uttlesford District Council  
Planning Services

Date: 13<sup>th</sup> July 2022  
Our Ref: SUDS-005976  
Your Ref: UTT/22/1080/FUL

Dear Madam,

### **Consultation Response – UTT/22/1080/FUL – Land West of Bury Farm, Station Road, Felsted**

Further to our response to the above consultation of 14<sup>th</sup> June 2022, please note that this referenced application UTT/22/1078/DFO in error, for which we apologise. We have received additional information from the applicant which has enabled us to reconsider our response 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**

The development permitted by this planning permission shall be carried out in accordance with the document Land North of Station Road, Felsted, Flood Risk Assessment, dated April 2018 and the following mitigation measures detailed within the FRA:

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 3.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, *OR* if impracticable
- 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>

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.

**This letter also has the effect of lifting our previous objection to the discharging of Conditions 8, 9 and 10 of UTT/18/2508/OP. (Our letter of 14<sup>th</sup> June 2022)**

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.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours faithfully,

**Richard Atkins**  
**Development and Flood Risk Officer**  
 Team: Development and Flood Risk  
 Service: Waste & Environment  
 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.

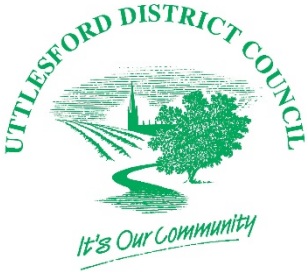
Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction 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.



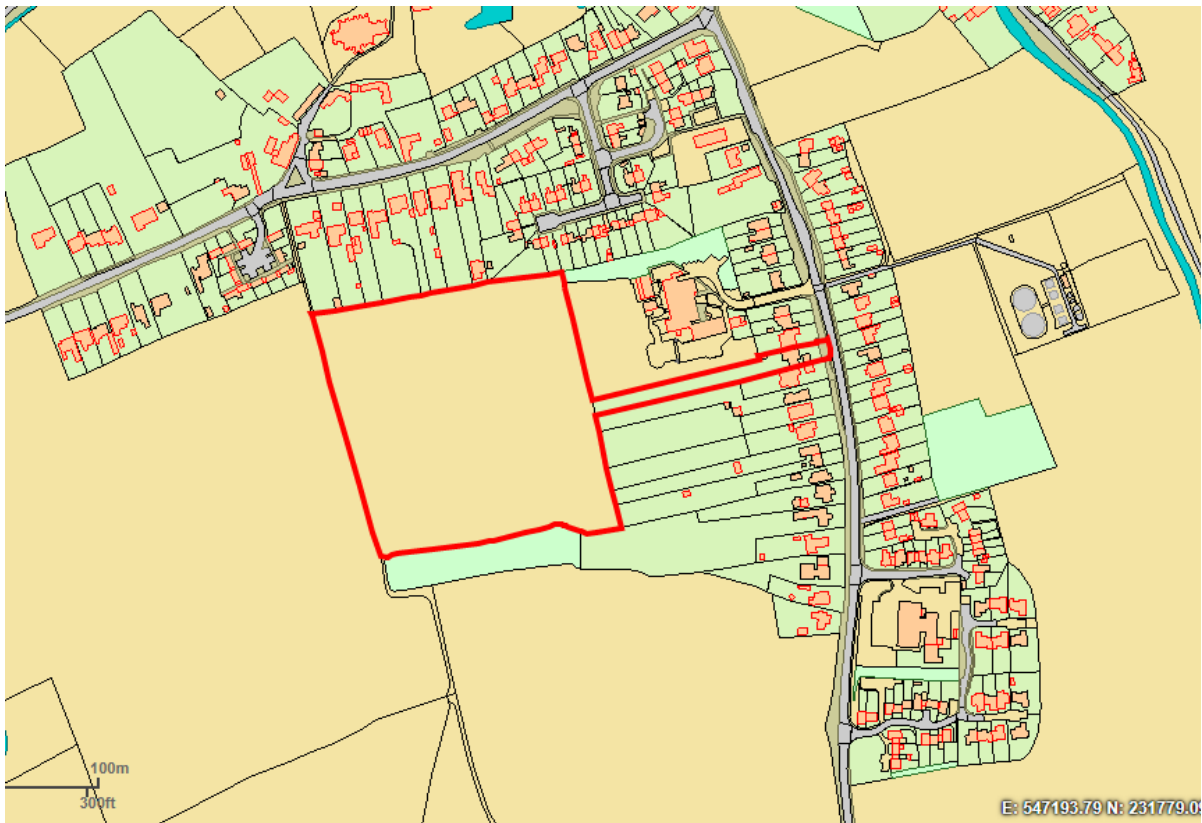
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1103/DFO

**LOCATION:** Land To The West Of Stortford Road Clavering

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council Date: 18<sup>th</sup> July 2022

**PROPOSAL:** Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale

**APPLICANT:** Pelham Structures Ltd

**AGENT:** N/A

**EXPIRY DATE:** 30 June 2022

**EOT Expiry Date** 2 September 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

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

---

## 1. **EXECUTIVE SUMMARY**

- 1.1 This scheme is for 31 dwellings and follows an Outline application reference UTT/20/2639/OP. As such the principle of the development has already been established. There are no further relevant changes in planning policy since that date that would alter that decision. The reserved matters to be considered are therefore only appearance, layout, landscaping, which are considered below.
- 1.2 The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2, GEN8 and the NPPF.
- 1.3 The landscaping details are considered appropriate for the site subject to conditions and therefore accords with ULP Policies S7, GEN2, and ENV3.
- 1.4 From the information submitted and observations during the Case Officers site visit the proposal will not result in any harm to protected sites, habitats or protected and priority species.

## 2. **RECOMMENDATION**

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

A) Conditions

**3. SITE LOCATION AND DESCRIPTION:**

**3.1** The application site consists of detached dwelling which faces onto Stortford Road. Open fields are to the rear of the residential curtilage of the dwelling know as Poppies. To the north east of the main site is the Clavering Primary School and to the north of the site are the residential properties along Pelham Road.

**3.2** To the west of the application site a public right of way joins the north of the site (Pelham Road) to the south of the Clavering.

**4. PROPOSAL**

**4.1** This application is for the reserved matter, seeking approval of the details of appearance, layout, scale and landscaping for the erection of 31 no. dwellings and 38 no. parking spaces following approval of outline planning permission UTT/20/2639/OP.

**4.2** The principle for development, including the access arrangements into the site from Stortford Road has already been approved as part of the Outline application. These aspects do not therefore form part of the considerations with this current Reserved Matters submission.

**4.3** The current Reserved Matters application seeks approval for the detailed elements of the scheme comprising:

- Layout, elevations, materials of construction,
- House size, types and mix of units,
- Public open space, play space,
- Landscaping,

**4.4** The proposal will include the following housing scheme.

**4.5**

PLOT	TENURE OM= Open Market	STOREY HEIGHT	DWELLING TYPE	BEDROOMS	PARKING
1	OM	2	DETACHED HOUSE	5	6
2	OM	2	DETACHED HOUSE	5	4
3	OM	2	DETACHED HOUSE	6	4
4	OM	2	DETACHED HOUSE	6	4
5	OM	2	DETACHED HOUSE	5	6
6	OM	2	DETACHED HOUSE	4	6
7	OM	1	DETACHED BUNGALOW	2	3
8	OM	1	DETACHED BUNGALOW	3	4
9	OM	2	DETACHED HOUSE	3	4
10	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	3	2
11	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	2	2

12	OM	2	DETACHED HOUSE	3	5
13	OM	2	DETACHED HOUSE	4	5
14	OM	2	DETACHED HOUSE	4	5
15	OM	1	DETACHED BUNGALOW	2	5
16	OM	2	DETACHED HOUSE	3	5
17	OM	2	DETACHED HOUSE	5	4
18	OM	2	DETACHED HOUSE	4	4
19	Affordable-Rent	1	DETACHED BUNGALOW	2	2
20	Affordable-Rent	2	TERRACE	3	2
21	Affordable-Rent	2	TERRACE	2	2
22	Affordable-Rent	2	TERRACE	3	2
23	Affordable-Rent	2	SEMI DETACHED HOUSE	1	2
24	Affordable-Rent	2	SEMI DETACHED HOUSE	2	2
25	Affordable-Rent	2	SEMI DETACHED HOUSE	2	2
26	Affordable-Rent	2	SEMI DETACHED HOUSE	1	2
27	OM	2	DETACHED HOUSE	4	4
28	OM	2	DETACHED HOUSE	4	4
29	OM	2	DETACHED HOUSE	3	5
30	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	2	2
31	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	3	2

**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/18/1256/OP	Outline application for up to 31 no. Dwellings (net gain of 30 units), with all matters except access reserved. Demolition of 'Poppies' and alterations to access onto Stortford Road to create access road.	Refused- 1/4/2019  Appeal Dismissed on grounds of impact to the countryside location.

