



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 26th October, 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. Please see the section headed "Meetings and the Public" overleaf for further details.

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** 6 - 15

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 16

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 17 - 29

To note the Quality of Major Applications Report.
- 5 S62A Applications** 30 - 31

To note applications which have been submitted direct to the Planning Inspectorate.
- 6 UTT/21/3565/DFO - Land North of Shire Hill Farm, Shire Hill, SAFFRON WALDEN** 32 - 66

To consider application UTT/21/3565/DFO.
- 7 UTT/22/1939/DFO - Land North of Ashdon Road, SAFFRON WALDEN** 67 - 109

To consider application UTT/22/1939/DFO.
- 8 UTT/21/1836/OP - Land to the east of Wedow Road, THAXTED** 110 - 157

To consider application UTT/21/1836/OP.
- 9 UTT/22/2278/FUL - Land to the North of Cornells Lane, WIDDINGTON** 158 - 198

To consider application UTT/22/2278/FUL.

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**

Following the lifting of Covid-19 restrictions, and in accordance with the Council's risk assessment, Council, Cabinet and Committee meetings have returned to in-person and are held in the Council Chamber. However, due to social distancing measures and capacity considerations, those wishing to listen to or watch meetings will continue to be encouraged to access the live broadcast until further notice. 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 in person. In certain circumstances, virtual attendance can also be provided using Zoom; please contact Democratic Services for further information. Those wishing to contribute via Zoom will require an internet connection and a device with a microphone and video camera enabled.

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. Alternatively, enquiries can be sent to [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) .

The following time allocations are in place for speaking at this meeting:

- Members of the public: up to 4 minutes.
- District Councillors who do not sit on the Planning Committee: up to 5 minutes.
- Representatives of Town/Parish Councils: up to 5 minutes.
- Agents/Applicants: up to 4 minutes with additional time for each objector, up to a maximum of 15 minutes. **Please note that if an application is recommended for approval and there are no registered speakers against the application then the agent/applicant will not have the right to make representations.**

### **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, 28 SEPTEMBER 2022 at 10.00 am**

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

Officers in attendance: N Brown (Development Manager), A Lindsell (Democratic Services Officer), N Makwana (Planning Officer), F Nwanze (Interim Team Leader), M Shoesmith (Development Management Team Leader), E Smith (Solicitor - Litigation), L Trevillian (Principal Planning Officer) and A Vlachos (Planning Officer)

Public speakers: Councillor Alan Dean, Richard Haynes, Councillor Jo Kavanagh (Stansted PC), Councillor Victoria Knight (Thaxted PC), Trina Mawer, David McPherson, Beverley Rodbard-Hedderwick, Kathryn Siddle, Richard Siddle, Adrian Temple, Jonathon White, Maureen White, Tom Wilson, Mike Young

Virtual attendance: C Edwards (Democratic Services Officer)

## PC204 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Foley.

Councillor Freeman declared a non-pecuniary interest in agenda item 16 as a ward member.

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

Councillor Emanuel declared a non-pecuniary interest in agenda item 13 as she knew the applicant.

## PC205 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 31 August 2022 were approved as an accurate record.

## PC206 **SPEED AND QUALITY REPORT**

The Development Manager introduced the Speed and Quality Report.

The report was noted.

In response to a question from Councillor Freeman the Development Manager confirmed that the green text on the report indicated that the Council's performance was above the threshold and was a positive indication.

**PC207 QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager introduced the Quality of Major Applications report.

The report was noted.

**PC208 S62A APPLICATIONS**

The Development Manager introduced the S62A Applications report that detailed six applications which had been submitted direct to the Planning Inspectorate.

The report was noted.

**PC209 S62A/22/0000007 (UTT/22/2174/PINS) - LAND TO THE SOUTH OF HENHAM ROAD, ELSENHAM**

The Interim Team Leader presented an application for the 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)

The report was in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination, with the Council having the status of consultee.

The report recommended that the Director of Planning and Building Control be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

- No objection to the grant of outline planning permission subject to appropriate conditions/matters being addressed:
- Provision of 40% affordable housing
- 5% of the scheme to be delivered as fully wheelchair accessible units
- £310,000.00 towards community hall in Elsenham
- Securing appropriate education, health and transport contributions

In response to questions from Members the Interim Team Leader said:

- There was not evidence of any pre-application discussions with Essex Highways
- There were at least seven listed buildings impacted by the proposed development

- The criteria for the Environmental Statement were set out in the Environmental Impact Regulations 2017 and were based on the size of the site. The determining authority considered amongst other things traffic and air pollution
- Land was being provided for the community hall elsewhere
- There was only one access being provided to the site

The Development Manager said that the screening opinion was shared with Members and was the decision of the Secretary of State and would have taken into consideration the cumulative effect of the development.

Councillor Fairhurst said that Members were supposed to reflect residents' views and that the absence of sight of these views as part of the S62a process distorted democracy, and rendered the Committee's response an incomplete submission.

The Solicitor – Litigation said that members of the public were able to make their own representation to the Planning Inspectorate.

The Chair said that all Members shared the frustration of the designation but were required to respond to the Planning Inspectorate.

Members discussed:

- Thirteen listed buildings would be impacted by this application for 130 dwellings and whether the application should therefore be recommended for refusal on heritage grounds
- The S62a regulations stated that Members could make a recommendation, not that they must
- Concerns were raised about the single access point and the location of it
- The need for an assessment of the cumulative impact of neighbouring developments, including in relation to highways
- The importance of the timing of the Inspector's site visit ie peak school traffic times, to demonstrate existing highways issues
- The need to raise concerns to the Planning Inspectorate despite the absence of Parish Council or resident views

The Development Manager said that Officers were adjusting and adapting to this new way of working as a statutory consultee to the Planning Inspectorate. He said that future S62a items would not include a recommendation, but would raise concerns, although he acknowledged that this was not what the Planning Inspectorate had requested.

The Development Manager summarised the list of Members concerns:

- Members did not agree with the Officers' recommendation of no objection
- Serious concerns were raised relating to the impact of the proposed development on the listed assets in the area
- Concerns were raised regarding the single point of access and the location of the access
- The need for the Inspector's site visit to be undertaken at 3:30pm on a school day to be able to demonstrate existing highways issues



- The lack of information available to Members to enable them to make an informed decision

Councillor Fairhurst proposed that a letter to the Planning Inspectorate be drafted by the case officer detailing the list of members concerns as outlined by the Development Manager and Legal Services. The letter would be reviewed by the Chair prior to despatch to the Planning Inspectorate.

This was seconded by Councillor Bagnall.

RESOLVED to submit a letter to the Planning Inspectorate detailing the list of Members concerns as outlined by the Development Manager.

*The meeting was adjourned for a comfort break at 11:00 and reconvened at 11:05.*

PC210 **UTT/21/1833/FUL - CUTLERS GREEN LANE, LAND WEST OF THAXTED**

The Principal Planning Officer presented a planning application for the 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 landscaping.

He recommended that the Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 17 of the report subject to:

- Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- Conditions

If the freehold owner should 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.

In response to questions from Members the Development Manager said:

- That there were currently four solar farms in and around Thaxted and that approval had recently been granted for two additional solar farms within the district
- The decommissioning work was being progressed and scenarios reviewed, which included recommissioning and ongoing disposal matters
- There were appeal decisions that stated that twenty five years was not considered temporary in regard to best and versatile agricultural land, so forty years would definitely not be considered temporary
- The Rochdale Principles were historically applied to outline applications. Residents' concerns were not limited to the scale of the development, there were also concerns that the layout could change, although this could be reserved by conditioning, which was within Member's gift to consult residents on if they saw fit. It was acceptable to finalise details in reserved matters

Members discussed:

- The legal advice received on the Rochdale Principles and how it applied to a full application
- The relevance of the Rochdale Principles and the related flexibility required
- Uttlesford was becoming known as a test bed for solar farms and was already providing more solar farms than they were required to.
- The irreparable harm that would result for residents if the application was approved
- The need to achieve consistency in response to solar farm applications
- The need to retain agricultural land to grow food as we currently import 48% of our food
- The development would provide electricity for 8,000 homes but one wind turbine in the North Sea would provide electricity for 16,000 homes
- Concerns raised included flammable and toxic safety, degradation of land, noise, protection of the rural character and heritage of the area, biodiversity and repurposing of the land.
- The need to fully understand the decommissioning process. It was noted that the decommissioning plan was progressing well.

Councillor Pavitt proposed that the application was refused with reference to policies S7, GEN2, GEN7, ENV4, ENV5, ENV8, ENV9 and ENV15

The Development Manager recommended that ENV5 was given as the headline refusal reason, alongside ENV2, S7 and GEN 7.

Councillor Emanuel said that the National Planning Policy Framework (NPPF) paras 155 and 174 should also be referenced.

Councillor Bagnall said that the Neighbourhood Plan policies HC1, LSC1 and LSC2 could also be referenced.

The Development Manager said that the Neighbourhood Plan policies carried less weight due to their age but could be linked to S7.

The proposal was seconded by Councillor Fairhurst.

RESOLVED that the Director of Planning be authorised to refuse permission of the application with reference to policies ENV5, ENV2, S7, GEN7, NPPF paras 155 and 174

*The Democratic Services Officer read out Councillor Foley`s statement against the application.*

*Mike Young, Adrian Temple, Maureen White, Kathryn Siddle, Richard Siddle, Jonathon White, Trina Mawer, Tom Wilson, Richard Haynes and Councillor Victoria Knight (Thaxted Parish Council) spoke against the application.*

*Beverley Rodbard-Hedderwick spoke on behalf of the applicant.*

*The Solicitor – Litigation read out David MacPherson`s statement against the application.*

*The meeting adjourned at 12:54 and reconvened at 14:05.*

**PC211 UTT/21/3272/OP - LAND SOUTH OF STORTFORD ROAD, LITTLE CANFIELD**

The application was withdrawn from the list.

**PC212 UTT/21/2461/DFO - LAND TO THE WEST OF ISABEL DRIVE AND OFF STANSTED ROAD, ELSENHAM**

The application was withdrawn from the list.

**PC213 UTT/22/1528/FUL - LAND SOUTH EAST OF GREAT HALLINGBURY MANOR, TILEKILN GREEN, GREAT HALLINGBURY**

The Senior Planning Officer presented an application to vary condition (approved plans) of planning application UTT/20/0336/DFO (added under UTT/22/1567/NMA).

He recommended that the Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 17 of the report subject to:

- The transfer of the S106 Agreement attached to UTT/16/3669/OP with any variations
- Conditions

If the freehold owner should 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

Members discussed:

- The location of the garages
- The application was before members due to the size of the development

Councillor Emanuel proposed approval of the recommendation.

This was seconded by Councillor Pavitt.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report subject to:

- The transfer of the S106 Agreement attached to UTT/16/3669/OP with any variations
- Conditions

If the freehold owner should 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.

PC214 **UTT/22/1260/FUL - LAND NORTH OF BARTHOLOMEW CLOSE, GREAT CHESTERFORD**

The Development Manager Team Leader presented an application seeking variation of condition 2 (Biodiversity, Surface Water Drainage, Hard and Soft Landscaping and Tree Protection) of UTT/21/2113/FUL to allow removal of trees behind plots 12 and 13.

She recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report subject to conditions.

In response to questions from Members the Development Manager Team Leader said:

- The trees would be removed due to their excessive size and scale and visual amenity impact on the future occupiers of the properties
- The trees were in the gardens of the new houses being built
- There were no Tree Preservation Orders on the trees
- The size of the trees would result in a loss of light impacting the properties

Members discussed:

- The value that mature trees offered versus young saplings which take thirty years to achieve the same value
- The trees acted as a buffer and noise reducer for existing neighbouring properties
- Members had wanted to retain the trees at the time the application was approved
- The need for a good reason to remove healthy established trees

The Development Manager suggested that Members visit the site and in the interim further justification could be requested from the Housing Board.

The Chair proposed that the decision on the application was deferred.

This was seconded by Councillor LeCount. The proposal was defeated.

Councillor Fairhurst proposed that the application was refused.

This was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to refuse permission of the application with reference to policies GEN2 and GEN7

*The Development Manager left the meeting and was replaced by the Development Management Team Leader.*

PC215 **UTT/21/2376/FUL - LAND TO THE WEST OF HIGH LANE, STANSTED**

The Development Manager Team Leader presented an application seeking variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

She recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report subject to conditions.

In response to questions from Members she said that:

- No enforcement action had been taken on the site, as normally it would not be undertaken while an application was under consideration
- Issues raised within the report claiming to prevent delivery of the footpaths included access, health and safety implications and public safety issues

Members discussed:

- The previous deferral had been agreed to enable the developer to consult with the Parish Council and the Housing Association
- The developer's responsibility to deliver the conditioned footpaths
- As no landscaping had yet been undertaken by the developer, only the developer would benefit from the proposal
- The absence of real impediments that prevented the installation of the footpaths
- The absence of effort by the developer to speak with the Parish Council, deliver the footpaths or mitigate against the failure to deliver

Councillor Fairhurst proposed refusal of the application.

This was seconded by Councillor Pavitt.

RESOLVED that the Director of Planning be authorised to refuse permission for the development with reference to policies GEN1 and GEN2.

*Councillor Alan Dean spoke against the application.*

*Councillor Jo Kavanagh (Stansted Parish Council) spoke against the application.*

PC216 **UTT/22/1639/FUL - ROWNEY HOUSE, THAXTED ROAD, DEBDEN**

The Planning Officer presented an application for 2 no. dwellings (revised scheme to those approved under UTT/18/1206/FUL and UTT/19/1442/FUL).

He recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report.

Officers responded to questions from Members in respect of:

- The planning reasons for the call in for this application included access, privacy, traffic congestion and over-development of the site
- A land ownership potential dispute between Essex Highways and the applicant or neighbouring occupiers and the applicant, was not a planning issue.
- The Highways response had referenced the TPO tree at the front of the site, and thus took this matter into account when preparing their consultation response.

The Solicitor - Litigation said that land ownership was not a planning issue.

The Development Manager said that the fact that the site had previously had planning permission granted was a material consideration.

Councillor Fairhurst proposed approval of the application.

This was seconded by Councillor LeCount.

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

#### PC217 **EXCLUSION OF PUBLIC AND PRESS**

Councillor Bagnall proposed to move into part 2.

This was seconded by Councillor Fairhurst.

RESOLVED that under section 1001 of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

#### PC218 **COMPLAINT UPHeld BY THE LOCAL GOVERNMENT OMBUDSMAN**

The Solicitor – Litigation presented the report on the complaint upheld by the Local Government Social Care Ombudsman (LGSCO).

She recommended that Members noted the actions taken by Officers in response to the findings of the LGSCO, both directly related to the complainant, but also to the neighbouring homes.

Members said that the complaint raised a serious issue regarding the management of conditions. They asked what was being done to ensure conditions were met, managed properly and recurrences prevented.

In response to questions from Members the Development Manager said that the issue had resulted from a procedural failure. It had come about following the discharge of a condition as a result of a non-response to a consultation from Environmental Health. Officers no longer considered a non-response as

contentment with the position, and non-responses to consultation were now actively pursued by Officers to ensure positions were correctly understood.

The Solicitor – Litigation reiterated that no blame had been attached to any individual Officer either past or present.

Councillor Freeman as Ward Councillor provided background information to the report as he was familiar with the individual case.

The report was noted.