UTT/20/2639/OP	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces	Approved- 21/12/21
UTT/22/0399/FUL	Proposed demolition of dwelling and construction of access road.	Approved 9/5/21

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

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this Reserve Matters application.

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

### **8.1 Highway Authority – No Objection**

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

1. Dwellings shall not be occupied until such time as their associated vehicle parking area is provided, the vehicle parking areas and associated turning areas shall be retained in this form at all times.
2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.
3. Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way.

See Appendix 1

### **8.2 Local Flood Authority - Objection**

8.2.1 The pond appears to be in the rear garden of plot 1. If this pond is to be used as part of the drainage strategy this would be an unsuitable location with regard to long term maintenance concerns.

See Appendix 2

### **8.3 ECC Education**

8.3.1 No comments received.

## **9. PARISH COUNCIL COMMENTS - Objection**

9.1 The development is contrary to the NPPF which seeks to protect the character and the beauty of the countryside as it causes severe harm to the attractive, open and relatively undeveloped upland landscape that surrounds the village.

Conditions imposed on the outline planning permission and the planning approval to demolish the dwelling of Poppies still need to be addressed.



This application varies from the outline planning permission Clavering Parish Council (CPC) reminds UDC that the Site Plan of the Outline Permission was relied upon by Uttlesford's Planning Committee to give credence to the statement that they had taken on board the comments of the Planning Inspector who had refused. The Planning Inspector dealing with the previous appeal advised the proposal would be an appreciable departure from the existing settlement pattern and would adversely affect the character and appearance of the area.

The details in the outline planning permission stated no ridge line would rise above 110m above sea level of which this current reserved matter exceeds.

The reserved matters application has an increase-built form and some larger houses.

The large houses will result in increased traffic movements,

No details have been provided in regard to the fowl drainage,

Two of the proposed 6 bedroomed houses each have 4 parking spaces, yet the three 5 bedroomed houses each have 6 parking spaces, one four bedroomed house has 6 parking spaces and a 2 bedroomed house has 5 parking spaces.

The application includes fewer trees to be planted,

The application includes a number of inaccuracy's

**10. CONSULTEE RESPONSES**

**10.1 UDC Housing Enabling Officer – No Objection**

**10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is for 31 properties. This amounts to up to 12 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed mix of the affordable properties based upon the need identified in the SHMA 2017 was provided at the outline application stage and was as follows:-

	1 bed flat/house	2 bed house	2 bed bungalow	3 bed house	total
Total affordable properties (number)	2	5	1	4	12
Affordable rent	2	3	1	2	8
Shared ownership	0	2	0	2	4

A schedule of accommodation has not been provided as part of this reserved matters application but from the site plan provided I have assumed that the following plots are the affordable provision:-

Plots 10,11, 19 to 26, 30 and 31

These 12 plots correlate with the identified mix in the table above and I am pleased to note that each of the proposed properties meet or exceed the NDSS and the private amenity space recommended in the Essex Design Guide.

## **10.2 UDC Environmental Health – No Objection**

**10.2.1** This service has been consulted following the submission of information after the outline permission of the above application. Having reviewed this information, none of which relates to Environmental Health, this service has no comments.

## **10.3 UDC Landscape Officer/Arborist – No Objection**

**10.3.1** No objection raised subject to condition for further landscape enhancement.

## **10.4 Place Services (Conservation and Heritage) – No Objection**

**10.4.1** The proposals have the potential to affect the setting of the Clavering Conservation Area and several listed buildings. Overall, the submitted details for the proposed appearance, landscaping, layout and scale are not considered to result in any additional harm and is therefore considered acceptable. However, the proposed materials for the windows and doors are not clearly specified for each plot.

Were permission to be granted, I request a condition is attached which secures samples of the proposed external materials, including windows and doors.

## **10.5 Place Services (Ecology)**

**10.5.1** No comments received.

## **10.6 Place Services (Archaeology) – No Objection**

**10.6.1** Subject to conditions:

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority)

## **10.7 Thames Water**

- 10.7.1** No development shall be occupied until confirmation has been provided that either:-
1. Foul water Capacity exists off site to serve the development;
  2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan,
  3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning)

**10.8 BAA Safeguarding**

**10.8.1** No Objections

**10.9 Affinity Water**

**10.9.1** No comments

**10.10 Open Space Society**

**10.10.1** No comments received.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 249 notifications letters were sent to nearby properties. The application was also advertised in the local newspaper. Numerous representations were received from neighbouring resident and the following observations have been made.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

- 11.3.1**
- Harmful impact to the character of the countryside,
  - Overbearing impacts to the existing properties,
  - The elevated position of the site will result in an intrusive appearance above the current properties,
  - Increase of vehicle movements,
  - Impact to highway safety,

- In sufficient manoeuvrable space within the site,
- No provision for cyclists,
- Loss of trees and vegetation,
- Air quality impact
- Noise Impact,
- Insufficient parking,
- The scale and positioning of the dwelling has changed following the outline planning permission,
- No management for the woodland area

#### **11.4 Comment**

**11.4.1** This application considers the Reserved Matters of appearance, layout, scale and landscaping for the erection of 31 no. dwellings and 38 no. parking spaces following approval of outline planning permission UTT/20/2639/OP. Details of principle are not a consideration for this application. All material planning matter will be considered in the following 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,
- (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.

#### **12.4 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)  
 Stebbing Neighbourhod Plan (made July 2022)

### **3. POLICY**

#### **13.1 National Policies**

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

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

S7 – The countryside  
 GEN1- Access  
 GEN2 – Design  
 GEN3 -Flood Protection  
 GEN4- Good Neighbourliness  
 GEN5- Light pollution  
 GEN6- Infrastructure to support development  
 GEN7 - Nature Conservation  
 GEN8- Vehicle Parking Standards  
 H9- Affordable Housing  
 H10- Housing Mix  
 ENV1- Design of development within the conservation area  
 ENV2- Development affecting Listed Buildings.  
 ENV3- Open Space and Trees  
 ENV4- Ancient Monument and sites of Archaeological Importance  
 ENV5- Protection of Agricultural Land  
 ENV11- Noise generators  
 ENV13- Exposure to poor air quality  
 ENV14- Contaminated land

**13.4 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) Layout of the development including the design, impact to amenity and Parking**
  - B) Scale and appearance of the development, including the design and impact to amenity**
  - C) Landscaping**
  - D) Nature Conservation**
  - E) Affordable Housing**
  - F) Archaeology**
  - G) Climate Change**

**14.3 A) Layout of the development including the design, impact to amenity and Parking**

**14.3.1** The proposed development provides a series of connected green spaces and incorporates a linked circular route through the adjoining woodland. This has formed a natural crescent at the centre of the development that will provide an attractive frontage as one passes through the development. Two footpaths will connect to the proposed woodland area and to the existing public right of way to the west of the site.

- 14.3.2** The layout will provide an appropriate siting of the dwellings, garages and public open space within the site and that is compatible with its surroundings. The access point will relate well to Stortford Road and will include additional landscaping will be provided when entering the site. The new access road was approved as part of the Outline planning permission and will create 15 dedicated parking bays alongside its length, plus a footpath. Traffic calming measures will line the length of the access road to ensure slow speed. In addition, a dedicated car park with a further 23 parking spaces would be created at the end of the access road.
- 14.3.3** The site layout has been heavily influenced by the topography of the site. The road has been set out to follow the contours of the site, to allow development to be focused to the lower parts of the site. This has formed a natural crescent at the centre of the development that will provide an attractive frontage as one passes through the development.
- 14.3.4** The visitor parking for the school has been positioned so that it is close to the Primary school but is screened from view by Plots 30, 31 and the green area which is proposed to be planted.
- 14.3.5** Refuse collection is proposed from within the site, with refuse vehicles travelling in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.
- 14.3.6** The development will include a layout that will provide an appropriate siting of the dwellings, garages and open public space within the site and that is compatible with its surroundings and nearby residential development. The design of the buildings is traditional and considered in keeping with residential development in the vicinity. The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or have a cramped appearance.
- 14.3.7** ULP Policy GEN2 also considers the impact to neighbouring properties in regard to loss of light, over shadowing, overlooking and loss of privacy. The layout of the development includes separation distances between the proposed dwellings and the existing neighbouring dwellings that ensures the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings and would be in accordance with the aims of the Essex Design Guide. Sufficient distance between the dwellings and the existing dwelling outside the application site do not result in any harmful impact to neighbour's private amenity. The boundary treatment of the amenity areas of the proposed dwelling is set out in the landscaping plans and include 1.8m close board fencing.
- 14.3.8** The Council's Housing Enabling Officer has been consulted in regard to the proposal, no objections have been made. In terms of accessibility to the dwellings, each property would be constructed to meet the requirements of Building Regulations, requirement M4(2) and surfaces around the dwellings and their parking spaces would be level for ease of use.
- 14.3.9** The development would include 4no.single storey dwellings that would be constructed to be wheelchair accessible - Part M, Category 3 Homes (wheelchair

accessible). This and the proposed mix would meet the recommendation from the Council Enabling Officer. Therefore, the development is considered to accord with ULP Policy H10 and GEN1.

**14.3.10** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and residential occupational use that being said this would be consistent to the other residential development to the north and east of the application site. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the residential amenity of the existing neighbouring residential sites. As such the proposal is in accordance with ULP Policy GEN4.

**14.3.11** ULP Policy GEN3 considers the development in regard to flood protection. The site is not in an area at risk of flooding however due to the scale and design of the development the appropriate Local Lead Flood Authority has been consulted due to the proposed drainage and SUDs features. An objection has been raised in regard to the location of the pond feature to the rear of plot 1. This however has been omitted during application process, no further comments have been received from the Lead Local Flood Authority.

**14.3.12** The development will still be subject to the conditions imposed under the outline planning permission, this includes:

- Approval of a surface water drainage scheme,
- Scheme to minimise off site flooding,
- Maintenance plan and year log records.
- All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Taking into consideration the comments from the statutory consultees the development is not considered to not give rise to any significant adverse effects with respect to flood risk and accords with ULP Policy GEN3 and the NPPF.

**14.3.13** The access to the site was considered and approved in the approved outline planning application UTT/20/2639/OP. The Highways Authority have been consulted as part of the planning application process; no objections have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted. The development will still be subject to the conditions imposed under the Outline planning permission regarding:

- Construction management plan,
- Construction of the access,
- Traffic Calming Scheme,
- Residential Travel Pack,

As such the proposed layout of the access is considered in accordance with ULP Policy GEN1.

**14.3.14** No further comments have been made by the Council's Environmental Health Officer in regard to air quality as this was considered under Outline planning

approval. Although not indicated on the submitted plans the installation of electric charging points was conditioned on the Outline planning permission. As such the provision of electric vehicle charging points per dwelling is appropriate and in Policy ENV13 the NPPF.

**14.3.15** In terms residential parking the proposed scheme is in accordance with the Uttlesford Residential Parking Standards. 6 visitor parking spaces will be provided within the development, this will complement the parking provisions that already exceeds the Uttlesford Residential Parking Standards. Also the layout of the site is not restrictive and provides sufficient turning spaces.

**14.3.15** Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies S7, GEN1, GEN2, GEN4, GEN8, H10, ENV13, Essex Design Guide, Essex Parking Standards, UDC Local Residential Parking Standards and the NPPF.

**14.4 B) Scale and appearance of the development, including the design and impact to amenity**

**14.4.1** Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings. The design rationale in regard to the appearance of the development is ensuring a scheme that respects the local vernacular and scale of the existing and surrounding areas using high quality building materials from sustainable sources.

**14.4.2** The scale of the dwellings is considered appropriate and will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The scale of the dwellings are not dominant or intrusive in the setting of the site or its surroundings. Although this particular location for the development is on the fringe of the village and has a rural appearance to the west and south of the site therefore due consideration should be made to this and the existing site ground levels.

**14.4.3** As shown on the submitted plans the proposed dwellings are a mixture two storey properties and bungalows. The external finishing materials will include the use of external materials that will be are considered acceptable in this location, that being said a condition should be imposed for the submission of further details of the materials for approval should permission be granted. The scale and appearance of the dwellings are not considered to be adversely intrusive or dominant in the street scene or surrounding area.

**14.4.4** The site rises gradually from the eastern to western side. There is roughly a 5m difference between the lowest point and the highest point. The highest point on site on the 105m contour, which as shown below runs slightly lower than the Farmyard at Curles Manor that spreads across the 105m and 110m contours.

**14.4.5** Objections have been raised in regard to the proposed development has changed following the Outline planning approval and that there a higher ground levels now include larger dwellings. Although the scheme has changed from the indicative layout included in the Outline planning permission the majority of built form will be located in the area below the 104m contours so that the development sits largely behind the existing vegetation, is read as part of the village and noticeably lower than the barns at Curles Manor.



- 14.4.6** Careful consideration has been given to the relationship between the proposed dwellings that are in close proximity to north and east boundary of the site. This includes ensuring the distance between the application site and neighbouring residential properties is appropriate, also that the orientation of the proposed dwellings ensures any overlooking or loss of privacy will not be of a significant level that will have a harmful impact.
- 14.4.7** The site does not include any significant change in the existing ground levels across the site or as it extends away from the highway. The proposed dwellings have been designed to respond in scale to these existing levels ensuring dwellings do no unduly overbear neighbouring properties.
- 14.4.8** The proposed dwellings as submitted meet the Technical housing standards – nationally described space standard (2014). Although this is not an adopted document it provides good practice for the design of residential development.
- 14.4.9** It is noted the Council's Conservation Officer has made due consideration to the designated Conservation Area and nearby Listed Buildings. A combination of the distance and intervening development ensures that there would be no harmful impact on the setting of the designated heritage assets. In assessing the proposal effect on the heritage assets regards has been had to the Council's statutory duty.
- 14.4.10** As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance including the design and impact to amenity in accordance with ULP Policies S7, GEN2, H10, Essex Design Guide and the NPPF.

**14.5 C) Landscaping**

- 14.5.1** The landscape proposals create a series of open spaces with distinctive characters throughout the site. It is proposed to create attractive landscaped frontages for the properties taking the form of large front gardens enclosed by native hedges/ post and fencing. The areas in front of Plots 1 and 31 are to be landscaped to create an attractive entrance point to the site, with Plot 31 framed by the landscaping on either side. Tree planting and landscaping throughout the also softens the built form of the development in glimpsed views from local public footpaths to the west of the site.
- 14.5.2** The formation of the access road would require the removal of Poppies together with some garden trees and vegetation. This includes a young Birch tree in the front garden, a few other trees within the rear garden, including the tall Lombardy Poplar trees at the far end adjacent to the main site area. There would be no vegetation losses associated with the development within the main arable field area. This was considered as part of the Outline planning application where the submitted Landscape Appraisal confirmed these features were not found to be in any way determinative of local character and appearance.
- 14.5.3** To the west of the site, it is proposed to create a native woodland area, which will help screen the development and will provide a high-quality amenity space. It is proposed to form two clearings for recreation use. The proposed layout and planting scheme secures a high-quality wooded parkland to be established on the western part of the site, occupying the highest levels and covering around a quarter of the site area.

**14.5.4** Any change from greenfield land to build development has the potential to affect the character of the countryside locally and the character and established pattern of any settlement. Such effects are typical and would be experienced for almost any development on greenfield land. The site is bordered on three sides by well-established field boundaries with tall trees and hedgerows. Nonetheless, the site is visible from a number of locations, as identified through the earlier appeal. The Outline planning application included a Landscape Appraisal which dealt with the concerns raised by the original planning appeal. This allows the development to be concentrated into the lowest portions of the site and closer to the established settlement pattern, reducing views of the site from the east and responding more favourably to the settlement pattern and would have only modest levels of landscape effect and visual effect.