*The meeting ended at 15:44.*

## 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% (80.30%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	70% (85.06%)	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% (10.45%)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.16%*)	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:** 26 October 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 31/12/2022)*
  - *April 2021 – March 2023 (appeal decisions made by 31/12/2023)*
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	4	1	1	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		1	1	12.50%
	total	68	31	19	6	7	6	10.45%
		Minimum level required						10.00%

*Note data checked 10/10/2022.*

*If no further appeals are submitted and  
- all 6 pending allowed – total 17.65% etc.*

		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 02	Jul - Sept 2021	4	1	1	0	1	0	25.00%
Quarter 03	Oct - Dec 2021	16	9	5	1		4	0.00%
Quarter 04	Jan - Mar 2022	8	4	2		1	1	12.50%
Quarter 05	Apr - Jun 2022	7	2	1			1	0.00%
Quarter 06	July - Sept 2022	11	1					0.00%
Quarter 07	Oct - Dec 2022							
Quarter 08	Jan - Mar 2023							
	total	51	21	11	2	2	7	3.92%

#### 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	£260,517 (to 10/10/2022)	£126,867.89 (to 10/10/2022)

\*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	Allowed	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	Inprogress	
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	Inprogress	
UTT/20/2105/OP	Land To The North Of De Vigier Avenue Saffron Walden Essex	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	Inprogress	

UTT/21/0247/OP	The Rise Brick End Broxted CM6 2BJ	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	Inprogress	
UTT/21/0332/FUL	Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA	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	Dismissed	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, landscapi	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	Dismissed	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 infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	14-Apr-21	Approve	Refused	Appeal Withdrawn	23-Nov-21
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 landsc	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	Dismissed	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	Allowed	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	Dismissed	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	Inprogress	
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	Allowed	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				Appeal Non Determination	Dismissed	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				Appeal Non Determination	Allowed	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	Dismissed	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	Allowed	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	Inprogress	
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				Appeal Non Determination	Allowed	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 Sewards End Essex	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	Allowed	05-Oct-22

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		

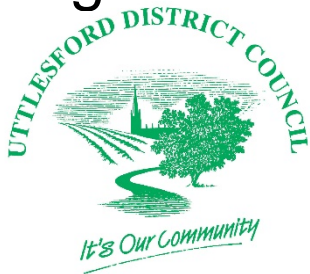
## The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

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:	Decision from PINs:
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	Approval with conditions – 11/10/2022
24 May 2022	S62A/22/0000004	UTT/22/1474/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	Approval with conditions – 24/08/2022
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 - (10/10/2022)</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)	Consultee	
23/09/2022	S62A/0000011	UTT/22/2624/PINS	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 Landscaping <b>The application has been</b>	Consultee	

				<b>submitted and we await notification that it is valid - (10/10/2022)</b>		
06/10/2022	S62A/0000012	UTT/22/2760/PINS	Land East of Station Road Elsenham	Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works. <b>The application has been submitted and we await notification that it is valid - (10/10/2022)</b>	Consultee	

# Agenda Item 6



**ITEM NUMBER:** 6

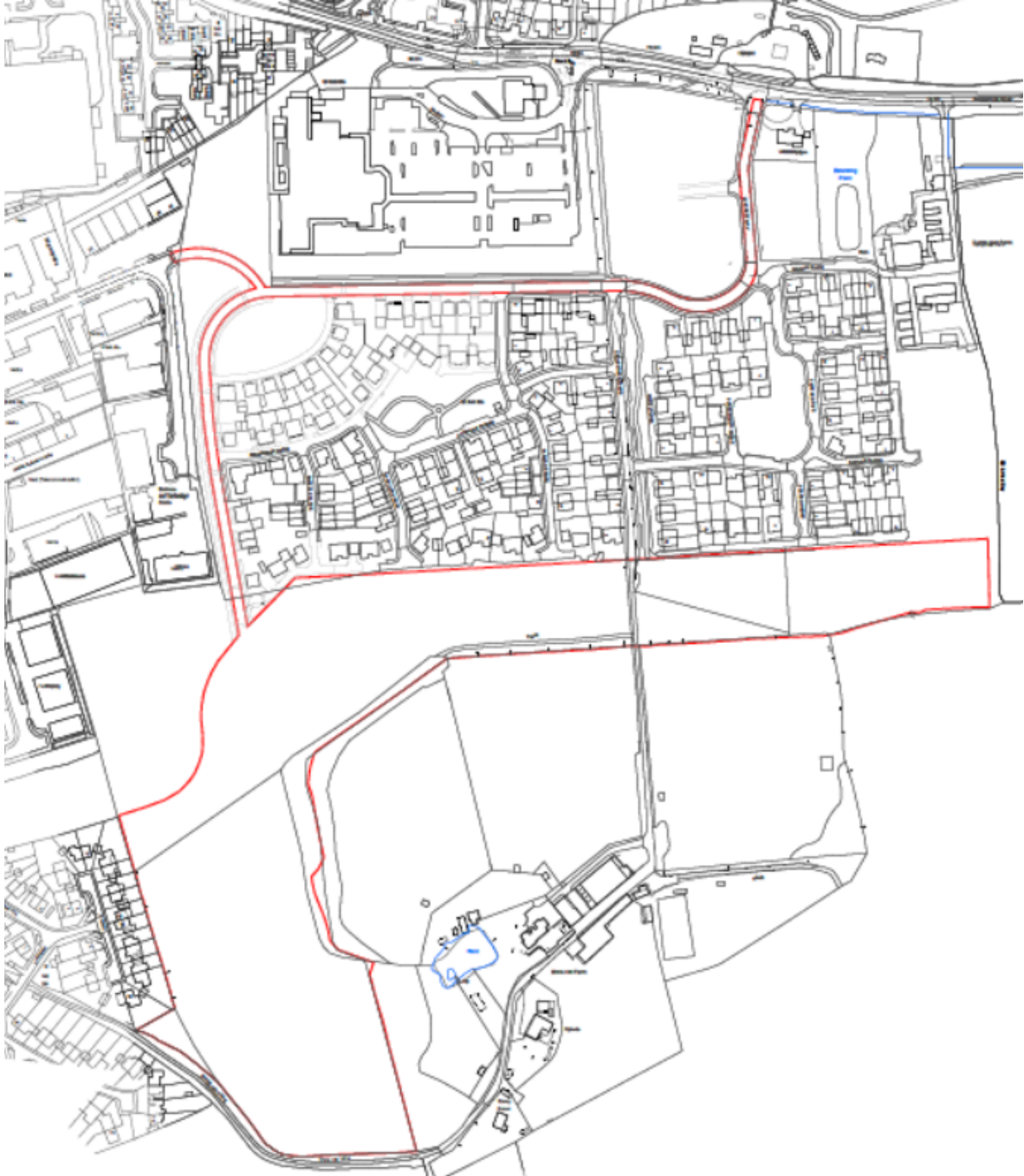
**PLANNING COMMITTEE DATE:** 26 October 2022

**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: October 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:** 28 October 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 Background**

**1.2** This application was presented to members of the planning committee on 31st August 2022 with a recommendation for approval subjected to suggested conditions.

**1.3** Following discussions, Members concluded to defer from making a decision and requested Officers to engage with the applicant to establish whether the design and appearance of the scheme could be enhanced to improve place making objectives through better urban design principles for those occupants who will live and play within the application site.

**1.4** The key points that were requested to be addressed and improve was in relation to the play space areas contained within the site and particular the play area to the south of the site adjacent to the 'Spine Road' and to

improve the appearance of the dwelling types to reflect the architectural qualities and local distinctiveness of the surrounding locality and the wider Essex vernacular.

- 1.5** A meeting was held on the 15th September 2022 between Officers of Uttlesford District Council and Essex County Council's Highway Officers and the Applicant's project team to agree on an appropriate design solution to address the points of interest/concerns raised by members.
- 1.6** Following the above meeting the applicant engaged with Saffron Walden Town Council on the 27th September 2022 and provided a presentation to members of the proposed revisions.
- 1.7** A complete package of revised drawings was submitted to the Local Planning Authority on 7th October 2022 and the application was formally consulted to the Town Council for a period of 14 days. At the time of preparing this report a formal response from the Town Council has not been received, however, their comments will either be presented via the Late List procedure or presented verbally by Officers on the day of the committee meeting. Although, it has been acknowledged by the Town Council in an informal email to the LPA on 6 October that the Town Council is content with the revised scheme as presented with the relocated play area.
- 1.8** It was considered that due to the minor nature of the revisions which will be explained in full below that there was no need to reconsult the public.

#### Revised Layout

- 1.9** The main concerns raised by Members at the previous meeting was in relation to the location and position of the play area to the south of the application site. It was considered that due to its location adjacent to the busy proposed new Spine Road, the play area would not be safe for those utilising it and that it may result in unwanted air pollution given that this road would accommodate a bus route.
- 1.10** Following members resolution, the applicant has amended the scheme to address the concerns raised by relocating the southern play area away from the main Spine Road and adjacent to the proposed pedestrian link to Shire Hill Lane.
- 1.11** To accommodate the relocation of the play space, the layout of the southern portion of the site including internal highways, public open space, and the position and orientation of new dwellings have been revised. Figure 1 below provides an extract of the southern portion of the site that was originally presented to members in August and Figure 2 is that of the new revised layout.



**Figure 1: Extract of the original proposed layout presented to Members 31st August.**



**Figure 2: Extract of the revised proposed layout.**

- 1.12** It should be noted that the number of units across the scheme remains the same as previously (100 in total) and includes the same housing mix and tenure. Furthermore, apart from the introduction of an additional visitor parking space adjacent the attenuation pond, the northern section

of the site remains the same as previously presented to Members. In addition, the position/alignment, dimensions, and connection points of the 'Spine Road' to the adjacent sites to the north and south including footway and cycle paths are the same.

**1.13** The revised layout has been checked by officers of the Local Planning Authority. It can be confirmed that each residential dwelling still meets the required standards and guidance in respect to the internal space standards, external private amenity, and off-street provisions to meet the needs and enjoyment of future residents.

**1.14** The reposition of the dwellings along the Spine Road will remain in cohesion within the street scene and reflective to the characteristics and distinctiveness of those dwellings located opposite and throughout the scheme. Furthermore, the dwellings surrounding the play space have been orientated to ensure natural surveillance of the area.

**1.15** The orientation and separation of the dwellings including the required back-to-back distances are appropriate to ensure that the proposals would not be visually intrusive or result loss of privacy or light to all properties within the scheme.

**1.16** The revised layout has been checked by Essex County Council highway authority who have confirmed that the proposals are appropriate in respect to accessibility, permeability, and transportation, and that the layout meets all technical highway standards including sight splay lines, turning circles, and safety.

**1.17** **Revised housing types**

**1.18** Members previously raised some concerns in relation to the appearance and detailing of the proposed house types. It was suggested that they would not generally reflect the architectural grain or Essex vernacular specifically in relation to external finishing materials and detailing. It was expressed that guidance provided by the Councils urban designer should be adhered too to improve the overall appearance and quality of the appearance of the dwellings.

**1.19** The applicant has taken into consideration the comments by Members and sought advice from Council's urban design officer and have amended the design and detailing of the proposed dwellings to enhance their overall appearance and so that they may respond positively to the local and regional context.

**1.20** Appearance

**1.21** Amendments to the house types include:

- Rationalisation of bricks to focus on two types (a soft orange and red/brown multi) rather than three different types. The previously

proposed yellow brick has been removed as it was considered more typical of a yellow London stock.

- Rationalisation of roof tile colours from three to two (brown of red). The slate grey roof tile has been removed.
- The previously proposed roughcast render style has been changed to a smooth render finish, which is considered more typical of the local vernacular. A palette of complementary pale pastel render shades has been selected.
- There is now a wider application of render across the scheme. There are more properties with render wrapping around the whole house and extending down to brick plinths.
- Simplification of architectural details stripping back the Arts & Crafts appearance.
- The window style has been reviewed and the false-ledged /Georgian bar style windows have been removed so all the properties now feature a simple window style.
- Door styles have been reviewed. Three simple door styles have been proposed, which are traditional rather than typical Arts and Crafts style designs.
- Providing some units with standalone chimneys.

**1.22** The revised housing types have been reviewed by the Council's urban design officer who has confirmed that the changes to the application have been made which respond to the urban design comments (pertaining to sections 'facilities and services' and 'a memorable character' in urban design consultation response 'UDC\_BHL\_21-3565-DFO\_Land North Of Shire Hill Farm\_Rev A') and that they have no objections. The main objectives of the development to include more rendered units helps to respond to those material paletts found within the town of Saffron Walden.

**1.23** Scale

**1.24** The scheme as originally submitted consisted of double storey dwellings along with single storey garages and 5 bungalows spread across the site. As a result of the revisions, the proposal will maintain the provision of 5 bungalows (plots 8, 9, 18, 22 & 73), but will now also include 2 two and a half storey dwellings located on plots 79 & 80.

**1.25** Summary

**1.26** The revisions including the amending the layout of the southern portion of the site to accommodate the relocation of the play space and the enhance detailing and appearance of the dwellings has improve the overall place making objectives through the use of better urban design principles which will ensure a good-quality development for those occupants who will live and play within the application site.

**1.27** Saffron Walden Neighbourhood Plan

**1.28** Since the application was previously presented to members, the preparation of the Saffron Walden Neighbourhood Plan has advanced in respect to it being 'Made'. As such Section 13.3 of the original committee report previously presented to Members below has been updated to reflect and provide advice of relevant policies of the Neighbourhood Plan to form part of the assessment of this application.

**1.29** **Summary**

**1.30** For the ease of reference for Members of the Planning Committee, apart from the required updates to Section 13.3 as described above, the remaining Sections including the main body of the assessment, conclusions, and suggested conditions remains the same as that presented to Members at the previous Committee in August.

**1.31** It remains officers' recommendation 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 suggested in Section 17 of the below report.

**1.32** **Conditions**

**1.33** As a result of the submission of the revised drawings, the suggested conditions as outline in Section 17 of the below report have been amended to include the most up to date drawing references where applicable.

**PREVIOUS REPORT PRESENTED TO MEMBERS 31<sup>st</sup> AUGUST 2022.**

**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
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<b>1 – bed dwelling</b>	4	0	4 (4%)
<b>2 - bed dwelling</b>	17	3	20 (20%)
<b>3 - bed dwelling</b>	16	10	26 (26%)
<b>4 - bed dwelling</b>	3	47	50 (50%)
<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 the 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:

(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)
- Saffron Walden Neighbourhood Plan (made October 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 was submitted to the Full Council on 11<sup>th</sup> October 2022 whereby it was agreed to be 'Made'. As such the following relevant policies of the SWNP can be given full weight in the assessment of the scheme.

SW5 – Affordable Housing

SW7 – Design

SW8 – Parking on new developments

SW19 – Ecological Requirements for all New Domestic and Commercial Development

SW20 – Promoting Walking and Cycling

SW21 – Travel Planning

SW23 – Vehicular Transport

SW27 – Opens Space for Informal Recreation

SW29 – Land Value to the Natural Environment

#### **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 show 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 provide 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, the Saffron Walden Neighbourhood Plan, 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 K (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** 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.

- 5** Dwellings shall not be occupied until cycle parking has been provided in accordance drawing ref: 2154-09-H (Parking Plan) as per 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.

- 6** Prior to the occupation of the 80th dwelling, the bus stops as shown in principle in drawing number 2012-515-SK021 REV F 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 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.

- 7** Prior to first occupation, a timetable for the provision of the pedestrian crossing as shown in principle in drawing number 2012-515-SK021 REV F 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 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.

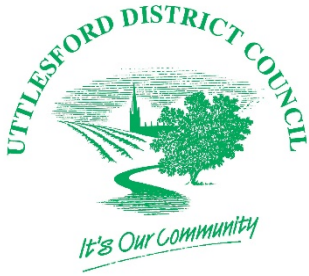
- 8** A foot/cycleway of a minimum width of 3.5m to the eastern boundary of the site as shown in principle in drawing number 2454.01 REV L shall be provided. The developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footway/cycleway 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 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.