**14.5.5** It is noted the woodland landscaping would need significant time to mature and therefore a planting schedule with the details of the size, age and specimen should be secure by condition if planning permission was to be granted. The Council's Landscape Officer has reviewed the Design and Access Statement, Landscape Masterplan and other associated documents no objections are raised subject to the submission and approval of a detailed landscaping plan and planting schedule. As such taking into consideration the details above it is considered the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF.

#### **14.6 D) Nature Conservation**

**14.6.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. The Council's Ecology Consultant has been consulted as part of the application process, it is noted no comments or further recommendations have been received relating to the likely impacts development on designated site, protected species, priority species and habitats.

**14.6.2** The Outline planning permission includes a number of conditions in regard to ecology that need still to be complied with. Taking into consideration the requirement of mitigation and enhancement measures, bird mitigation strategy, ecology lighting scheme it is considered the proposed development will not have a harmful impact on protected species or biodiversity and content that this aspect has been fully considered in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

#### **14.7 E) Affordable Housing**

**14.7.1** Policy H9 states that the Council will seeks 40% affordable housing. This equates to 12 dwellings which is proposed to be provided as part of this development and secured by the S106 agreement in the Outline planning permission. The Housing Enabling Officer has been consulted and has not raised any objections. In consideration of the number of units, size and location of the affordable housing is acceptable and in accordance with aims of the ULP Policy H9 and the UDC Developer Contributions (2014).

#### **14.8 F) Archaeology**

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

**14.8.2** It is noted a condition for an archaeology field investigation and trial trenching is imposed on the Outline planning permission, as such it is considered the proposal accords with ULP Policy ENV4.

## **14.9 G) Climate Change**

**14.9.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance. The applicant has included a statement demonstrating how the proposal accords with this policy.

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

**14.9.3** The proposal takes into consideration the existing ground levels. Landscape works with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.

**14.9.4** The drainage solution adopted for the site makes suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

**14.9.5** The proposed landscaping scheme includes extensive planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there is a significant gain in habitat provided in the proposed landscape scheme.

**14.9.6** The development proposes the use of eco technology and renewable energy:

Examples of this includes:

- Solar panels; which take advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- Timber frame construction; Using pre-fabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction and allows improved levels of insulation.
- Waste recycling; during construction on and future occupation

- Air source heat pumps; which can take heat from the outside air and use this to heat the dwellings.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with timber frame construction.

**14.9.7** In promoting sustainable travel, the development will provide appropriate storage for cycles, electric vehicle charging points and the provision of a residential travel pack for future occupiers. The development is located within a sustainable location in terms of being close to local amenities and transport links. The scheme therefore is considered to accord with Local Plan Policy GEN2 and ENV15 and the UDC Interim Climate Change Policy 2021.

## **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 proposed layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and complies with Policies GEN2 and GEN8. The housing mix for the development is also considered acceptable in accordance with Policy H10.

**16.2** The drainage proposals are considered acceptable by the Lead Local Flood Authority in accordance with Local Plan Policy GEN3 and the NPPF.

- 16.3 The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2 GEN8 and the NPPF.
- 16.4 The landscaping details are considered appropriate for the site subject to conditions and therefore accords with ULP Policies S7, GEN2, and ENV3.
- 16.5 The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 16.6 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the Outline planning application in accordance with Policy GEN7 and the NPPF.
- 16.7 40% affordable housing has been secured by S106 agreement. This was in accordance with Policy H9 of the Local Plan.
- 16.8 The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.
- 16.9 As such taking into consideration the assessment of the proposed development the application is recommended for approval subject to conditions.

**17. CONDITIONS**

- 1 The dwellings hereby approved shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 2 The dwellings hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 3 Any planting adjacent to the Public Rights of Way shall be planted a minimum of 3m from the extent of the Public Right of Way.

REASON: To maintain a clear passage for pedestrians without encroachment from vegetation.

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.

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

- Walls
- Roof
- Windows
- Doors

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

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

- 5** Prior to commencement of development hereby approved above slab level a detailed landscaping plan and planting schedule shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.

The planting schedule shall include specifications of species, sizes, number and percentage mix for new planting areas, including for external boundary treatments and internal means of enclosure. These details should ensure there is not impact or obstruction to the public footpath to the north of the site.

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

REASON: The planting schedule is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to the slab level of the development hereby approved details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the Local Planning Authority.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure in accordance with ULP Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021) and the NPPF.

- 7 Prior to first occupation of each dwelling hereby approved the renewable features/ climate control measures associated with that dwelling as specified in the Design and Access Statement shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

## Appendix 1- Highway Authority Comments

Your Ref: UTT/22/1103/DFO  
Our Ref: HT/TPD /SD/KW/ 30250/4B  
Date:- 08/08/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Essex Highways DM  
Cllr Gooding

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1103/DFO

Applicant Pelham Structures Ltd

Site Location Land To The West Of Stortford Road Clavering

Proposal Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale

### Note

Comments were provided to the applicant on the layout of the site these have been addressed and this response relates to the latest drawing submitted PS002-OP1-WL-01 Rev H and vehicle swept path analysis drawings DR1-DR3.

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

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. **Reason:** To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.



3. Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way. **Reason:** to maintain a clear passage for pedestrians without encroachment from vegetation.

**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.**

**Informatives:**

- (i) The highway authority may not adopt all parts of the proposed development including the car parking areas for the school.
- (ii) 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.
- (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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) 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.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.

## Appendix 2- Lead Local Flood Authority

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



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 24 May 2022  
Our Ref: SUDS-005959  
Your Ref: UTT/22/1103/DFO

Dear Mr Tyler,

### **Consultation Response –UTT/22/1103/DFO - Land To The West Of Stortford Road Clavering Essex**

Thank you for your email received on 25 April 2022 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

- The pond appears to be in the rear garden of plot 1. If this pond is to be used as part of the drainage strategy this would be an unsuitable location with regard to long term maintenance concerns.

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>

- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

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,

**Alison Vaughan, 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.

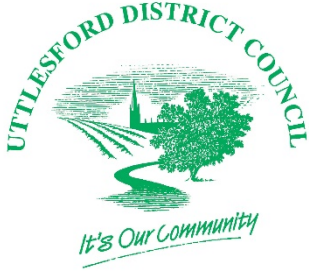
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if 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 13



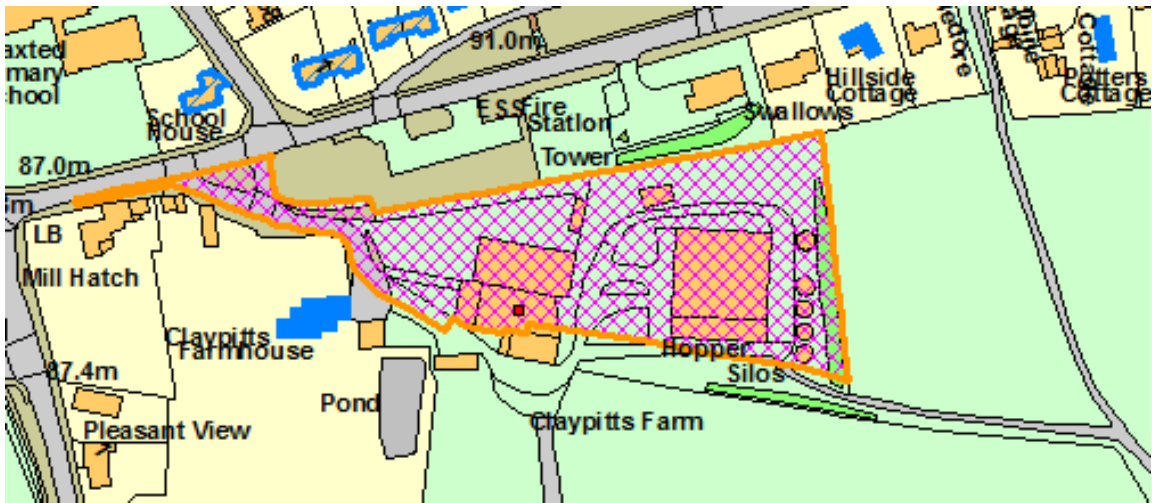
**ITEM NUMBER:** 13

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1020/FUL

**LOCATION:** Claypits Farm, Bardfield Road,  
Thaxted

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 12<sup>th</sup> August 2022

**PROPOSAL:** Section 73A Retrospective application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to access.

**APPLICANT:** Salacia Ltd/Mr and Mrs D Barnard

**AGENT:** Mrs Hazel Izod

**EXPIRY DATE:** 11 July 2022

**EOT Expiry Date** 5 September 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Partly within / partly outside development limits  
partly within / partly outside Thaxted Conservation Area  
general aerodrome directions  
TPO on site.