- 9** The carriageway, footway and foot/cycleway between Plots 33 and 36 as shown in principle in drawing number 2425.01 REV L 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 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.



**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 26 October 2022

**REFERENCE NUMBER:** UTT/22/1939/DFO

**LOCATION:** Land North of Ashdon Road, Ashdon Road, Saffron Walden.

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: October 2022**

**PROPOSAL:** Details following outline application UTT/17/3413/OP - details of layout, appearance, landscaping and scale, for the development of 55 dwellings together with associated open space, landscaping, parking and supporting infrastructure

**APPLICANT:** Stonebond Properties (Chelmsford) Ltd

**AGENT:** Carter Jonas LLP

**EXPIRY DATE:** 14 October 2022

**EOT Expiry Date:** 28 October 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Within Development Limits, Flood Zones 1, Country Wildlife Park abutting Ashdon Road, Oil Pipeline, Adjacent Gas Pipeline. Employment Site.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major 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/17/3413/OP (allowed on appeal – ref: APP/C1570/W/18/3218383) whereby permission was approved for the erection of 55 dwellings along with associated open space, landscaping, parking, and supporting infrastructure
- 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 and Essex County Council which has helped to enhance the quality of the scheme in complying with the standards and guidance as per local and national policy and 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 public open space are provided throughout the site.
- 1.5 The proposals comply with the guidance and standards as set out within the Adopted Local Plan (2005), the Saffron Walden Neighbourhood Plan, relevant supplementary planning documents and the National Planning Policy Framework. It has therefore been recommended that this Reserved Matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with the Outline permission reference UTT/17/3413/OP, subject to conditions.

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 area of land subject to this planning application relates to the land known as 'Land North of Ashdon Road, Ashdon Road, 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 application site is located on the northern side of Ashdon Road and the eastern side of Miller Street within the town of Saffron Walden. The site itself is irregular in shape. It is long and narrow to the southern half whilst it is more rectangular in shape to the north. The southern section of the site is relatively level before a considerable incline across the mid-section of the site to the raised area to the north of the site. The site has an area of approximately 2.17 hectares.
- 3.3 The site was historically used for commercial purposes and was initially developed as part of a steelworks in the late 1960's. In recent years it has been left vacant with areas of hard standing and cleared ground.
- 3.4 There are no buildings within the site boundary. The only built features comprise of hard standing across the southern half of the site and there

are two retaining walls in the centre of the site either side of the hard standing sloping uphill. The site is generally free of any established vegetation to the south whereby it is overgrown in places, however mature trees, hedges, and shrubs are located to the north of the site along its boundaries. No vegetation is covered by Tree Preservation Orders.

**3.5** Abutting the southern boundary of the site is Ridgeon's Buildings Merchant Warehouse. This estate comprises a large warehouse building with car parking and a yard storing building materials. Residential development constructed recently by Bloor Homes is located to the west of the site opposite Miller Street. Buildings within this development mainly comprise of two storey detached and semi-detached houses. Large arable fields used for agriculture are located to the north and east.

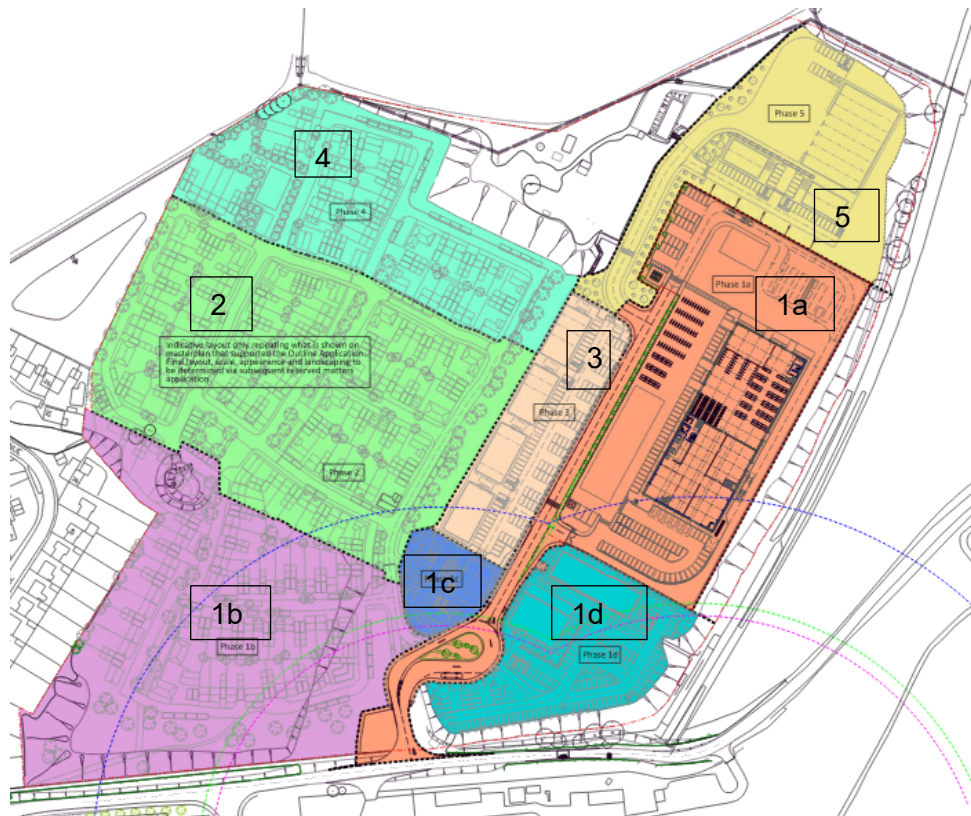
**3.6** Access to the site is via a single point off Ashdon Road which shortly after forks off into two roads that both adjoin the application site. To the west the road turns into Miller Street that flows into the residential development, whilst a road to the east provides access to Ridgeons and other commercial units.

**3.7** The site is not in or abutting a conservation area and there are no listed buildings or other heritage assets near the application site. The site lies within Flood Zone 1 as identified by the Environmental Agency. There are no local natural designations that cover the site, however, Whitehill Wood and Pounce Wood is located approximately 200m and 300m to the east and southeast retrospectively defined as important woodlands. Whitehill Wood is also defined as a wildlife site, whilst Pounce Wood is also defined as an ancient woodland.

#### **4. PROPOSAL**

**4.1** Prior to establishing the details of the application, it is important to understand the site history of the site and its surroundings.

**4.2** An application was originally granted in 2014 that covered both the application site and the land to the south and west under planning application ref: UTT/13/2423/OP for mixed employment uses and residential. The site was split into several phases as shown in Figure 1 below.



**Figure 1: Plan showing site split into different phases as per approved application ref: UTT/13/2423/OP**

- 4.3** Phase 1b, 2 and 4 are located to the west of the application site and have recently been developed for 160 dwellings by Bloor Homes under reserve matters permission UTT/16/2701/DFO. The remaining Phases were subject to different commercial and employment uses.
- 4.4** The remaining Phases were thereafter subject to an outline application ref: UTT/17/3413/OP that sought the reduction of the employment provision and increasing the residential provision to include up to 55 dwellings and allowing for some commercial space. The description of the development was for:
- 4.5** *“Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m<sup>2</sup> of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m<sup>2</sup>) and the erection of up to 335m<sup>2</sup> of A1 floor space (with the net retail sales area not to exceed 279m<sup>2</sup> GIA) together with associated open space, landscaping, parking and supporting infrastructure”*
- 4.6** This application was granted in October 2019 (allowed on appeal – ref: APP/C1570/W/18/3218383) subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development. Figure 2 below highlights the changes to the Phasing Plan.





**Figure 2: Extract of Phasing Plan attached to allowed on appeal – ref: APP/C1570/W/18/3218383) relating to planning application’s UTT/17/3413/OP redline**

- 4.7** The approved outline application allowed for Phases 3 and 5 (highlighted in yellow) as identified in Figure 2 above to be changed from commercial uses to residential for up to 55 dwellings. Phases 3 and 5 form the basis of this application. The remaining commercial Phases identified as 1c and 1d in Figure 2 above have been acquired by a separate developer and do not form part of the proposals. However, it should be noted that Phase 1d has detailed planning permission for commercial use and should be in the process of construction.
- 4.8** As such, this application relates to the reserved matters following the granting of outline planning permission reference UTT/17/3413/OP associated to Phases 3 and 5.
- 4.9** Access to the development was approved as part of the outline application which established access to the site to from Ashdon Road.
- 4.10** The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of up to 55 dwellings.
- 4.11** The proposal incorporates a range of housing types including 1 to 4 bedroom houses. 40% of the proposed housing will be affordable units (22no. dwellings) with the tenure split of 70% (15 dwellings) provided as

affordable rent and 30% (7 Dwellings) provided as a shared ownership dwelling). The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
<b>1 – bed dwelling</b>	1	0	1 (2%)
<b>2 - bed dwelling</b>	11	8	19 (34%)
<b>3 - bed dwelling</b>	10	16	26 (47.3%)
<b>4 - bed dwelling</b>	0	9	9 (16.7%)
<b>Total</b>	22 (40%)	33 (60%)	55 (100%)

**4.12** The scale of the dwellings would provide a mixture of 2 and 2.5 storeys. In addition, 3 of the affordable rented units will be single storey bungalows designed to M4(3) accessibility standards. The bungalows are positioned on Plots 17, 18, and 19 within a central location of the site. Building styles within the development would range from detached and semi-detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of the dwellings within the development has been provided with off street parking spaces and its own private amenity space.

**4.13** The net area of the development is 1.67ha which represents a density of 33 dwellings per hectare.

**4.14** Access to the site will be taken from Miller Street which will include a primary road entering the site and travelling both north and south.

**4.15** The proposed development includes areas of open space around the boundaries of the site and in the northwester corner which includes a small informal play area.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **6. RELEVANT SITE HISTORY**

**6.1** A search of Councils records indicates the following relevant recorded planning history for the application site.

- UTT/13/2423/OP - Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses

falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access. (Approved November 2014)

- UTT/17/3413/OP - Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m<sup>2</sup> of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m<sup>2</sup>) and the erection of up to 335m<sup>2</sup> of A1 floor space (with the net retail sales area not to exceed 279m<sup>2</sup> GIA) together with associated open space, landscaping, parking and supporting infrastructure. (Allowed on appeal – ref: APP/C1570/W/18/3218383 – October 2019)
- There are other applications not listed here which relate to Phases 1a, 1b, 1d, 2 and 4, plus a triangle parcel of land located north/northwest relating to another housing scheme which Members are aware of.

## **7. PREAPPLICATION 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.
- 7.2** This has included pre-application engagement (ref: UTT/21/2680/PA) including a programme of meetings between the Applicant and officers of Uttlesford District Council. In summary, the applicant has discussed their emerging proposals with officers to clarify and seek advice on planning policy and an appropriate design strategy for the proposals. The proposals have been positively revised prior and post submission as a result of these discussions.
- 7.3** The Applicant also advised that a separate presentation was delivered to Saffron Walden Town Council on the 24<sup>th</sup> March 2022 following pre-application advice with the Local Planning Authority to discuss the proposals. A further meeting with the Town Council was conducted on the 27<sup>th</sup> September 2022 whereby the applicant provided a presentation in respect to some minor changes to the design and layout of the scheme following negotiations with planning officers during the applications assessment.
- 7.4** A leaflet drop consultation was undertaken with residents between 4<sup>th</sup> May and 18<sup>th</sup> May 2022. The leaflets were dropped to all residents in the

adjacent estate to the east of the site. Responses were collected from a website and emails. The key concern raised by residents related to the proposals to take access from Miller Street.

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

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

**8.1.1** This application has been reviewed by the Highway Authority in conjunction with a site visit and internal consultations. The Highway Authority liaised with the applicant to ensure improved permeability for pedestrian and cyclist and facilities for pedestrian within the site and at the access. The location and form of access is acceptable to the Highway Authority and the design has been subject to swept path analysis and will be subject to further technical review at the detailed design stage. From a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject to suggested conditions. These conditions have been included in Section 17 of this report.

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

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

### **8.3 Environment Agency – No Objection**

**8.3.1** Thank you for your consultation dated 18<sup>th</sup> July 2022. We have inspected the application as submitted and have no objection providing that you carefully consider our comments relating to Pilling and our suggested condition. The suggested condition has been added to the suggested listed of conditions as highlighted in Section 17 of this report.

## **9. TOWN COUNCIL COMMENTS**

**9.1** The Committee of Saffron Walden Town Council were generally supportive of the scheme and were pleased to see air source heat pumps will be installed and the landscaping had a courtyard feel.

## **10. CONSULTEE RESPONSES**

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

**10.1.1** The affordable housing provision on this site will attract 40% policy requirement as the site is for 55 units which equates to 22 affordable properties. It is also Council's policy to require 5% of the whole scheme to be delivered as wheelchair accessible and the application meets this requirement. I confirm that the proposed mix and tenure split of the

affordable properties meets the need identified within the SHMA 2017 and has been agreed with me as part of the application process.

**10.2 UDC Environmental Health – No Objection**

**10.2.1** Having reviewed the contents of this application, there are no Environmental Health implications and therefore this service has no further comments.

**10.3 UDC Landscape Officer/Arborist – No Objection**

**10.3.1** The submitted detailed planting and hard landscaping proposals (including boundary walls and fencing), I consider to be comprehensive and appropriate. The low-key play provisions are considered appropriate.

**10.4 UDC Natural Science Office and Special Roadside Verges Coordinator – No Objection.**

**10.4.1** The Special Verges is found on the north side of Ashdon Road on each side of the entrance to Ashdon Road Commercial Centre. The verge is also part of a larger area of Local Wildlife Site. The special roadside verge supports rare calcareous (chalk) grassland plants. The Special Verge and LoWS are some distance from the application site and there would be no direct effect on the sites. The revised CEMP addresses my initial concerns about protecting the Special Roadside Verge and LoWS during period of construction.

**10.5 ECC Place Services (Ecology) – No Objection**

**10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures by way of conditions. These conditions have been suggested in Section 17 of this report.

**10.6 ECC Crime Prevention Officer – No Objection**

**10.6.1** Whilst there are no apparent concerns with the layout, to comment further we would require that final details such as the proposed lighting and physical security measures. Measure of providing appropriate lighting and security have been incorporated into the scheme and checked by the Council's Urban Design Officer with regards to appropriate layout.

**10.7 Anglian Water – No Objection**

**10.7.1** Confirmed that they have reviewed all documentation and that they have no comments to make as there is no connection to the Anglian Water Sewers.

**10.8 London Stansted Airport (MAG) - No Objection**

**10.8.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objections to this development.

**10.9 NATS Safeguarding – No Objection**

**10.9.1** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objections to the proposal.

**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 objections to your proposals from a planning in general area, but we do have high pressure assets in the vicinity of the work area. We have high pressure pipelines in the vicinity of the works area. These will need to be protected at all times. They have easements in place which must not be encroached upon.

**10.11 UK Power Network – No Objection**

**10.11.1** Provided their records which show the electrical lines and/or electrical plant and a fact sheet for the applicant's information. Should any excavation works affect their extra high voltage equipment, the applicant is advised to contact UK Power and obtain a copy of the primary route drawings and associated cross sections.

**10.12 Defence Infrastructure Organisation – No Objection**

**10.12.1** Our records indicate there may be a redundant pipeline in the area. Advice is provided to the applicant that if they are working in close proximity to the pipeline, then it is recommended that the applicant seeks advice of a specialist pipeline contractor. This pipeline has been declared redundant by the Ministry of Defence and the necessary legal charges have been removed. If the landowner wishes to remove the pipeline from the land they must do so at their own cost.