**REASON THIS APPLICATION IS ON THE AGENDA:** MAJOR Application

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**1. EXECUTIVE SUMMARY**

**1.1** This application is to vary conditions made under Section 73 of the town and Country Planning Act 1990 (as amended) pursuant to application UTT/20/0614/OP allowed at appeal on 28<sup>th</sup> October 2021.

**1.2** The amendment seeks to vary Condition 4 (approved plans) and Condition 5 (vehicular access) to substitute amended plans in relation to proposed alterations to the eastern vehicular access.

**1.3** The amendment comprises a slight widening of the eastern access, and its relocation further west.

**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) Conditions



**3. SITE LOCATION AND DESCRIPTION:**

3.1 The site lies on the south side of Bardfield Road to the rear of the Thaxted Fire Station on the south-east side of the town centre and comprises for the purposes of the land edged in red a redundant and presently unused farm building complex consisting of 0.71 ha which is accessed from Bardfield Road by a private access road which also serves Claypits Farm (not forming part of the application site). The site rises gradually from its west (front) to east end consistent with the continuous gradual rise along Bardfield Road situated to the front which consists of a long line of established ribbon development which characterises the residential nature of this road.

3.2 A public footpath leads from Bardfield Road along the site access and then around the southern side of the site (Footpath No.104) where it connects with Footpath No.90 which comes from the south and which then continues eastwards along the southern boundary of the site before continuing eastwards along the edge of a field. Footpath No.105 intersects with Footpaths 104 and 90 on the site's southern boundary which leads in a north-easterly direction through the site before continuing along the northern edge of the same field behind residential properties fronting onto Bardfield Road. A further footpath runs across this field north to south from Bardfield Road to the east of the site.

**4. PROPOSAL**

4.1 The application is supported by a Tree survey and Supporting letter.

4.2 This application is to vary conditions 4 and 5 attached to planning application UTT/20/0614/OP which was allowed on appeal

4.3 The amendment comprises a slight widening of the eastern access and its relocation further west to a maximum of 0.75m

**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/20/0614/OP	Outline application for demolition of existing buildings and erection of 14 no. dwellings with all matters reserved except access and layout (alternative scheme to that approved under planning permission UTT/18/0750/OP)	Refused Allowed on appeal
UTT/18/070/OP	Outline application for demolition of existing buildings and erection of up to 15 dwellings with all matters reserved except access and layout	Approved with conditions

UTT/19/2718/NMA	Non Material Amendment to UTT/18/0750/OP - Insertion of a condition to list approved plan numbers	Approved
UTT/0526/88	Change of use of existing barn and farmyard to form Builder and Undertakers yard and complex with extension to form store Chapel of Rest and garaging	Approved with conditions
UTT/0845/01/LB	Demolition of part of barn & refurbishment of remaining structure & single storey extension	Approved with conditions
UTT/0843/01/FUL	Change of use to offices, research and development workshops, meeting area and supporting accommodation	Approved with conditions
UTT/0022/94/FUL	Change of use of corn storage barn to storage of calcium chloride	Approved with conditions.
UTT/0103/98/FUL	Change of use of builder's yard and undertaker's buildings to B1 light industrial/office use	Approved with conditions
UTT/0262/97/FUL	Retrospective application for the change of use of corn storage barn to storage of calcium chloride	Approved with conditions

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

7.1 An application for a Non Material Amendment was withdrawn on the grounds that Officers considered the amendments constituted a material change to the approved scheme.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority**

8.1.1 No objections. The proposed widening of the road will facilitate vehicles entering the site.

**9. PARISH COUNCIL COMMENTS**

9.1 Holding objection on the grounds of insufficient information reference signage and content.

**10. CONSULTEE RESPONSES**

**10.3 UDC Landscape Officer**

10.3.1 No objection

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

10.4.1 The amended access would not result in any additional harm from the previously application. No objections.

**11. REPRESENTATIONS**

11.1 Site notice/s were displayed on site and 59 notifications letters were sent to nearby properties. The application was advertised on the 21<sup>st</sup> April 2022.

**11.2 Object**

11.2.1 Highway Safety

11.2.2 Development not in keeping with Thaxted's aesthetic of a historical town with heritage sites.

11.2.3 Loss of privacy, overshadowing and loss of light

**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 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)  
Stebbing Neighbourhood Plan (made 19<sup>th</sup> July 2022)

### **3. POLICY**

#### **13.1 National Policies**

13.1.1 National Planning Policy Framework (2021)

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

Policy S7 – The countryside Policy  
Policy S3 - Other Settlement Boundaries  
Policy H1 - Housing development  
Policy GEN1- Access Policy  
Policy GEN2 – Design Policy  
Policy GEN3 -Flood Protection Policy  
Policy GEN7 - Nature Conservation Policy  
Policy GEN8 - Vehicle Parking Standards Policy  
Policy H9 - Affordable Housing,  
Policy H10 - Housing Mix Policy  
Policy ENV1 - Design of Development within Conservation Areas Policy  
Policy ENV2 - Development affecting Listed Buildings Policy  
Policy ENV14 - Contaminated Land

#### **13.3 Thaxted Neighbourhood Plan**

TX LSC1 Protection of the countryside and rural setting of Thaxted  
TX LSC2 – Protection and enhancement of the Landscape  
TX LSC3 – Wildlife Habitats and landscape features  
X HD5 - Claypits Farm Buildings  
X HD1 - Scale and Location of New Development

#### **13.4 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) Access**

**C) Landscaping**

**D) Impact on conservation Area and Listed buildings**

14.3 **A) Principle of development**

**14.3.1** The principle of the development has been established under planning application UTT/20/0614/OP which was allowed on appeal. The site is also an allocated site within the Thaxted Neighbourhood Plan.

**14.3.2** The application is for the determination of whether the access details of approved plans agreed on the above application may be superseded and agreed by the plans submitted within this current application under Section 73 of the Town and Country Planning act (1990)

#### **14.4 B) Access**

**14.4.1** Policy GEN1 states that development will only be permitted if it meets all of the following criteria;

- 14.4.2**
- a. Access to the main road network must be capable of carrying the traffic generated by the development safely;
  - b. The traffic generated by the development must be capable of being accommodated on the surrounding transport network;
  - c. The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d. It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
  - e. The development encourages movement by means of other than driving a car.

**14.4.3** This application is for an amendment to the previously approved access. The amendment comprises a slight widening of the eastern access, and its relocation further west to a maximum of 0.75m.

**14.4.4** The new access is required in order to provide sufficient space for the installation of kerbs to meet highway engineer requirements.

**14.4.5** The amendment will result in no harm to highway safety or visibility and is in accordance with Uttlesford Local Plan Policy GEN1. ECC Highway Officers have no objections to the proposal.

#### **14.5 C) Landscaping**

**14.5.1** The amended access will be positioned slightly closer to a protected tree at the frontage of the site.

**14.5.2** An updated tree Survey and AIA has been submitted in support of the application. No harm will arise to the vitality or longevity of the tree. The previously approved scheme resulted in a 9% encroachment into its RTA, whilst this amendment will result in an 11.2% encroachment. The tree will be retained.

**14.5.3** Specialist Landscape advice has been received, and they have no objections to the proposal.

**14.5.4** The proposal would comply with Policy ENV3.

#### **14.6 D) Impact on Conservation Area and Listed buildings**

**14.6.1** The development would be a sufficient distance away from the adjacent listed building so its setting would not be detrimentally affected under ULP Policy ENV2.

**14.6.2** The revised access is considered to be acceptable and specialist Heritage advice is that they have no objections. No unacceptable harm is considered to the Conservation Area, in accordance with Local Plan Policy ENV1. Therefore the proposed amendments comply with ULP Policies ENV1 and ENV2 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 proposed amendment is minor in nature and considered to be acceptable and in accordance with Policy.