**10.13 Exolum – General Comments**

**10.13.1** We confirm that our client Exolums apparatus will be affected by your proposals as indicated on the plans. As per the Energy Act 2013, this prohibits any development and most intrusive activities within the Easement Strip with specific consent from Exolum. Exolum's Easement Strips are 6 metres wide and can incorporate other associated Exolum facilities. The Applicant should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent.

**11. REPRESENTATIONS**

**11.1** The application was notified to the public by displaying a site notice on site, sending letters to nearby residents and advertising the application in the local paper. A number of representations were received who objected to the proposals for the following reasons:

**11.2 Object**

- 11.2.1**
- Highways/Access - The proposals as a result of increase traffic generation would result in harm to highway safety and traffic congestion along the surrounding highway network.
  - The existing access is already tight and results in a bottleneck of traffic. The proposals would add to this problem.
  - The access into Miller Street is an accident waiting to happen.
  - Miller Street can't accommodate the additional traffic movements.
  - A more sensible solution would be a better designed access from the Ridgeon's Road onto the new development.
  - Unsustainable – There is a need for more local services in this part of the town and not just housing.
  - Air Pollution – Increase traffic would result in increased impacts upon air pollution.

**11.3 Comment**

**11.3.1** The above concerns raised within the representations have been fully considered and are addressed in the main assessment of this report.

**12. MATERIAL CONSIDERATIONS**

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

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- (a) The provisions of the development plan, so far as material to the application,;
- (a) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

**12.3 The Development Plan**

- 12.3.1 Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made Feb 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made 11 October 2022)

### 13. **POLICY**

#### 13.1 **National Policies**

- 13.1.1 National Planning Policy Framework (2021)

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

- 13.2.1 The relevant policies in relation to the application proposals are as follows:

- S1 – Settlement Boundaries of the Main Urban Areas
- GEN1- Access Policy
- GEN2 – Design
- GEN3 - Flood Protection
- GEN4 - Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 - Infrastructure Provision
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV3 - Open Space and Trees
- ENV10 - Noise Sensitive Development
- ENV12 – Groundwater Protection
- ENV13 - Exposure to Poor Air Quality
- ENV14 - Contaminated Land
- SW6 Safeguarding of Existing Employment Areas

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

- 13.3.1 The Saffron Walden Neighbourhood Plan was submitted to the Full Council on 11th October 2022 whereby it was agreed to be 'Made'. As such the following relevant policies of the SWNP can be given full weight in the assessment of the scheme.

- SW5 – Affordable Housing
- SW7 – Design
- SW8 – Parking on new developments



SW19 – Ecological Requirements for all New Domestic and Commercial Development  
SW20 – Promoting Walking and Cycling  
SW21 – Travel Planning  
SW23 – Vehicular Transport  
SW27 – Opens Space for Informal Recreation  
SW29 – Land Value to the Natural Environment

#### **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) Flooding and Drainage**
- G) Whether the proposal would cause harm to the amenities of adjoining property occupiers Planning Obligations**

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

**14.3.1** 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 and Policy SW7 of the Saffron Walden Neighbourhood Plan.

**14.3.2** 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.

**14.3.3**      Layout:

**14.3.4**      Due to the site constraints with the southern half of the site being long and narrow in shape and the northern half being more rectangular, and along with the significant changes in levels from north to south, the proposed housing is generally split across two distinct areas to the southern and northern portions of the site. Apart from the construction of the main internal road, this leaves an area free of any established built form centrally within the site whereby it raises in levels at its steepest point.

**14.3.5**      Dwellings in the south of the site are to some extent arranged in courtyard forms whilst the dwellings to the north are more regimented fronting onto the highway.

**14.3.6**      Along the western boundary, the oil pipeline prohibits any development or any substantial planting. The easement strip along this boundary is proposed to be landscaped as chalk species rich grassland for ecological enhancement and to create an attractive entrance/edge to the development. There is however a landscaping scheme that has been approved as part of the Phase 1b, 2 and 4 residential scheme which has since been built out.

**14.3.7**      The site is characterised by a single spine road extending from the new vehicle access off Middle Street at the western edge of the site. The access and spine road will form the main ingress point for vehicles. The layout which effectively creates a main road extending through the site reaching out to the south and north of the site with private driveways leading off it. The layout in this form is not at odds to the general character and layout of the area and particular those new dwellings built out by Bloor Homes to the west of the site.

**14.3.8**      The spine road and footpaths within provide good connections for both pedestrians and cyclists offering convenient links to surrounding highways which are accessible for all users as confirmed by the Highway Authority.

**14.3.9**      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 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 some dwellings which is not ideal, however, this hard standing area is 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.

- 14.3.10** The proposals provide an active street frontage throughout the site and the houses have been designed to overlook streets and open spaces offering natural surveillance. The scheme will be generally internally facing due to the landscaping buffers around the perimeters of the site.
- 14.3.11** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development and the surrounding built and natural environment.
- 14.3.12** Scale:
- 14.3.13** The applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of the height, the scale of the dwellings will provide a mixture of 2 and 2.5 storeys with single storey garages. In addition, three single storey bungalows are proposed.
- 14.3.14** The southern area of the site proposes two storey dwellings in keeping with the housing development to the west. The bungalows are located to the centre of the site and the 2.5 storey dwellings are to be located to the north of the site.
- 14.3.15** It is acknowledged that the dwelling types are generally plain in form lacking projecting features such as gable ends, enclosed porches, or dormer windows to help break up the facades and to provide articulation which can be preferable for better place making. However, it is also acknowledged that in some instance over-elaborate details can be of an unsuitable scale and spoil a pleasantly proportioned building. The proposed dwellings have a simple dominant form which is based on a rectangular plan and have a pitched roofs with a central ridge.
- 14.3.16** 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.
- 14.3.17** Appearance:
- 14.3.18** 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 rural locations.
- 14.3.19** The dwellings are more contemporary in design rather than of a traditional appearance. The dwellings will utilise materials and finishes

which can be found in the surrounding locality. External materials will range from facing brickwork of varying colours, clay pantiles roofs and timber. With the lack of articulation of the built form of the dwellings themselves, it is important that the use of different external materials is used across the site to break up any strict rhythm or repetitive. The proposed materials plan ref: 304.07 submitted in support of the application confirms that each dwelling will have its own sense of individuality because of different external finishing, and to provide a coherent street scene.

- 14.3.20** Window and door openings have been arranged to emphasise the visual strength of the facades by allowing as much as possible wide solid piers as between openings and to help provide a symmetrical and balanced appearance.
- 14.3.21** The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.3.22** The scheme proposes to interpret the Essex vernacular in a modern way, using contemporary building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.3.23** The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development.
- 14.3.24** Quality of Accommodation:
- 14.3.25** All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.26** Considering 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 homes will function, be adaptable and cater to changing lifestyles that meet the needs of families, children, and older people.
- 14.3.27** For a one or two-bedroom dwelling units, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling units has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide and outdoor sitting area and should be located to the rear rather than the side.

- 14.3.28** Each residential dwelling has been provided with the minimum amenity space as per the above guidance.
- 14.3.29** Sustainable Design:
- 14.3.30** The applicant submits that the proposed housing will provide a high standard of sustainability within the design of the proposals as demonstrated within the 'Sustainability Statement' submitted in support of the proposals. Measures to be adopted in the final design of the housing include:
- Building fabric to exceed minimum standards in part L of the Building Regulations (insulation and ventilation)
  - Air Source Heat Pumps to be used for dwelling heating
  - Low energy light fittings
  - Water saving measures including rainwater harvesting (water butts) and water meters to be installed on the mains to all buildings.
- 14.3.31** To provide best practice and in accordance with the Council's Climate Change SPD, a condition is suggested to be imposed on the decision notice if permission is approved that all measures including that outline above to be carried in accordance with the 'Sustainability Statement'.
- 14.3.32** The approach to design of the scheme complies with Policy GEN2 of the Adopted Local Plan and Policy SW7 of the Saffron Walden Neighbourhood Plan.
- 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 for bungalow provision. 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 22 of the residential units are to be affordable units which amounts 40% of the total units. 15 of these units are to be rented affordable units and

7 are to be shared ownership affordable units which amounts to a 70%-30% split. Furthermore, the proposed bungalows are proposed as shared ownership units and 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: 307.08, the clusters of affordable units are spread across the site in separate groups. Although there is a large cluster of affordable units containing 15 units, however, this is separated by an internal highway. Furthermore, the scheme provides other smaller clusters containing 2 and 5 affordable units and the clusters of affordable units are well spread out.