**17. CONDITIONS**

**17.1 Conditions**

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

REASON: To comply with the provisions of Article 3 of the Town and Country

Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 216498 PL 104 Rev D, 9382 – D-A1A and IT1431/SK/04/REV D

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.

- 5** Prior to first occupation, the eastern access shall be provided as shown in principle on drawing number IT143/SK/04 Rev D with a minimum width of 5.5m and associated visibility splays of 2.4m by 43m in both directions. The visibility splays for both the eastern and western accesses and the access road as shown in principle on the drawing, shall be provided before the first use by vehicular traffic associated with the development and retained free of any obstructions 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 in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to first occupation a footway of minimum width 1.5m shall be provided to link the western access with the existing footway on the southern side of Bardfield Road.

REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to first occupation the surface treatment of the diverted Public Footpath No 105 shall be agreed with the Highway Authority and then implemented as agreed.

REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8** The number of vehicle and cycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013 and shall be provided prior to first occupation of the development

REASON: To ensure that appropriate parking for vehicles and cyclists are provided in the interests of highway safety and efficiency in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 9** Prior to occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

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

- 10** 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 2 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- 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 approved scheme shall be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment



Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with the NPPF and Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 11** 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.  
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 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 the NPPF and Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 12** No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - a) all previous uses
    - b) potential contaminants associated with those uses
    - c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment

Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13** No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 14** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005)

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

REASON: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is

present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality. (in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: The development has the potential to cause noise and dust impacts on surrounding residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 17** Works to demolish existing buildings 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 to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or  
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 18** No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Mitigation and Enhancement Plan, has been submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include the finalised details and locations of the mitigation and enhancement measures/works contained in the Ecology Walkover Update and great crested newt (*Triturus cristatus*) eDNA survey results (MHE Consulting, August 2020), Outline Bat Mitigation Strategy (MHE Consulting, January 2018), and Preliminary Ecological Appraisal Report (Practical Ecology Ltd, September 2017), as well as precautionary measures for protected and priority species, including hedgehog and amphibians. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. 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.

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

**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) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

## APPENDIX A

Our reference 18548 4A

UTT/22/1020/FUL

Section 73A Retrospective application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to access.

Claypits Farm Bardfield Road Thaxted

The highway authority has considered the application and has no objections to the submitted amendment to the proposed access as shown in drawing number IT1431/SK/04 rev D

The proposed widening of the road will facilitate vehicles entering the site.

Kind regards

Katherine

**Katherine Wilkinson | Strategic Development Engineer  
Strategic Development**

**Committee:** Planning

**Agenda Item**

**Date:** 31<sup>st</sup> August 2022

**Title:** UTT/22/2192/TCA: Notification of intent to carryout tree works within a conservation area at Saffron Walden Castle.

**Author:** Ben Smeeden  
Landscape Officer

Item for decision

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## Summary

1. This item seeks the Committee's consideration of the proposed felling of 4 sycamore trees within a conservation area in the grounds of Saffron Walden Castle. The trees are in the ownership of UDC.

## Recommendations

2. No objection be raised to the proposed tree works.

## Financial Implications

3. The cost of undertaking the proposed tree work would be drawn from existing budget provisions.

## Background Papers

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

UTT/22/2192/TCA.

## Impact

- 5.

Communication/Consultation	Details of the decision to be entered on to the public register of TCA notifications.
Community Safety	none
Equalities	none
Health and Safety	none
Human Rights/Legal Implications	none
Sustainability	none

Ward-specific impacts	none
Workforce/Workplace	none

## Situation

6. Notification of intent to carry out the proposed tree works has been submitted on behalf of UDC's Assistant Director ICT & Facilities. This followed concerns raised over the poor condition of 4 sycamore trees in the castle grounds. The trees are in the ownership of UDC.
7. Two of the sycamore trees (T1 and T2) are situated near to the southern boundary with Church Street, and the other two trees (T3 and T4) are situated to the north of the castle ruins (Appendix 1: Location plan).
8. T1 is in terminal decline suffering significant dieback in its crown. There is a large cavity in the main trunk. The tree is considered to be a risk of collapse (Appendix 2: Photographs). The tree is in close proximity to the public highway, Church Street, and a neighbouring residential property. Emergency surgery has recently been carried out to removed large limbs which were at risk of imminent failure.
9. T2 is located adjacent to T1 and is found to be in decline with significant dieback and is considered to be at risk of collapse (Appendix 2: Photographs).
10. T3 is situated near to the northern boundary of the site. This sycamore has a cavity and decay at the base of its main stem and displays a significant lean (Appendix 2: Photographs). This tree is in close proximity to residential properties. Recently, falling branches caused damage to a neighbouring property. A claim received for damages has been settled.
11. T4 is situated adjacent to the northern wall of the castle. This tree is displaying signs of decline and has numerous cavities. Remedial surgery has previous been carried out to the tree, but its condition is poor.
12. The proposals do not include provision for replacement planting. Any scheme of tree planting would need to be subject to consultation with Historic England as the site is a Scheduled Ancient Monument. Compensatory tree planting may be provided on other UDC land in the town.

## Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
3 There is a significant risk of a major failure/collapse of these trees.	3 The likelihood of a major failure particularly in high winds requires action.	4 The location of the trees within a public area and adjacent to residential properties makes the impact of a failure/collapse of these trees potentially catastrophic.	The trees should be felled to the ground.

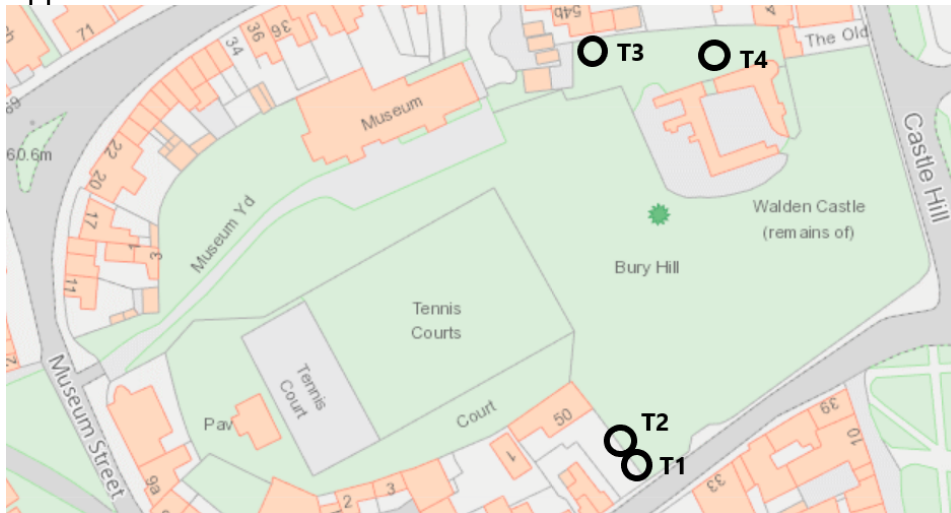
1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

### Appendix 1: Location Plan



Appendix 2: Photographs



Trees T1 and T2 viewed from Church Street.



Tree T3 showing basal cavity. The tree displays a significant lean.





Tree T4 north of the castle ruins.

**Late List –Planning Committee 31.08.22**

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 and placed on the website by 5.00pm 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
7	UTT/21/3596/OP Moors Farm, Station Road, Little Dunmow	<p>The Committee Report in Paragraph 1.1 refers that outline permission is sought for the erection of up to 160 dwellings with all matters reserved. This is incorrect and Members should be made aware that 'Access' forms part of the merits of this application as per the application description.</p> <p>OMISSION: Representation: Ward Member Cllr. Criscione received 6.1.22 (Not referenced in report) below</p> <p>Nigel Brown Planning Department                      Uttlesford District Council London Road                      Saffron Walden Essex                      CB11 4ER                      17 January 2019</p> <p>Dear Mr Brown,</p> <p>OBJECTION to Application UTT/21/3596/OP – Moors Fields, Station Road, Little Dunmow: Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 180 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure</p>

		<p>I am writing to object to the above referenced planning application (referred hereafter as the application), which was registered over the festive period and is to be determined by Uttlesford District Council for the development of the agricultural land lying within the administrative boundary and south of Little Dunmow parish.</p> <p>On balance, this application represents an inappropriate development, the benefits of which are not outweighed by the clear and unequivocal harm to the local area as set out below.</p> <p>From my review of the information submitted as part of the application, I would like to object for the following reasons (examples do not limit interpretation nor reach):</p> <ul style="list-style-type: none"> <li>• The application is contrary to saved policy S2 of the adopted Uttlesford Local Plan (Development Limits/Policy Areas for Oakwood Park, Little Dunmow). It is outside of development limits and therefore constitutes inappropriate and unsustainable development which is not otherwise mitigated by acceptable forms of proposal i.e. those identified in 6.31. of the adopted Uttlesford Local Plan. The nature of the development being outside development limits in the location that it is will also lead to the coalescence of two settlements.</li> <li>• The application is contrary to saved policy S7 of the adopted Uttlesford Local Plan (The Countryside) and related sections of the National Planning Policy Framework (NPPF), policies which have already proved to be significant in the consideration of sites such as this, see UTT/18/3424/OP. The proposal would adversely affect the rural and landscape character of the area and is not a rural exception site. It will irreparably harm the Flich Way Country Park, again, an issue which has already been seen as significant in the determination of a number of local planning applications and appeals.</li> <li>• The application is contrary to saved policy GEN1 of the adopted Uttlesford Local Plan (Access). The infrastructure surrounding the site, in relation to road network, cycle, public transport and pedestrian walkways is unable to support a development of this size. The development does not “encourage movement by other means than driving a car”. The proposed access will not be deliverable without significant and deliberately damaging changes to the important landscape in this area which would impact the countryside in a way which outweighs the proposed benefits.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The application is contrary to saved policy ENV5 of the adopted Uttlesford Local Plan (Protection of Agricultural Land).</li> <li>• The development would cause significant harm to the Little Dunmow Conservation Area, as well as number of listed buildings in the vicinity.</li> </ul> <p>This letter of objection is structured as follows:</p> <ol style="list-style-type: none"> <li>1. Planning Policy Context;</li> <li>2. Planning Considerations;</li> <li>3. Conclusion and personal remarks.</li> </ol> <p>Planning Policy Context</p> <p>National Planning Policy Framework (NPPF)  The National Planning Policy Framework (NPPF) was revised in July 2021 and is the statutory guidance for plan-making and decision-taking in relation to development across the United Kingdom. It should be considered at all times in the determination of planning applications.</p> <p>It is clear, from the points aforementioned, that the application is contrary to several material considerations which form the NPPF, particularly around impact on heritage assets, harm to the countryside and infrastructure provision.</p> <p>Uttlesford Local Plan 2005 and Saved Policies  The application does not form part of the adopted Uttlesford Local Plan 2005. It is contrary to the content of this development framework which should guide all determination by the Local Authority, that being in conjunction with the NPPF and the weight of any emerging local plan document. The application is contrary to the following (not limiting):</p> <ul style="list-style-type: none"> <li>• S2 – Development Limits/Policy Areas for Oakwood Park, Little Dunmow</li> <li>• S7 – Countryside</li> <li>• GEN1 – Access</li> <li>• GEN6 – Infrastructure Provision to Support Development</li> </ul>
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		<ul style="list-style-type: none"> <li>• ENV5 – Protection of Agricultural Land</li> </ul> <p>Emerging Uttlesford Local Plan</p> <p>It is accepted that the District Council does not have an up to date local plan, and the emerging plan carries very limited weight in the determination of planning applications. However, appeal decisions in the locality have proven to show that even in the absence of a local plan and five year housing land supply that the adopted and saved policies of the Council’s 2005 plan still carry significant weight.</p> <p>Planning Considerations</p> <p>1. Development Outside of Development Limits</p> <p>The development proposal is outside of the development limit for Oakwood Park, Little Dunmow (known as Flich Green) and is therefore contrary to contrary to saved policy S2 of the adopted Uttlesford Local Plan (Development Limits/Policy Areas for Oakwood Park, Little Dunmow), which states:          “The development limits/policy areas of:</p> <ul style="list-style-type: none"> <li>• the proposed Priors Green development in Takeley and Little Canfield; and</li> <li>• the proposed Oakwood Park development in Little Dunmow</li> </ul> <p>are defined on the Proposals Map. Development will be permitted within these boundaries if it is in accordance with this plan”</p> <p>Therefore, this proposal is contrary to Local Plan policy and ought to be refused on the basis that it is outside the development limit and does not constitute a rural exception site.</p> <p>Moreover, the clear and unequivocally negative impact on the landscape of the area, particularly on the countryside and in respect of heritage assets (including the LD Conservation Area) which would likely be enacted through the creation of an access in the proposed location and the provision of a major development here, outweighs any proposed benefits.</p> <p>2. Development in the Countryside</p>
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		<p>The development proposal lays outside of the development limit of Flitch Green (Oakwood Park, Little Dunmow in the adopted Local Plan), outside of the Countryside Protection Zone associated with Stansted Airport, and outside of the metropolitan Green Belt. Therefore it is in the countryside. The application is thus contrary to policy S7 of the adopted Uttlesford Local Plan (The Countryside), which states:          “The countryside to which this policy applies is defined as all those parts of the plan area beyond the green belt that are not identified within the settlement or other boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The will include infilling in accordance with paragraph 6.13. of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances 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>On the basis of the above, the proposal has a significant negative impact on visual amenity, the rural character of the area and does not provide any special reasons why the development in the form proposed needs to be there. That special reason is not Housing Land Supply as the applicant suggests, and the basis for an application being progressed on the grounds of housing land supply in any case is not a reason alone for approval under the National Planning Policy Framework (NPPF). Appeal decisions locally, as mentioned previously, have supported this.</p> <p>The applicant’s inclusion of 40% affordable housing which comes out of the submission that is welcome. However, this does not overcome the parameters and principles for the development of sites within the countryside which is that of rural exception i.e. where 100% affordable housing, or the provision of enabling market homes to deliver affordable housing, is proposed.</p> <p>In this sense, the development proposals fail to overcome the policy tests for S7, providing appropriate development in the countryside. Therefore it is contrary to local and national policy.</p> <p>3. Development of Agricultural Land</p> <p>Running throughout the proposals is the applicant’s underlying notion that the development, whilst being greenfield, does not result in the loss of high-value agricultural land and therefore they presume in favour of sustainable development. Section 5.9. of the adopted Local Plan sets out the general context of Uttlesford’s</p>
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		<p>agricultural landscape in detail, attributing the highest of value to Grade 3a agricultural land (my parentheses and emphasis):</p> <p>“Uttlesford is a highly productive arable farming area. There is no Grade land but over 80% of the District is classified Grade 2 by [the Department for Environment, Food and Rural Affairs]. There is some grade 3a land. This represents the best and most versatile farmland. Such land should be avoided for development unless sustainability considerations suggest otherwise.”</p> <p>The adopted Local Plan policy ENV5, that considers the protection of agricultural land, states:</p> <p>“Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where sustainability considerations suggest otherwise.”</p> <p>In light of the above, the development would be unacceptable because of the loss of agricultural land, a harm which is not outweighed by the proposed benefits.</p> <p>This proposal constitutes development of Grade 3a and 3b land, which the region considers to be “the best and most versatile farmland”. The approval of development on this site should therefore be given in the absence of any brownfield (or previously developed) sites, or in fact those within settlement boundaries. However, the District Council continues to maintain a Brownfield Land Register which identifies 20 possible development sites that ought to be developed/permissioned before the assessment of greenfield release is considered. This does not consider land within settlement boundaries, which also takes precedent over greenfield release for housing.</p> <p>In this sense, the applicant has failed to correctly assess the value of the land in agricultural terms, has failed to consider the order of precedence through which sites are released for development, has failed to demonstrate adequate sustainability for the release of the greenfield site in any case and so is contrary to policy ENV5 (amongst others) of the adopted Local Plan.</p> <p>4. Access and Highways Issues</p> <p>Policy GEN1 of the adopted Uttlesford Local Plan is clear about development proposals and access:</p>
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		<p>“Development will only be permitted if it meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>a. Access to the main road network must be capable of carrying the traffic generated by the development safely.</li> <li>b. The traffic generated by the development must be capable of being accommodated on the surrounding transport network</li> <li>c. The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired</li> <li>d. It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access</li> <li>e. The development encourages movement by means other than driving a car.”</li> </ol> <p>The proposed access is on a bend which is dangerous and which in order to make acceptable in respect of access would result in irreconcilable and unacceptable damage to the landscape and visual significance of the area.</p> <p>The increase in traffic and proposed increase in manoeuvre activity within a short distance will risk public and highway safety. Station Road, which stretches from the B1256 at Throws through Little Dunmow and up to the Chelmsford Road junction in Felsted, is already congested at peak times and has encountered a number of Road Traffic Accidents due to the narrow and poorly drained roadway.</p> <p>Therefore, whilst the development proposals are not obliged to improve or enhance the current road network, it is certainly not permitted to worsen it: which it will undoubtedly do if the proposals progress in their current form.</p> <p>In light of the above, the applicant should demonstrate how any proposed development can promote “movement by means other than driving a car”. They have not done so.</p> <p>In the submitted transport statement the applicant mentions that walking would primarily assist in the proposed residents accessing bus stops, the Flitch Green Academy, the Co-op convenience store and the existing Flitch Green community facilities. However, given those existing community assets are already suitably used and do not have capacity for growth, this is considered a flawed assessment.</p>
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		<p>Whilst this objection is not representative of the views of the Flitch Green Academy, I know that the school does not have capacity for more students and therefore the assumption that children/parents will cycle or walk to the Flitch Green Academy is also flawed and inconsequential.</p> <p>It is clear that the applicant has not demonstrated a suitable site access nor mitigating works to the local transport network to overcome the policy tests for GEN1. On this basis, it is contrary to policy and does not promote sustainable travel. This development would risk public highway safety.</p> <p>Conclusion and Personal Remarks</p> <p>It would be remiss of any councillor not to express thanks to the applicant for seeking to engage with local stakeholders in the preparation of development proposals locally. Catesby has sought to engage me throughout the whole process and this should be viewed positively. However, in considering the application in the round, they have failed to overcome national,</p> <p>regional and local development framework policies and should be refused on the basis of the aforementioned policies.</p> <p>The site, laying in the inherently unsustainable parish of Little Dunmow, is inappropriate for development and the proposed benefits do not outweigh the significant harm which would also result.</p> <p>The site is not comparable to Flitch Green, which was a brownfield development, nor can it rely on Flitch Green to bolster its sustainability credentials.</p> <p>Appeal decisions in the locality show just how important considerations around the impact on heritage assets, the Flitch Way Country Park, and on the countryside are in the determination of applications.</p> <p>Yours faithfully,</p> <p>Cllr Criscione</p>
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		<p>ADDENDUM: Paragraph 7.5 of report states</p> <p>The applicant also attempted to liaise with Ward Councillors, the Flich Way Action Group and contacted both the Flich Green and Little Dunmow Parish Council’s offering to meet and discuss the proposals prior to the application submission. However, for an unknow reason, these parties did not make commit to meeting the applicant</p> <p><u>This is incorrect with respect of the Ward Councillor</u></p> <p>Cllr Criscione did engage in the pre-application process and attended meetings with the applicant’s team and made the necessary declarations to officers.</p>
8	<p>UTT/22/1598/DOV Land North of Shire Hill Farm, Saffron Walden</p>	<p><u>Saffron Walden Town Council (Comments on Committee Report)</u></p> <p>The planning committee meeting agenda for 25/08/2022 has been published today and I note UTT/22/1598/DOV- Land North Of Shire Hill Farm, SAFFRON WALDEN is scheduled for determination.</p> <p>As part of the officer report (attached for reference), I have the following comments which I would be grateful if you could please address. Alternatively, I ask members to consider and raise these queries at next weeks meeting.</p> <p><b>Section 13.3.1 Saffron Walden Neighbourhood Plan</b></p> <p>The report does not show a true reflection of the position of the SWNP.</p> <p>The SWNP passed external examination in April and the examiner confirmed the plan should proceed to referendum (with modifications) on 28 April 2022. Uttlesford Cabinet confirmed the Plan will proceed to referendum on 7<sup>th</sup> July and the referendum will take place on 15<sup>th</sup> September. Therefore, moderate weight should be given to the SWNP (and not <i>limited to moderate weight</i>).</p>

		<p><b>Monks Hill – Proposed removal of cycle link S106 condition</b></p> <p>As noted in the SWTC response to UTT/22/1598/DOV, SWTC object to the removal of the S106 condition: <i>Footpath/cycleway between Monks Hill and the Land</i>, as proposed in the <i>DRAFT AGREEMENT</i> uploaded on 7 June 2022.</p> <p>The previous application UTT/21/1920/NMA was granted to <i>remove a duplicated condition which also features on the attached associated S106 for the site</i>. The cycle link continues to be a must in order to promote sustainable travel and remain in line with the NPPF and SWNP.</p> <p>Section 8 of the report notes that Highways have raised no objections, however, there is no reference to the proposed removal of the cycle link and only refers to the missing link to the spine road.</p>
9	UTT/21/3565/DFO Land North of Shire Hill Farm, Saffron Walden	None
10	UTT/22/1078/DFO Land West of Bury Farm, Station Road, Felsted	None
11	UTT/22/1080/FUL Land West of Bury Farm, Station Road, Felsted	None
12	UTT/22/1103/DFO Land To The West of Stortford Road, Clavering	A revised landscape plan and additional external material plan has been submitted post publication of the committee report. The addition details have not resulted in a material change to the proposed development however it is considered conditions 4 and 5 on the published committee report are not now required and should be amended to compliance conditions. As such, please find the following

		<p>revised schedule of conditions, the order of conditions has also been amended to accord with Para 024 of the PPG.</p>				
		<table border="1"> <tr> <td data-bbox="696 300 775 603">1</td> <td data-bbox="775 300 1895 603"> <p>The development hereby permitted shall be carried out in accordance with the approved plans and proposed external materials document as set out in the Schedule.</p> <p>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</p> </td> </tr> <tr> <td data-bbox="696 603 775 635"></td> <td data-bbox="775 603 1895 635"></td> </tr> </table>	1	<p>The development hereby permitted shall be carried out in accordance with the approved plans and proposed external materials document as set out in the Schedule.</p> <p>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</p>		
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		<table border="1"> <tr> <td data-bbox="696 639 775 1082">2</td> <td data-bbox="775 639 1895 1082"> <p>The proposed landscaping scheme as demonstrated on plan 473X003 REF G shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants or trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)</p> </td> </tr> <tr> <td data-bbox="696 1082 775 1114"></td> <td data-bbox="775 1082 1895 1114"></td> </tr> </table>	2	<p>The proposed landscaping scheme as demonstrated on plan 473X003 REF G shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants or trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)</p>		
2	<p>The proposed landscaping scheme as demonstrated on plan 473X003 REF G shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants or trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)</p>					
		<table border="1"> <tr> <td data-bbox="696 1118 775 1351">3</td> <td data-bbox="775 1118 1895 1351"> <p>Prior to the slab level of the development hereby approved details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the Local Planning Authority.</p> </td> </tr> </table>	3	<p>Prior to the slab level of the development hereby approved details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the Local Planning Authority.</p>		
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			<p>REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure in accordance with ULP Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021) and the NPPF.</p>
		4	<p>Prior to first occupation of each dwelling hereby approved the renewable features/ climate control measures associated with that dwelling as specified in the Design and Access Statement shall be installed into the development as built and retained as such thereafter.</p> <p>REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021)</p>
		5	<p>Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.</p> <p>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 Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.</p>
		6	<p>The dwellings hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.</p> <p>REASON: To ensure appropriate bicycle parking is provided In accordance with</p>

			Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.
		7	Any planting adjacent to the Public Rights of Way shall be planted a minimum of 3m from the extent of the Public Right of Way.  REASON: To maintain a clear passage for pedestrians without encroachment from vegetation. 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.
13	UTT/22/1020/FUL Claypits Farm, Thaxted	NONE	
14	UTT/22/2192/FUL Saffron Walden Museum, Saffron Walden	NONE	

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.