**14.4.5** 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)'.

**14.4.6** 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-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4% although this can be flexible. The mix of housing is outlined in paragraph 4.11 of this report. Pre-application discussions were held with the Council's Housing Officer and although the mix of market housing does not strictly comply to the above study, the mix of housing is appropriate to meet local needs and for all users.

**14.4.7** 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 bungalows that are located on Plots 17, 18 and 19 will comply with Category M (3) standards which amounts to 5% of the total amount of dwellings being wheelchair accessible.

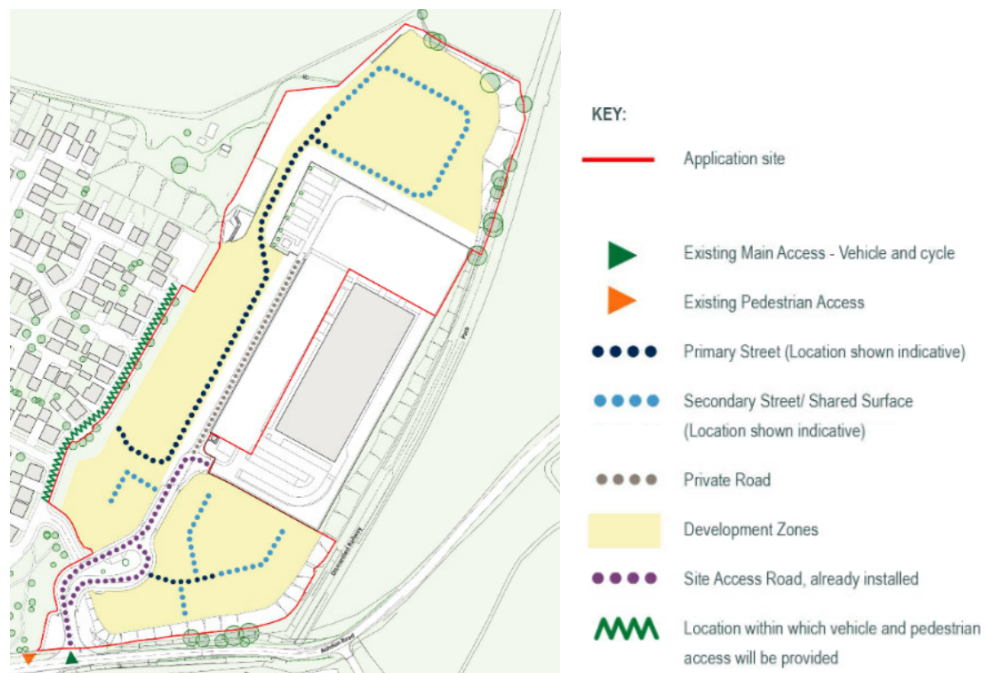
**14.4.8** The proposals accord with Policies H9 and H10 of the Adopted Local Plan and Policy SW5 of the Saffron Walden Neighbourhood Plan.

## **14.5 C) Access to the site and highway issues**

**14.5.1** 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 encourages movement by means other than a vehicle.

**14.5.2** Access

**14.5.3** The details of vehicle access to the site were approved as part of the outline permission ref: UTT/17/3413/OP. Figure 3 below is an extract of the indicative 'Access and Movement Parameters Plan' submitted in support of the outline application. It is advised that the details of access forming part of the outline application specifically related to vehicle access off Ashdon Road as shown indicatively dotted in purple below. As indicatively indicated and dotted in black, the primary road for the residential element of the scheme was to be accessed via Miller Street. Although access is shown at the southern end, access could be provided anywhere along the lower western boundary from Miller Street.



**Figure 3: Extract of the indicative 'Access and Movement Parameters Plan' attached to UTT/17/3413/OP.**

**14.5.4** The proposals as such include a new vehicle access from Miller Street, and slightly further north from the access shown on the outline approval. The applicant has stipulated that they have a clear agreement / contract with Exolum which allows them to construct a standard access road link including a footpath across the pipe easement to design guide standards with a blacktop surface. A primary spine road will then enter the site and extend through the narrow section and into the northern half of the site. From here a secondary shared surface road serves the remaining development. It also allows for a secondary road heading south from the main access.

**14.5.5** A secondary emergency vehicle access via the industrial site to the east is proposed adjacent the bungalows to the centre of the site.

**14.5.6** Essex County Council was consulted who are the lead local Highway Authority who confirmed that they have reviewed all supporting documentation including the Transport Statement. The Highway Authority confirm that they have no objections to the proposals from a

highways and transportation perspective and that adequate accessibility and permeability has been provided without result in detrimental harm upon highway safety.

- 14.5.7** It is acknowledged that some representations made concerns regarding the position of the vehicle access point from Miller Street in that it would result in further congestion and detrimental to highway safety. These concerns have been carefully considered with the highway authority being made aware. However, and as confirmed above, the Highway Authority has assessed all potential impacts including the increase intensification of vehicle movements and the technical specifications of the new access and have concluded that all is appropriate. For each iteration of the design, the roads and turning heads have been tracked to ensure highway safety and usability across the proposals.
- 14.5.8** Parking
- 14.5.9** 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'.
- 14.5.10** 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.
- 14.5.11** On the basis of the accommodation mix provided, a minimum of 118 off street parking spaces would be required across the development. A total of 110 off street parking spaces are provided. There is a slight shortfall as the 4-bedrooms homes, (9 dwellings in total) have been provided with 2 spaces each rather that the required 3. However, given the sustainable location of the site on the edge of the town centre, and need to promote sustainable modes of transport, which is high on the Governments agenda, it is considered that this slight shortfall is appropriate. Nonetheless, it is considered that the parking accords with the Essex Parking Standards (2009) based on the number of proposed 4 bedroom dwellings.
- 14.5.12** The off-street parking spaces would be accommodated within a range of options including integral and detached garages, and off-street parking. Each dwelling will be provided with electrical vehicle charging points.
- 14.5.13** There are 14 visitor parking spaces across the site which are fully integrated within the street scene and provide relevant bay sizes in accordance with the relevant standards.



- 14.5.14** In addition, secure cycling would be provided for each residential unit within the site. Houses and bungalows will have small sheds located in rear gardens.
- 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.
- 14.5.16** The proposal complies with Policies GEN1, GEN8 of the Adopted Local Plan, and Policies SW8, SW21 and SW23 of the Saffron Walden Neighbourhood Plan.
- 14.6** **D) Landscaping Arboriculture and open space**
- 14.6.1** Landscaping:
- 14.6.2** Landscaping forms a reserve matter to be assessed as part of this application. 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.
- 14.6.3** The proposals include a landscaping scheme, incorporating both private and public open space areas. The vegetation along the northern and eastern boundaries of the site will be retained as much as possible with additional planting proposed with hedges and shrubs to the top edge of the site to provide overall screening to the development. Additional planting will also be proposed along the eastern boundary shared with Ridgeons. Along this part of the site chalk grassland, evergreen climbers and extra heavy standard trees will help to reduce visual blight providing natural screening between the dwellings and Ridgeon's estate.
- 14.6.4** The general landscape layout particularly that of the plot landscaping has been designed to help 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.
- 14.6.5** Arboriculture:
- 14.6.6** The application is supported by an Arboriculture Impact Assessment. This confirms that the development will result in the removal of 12

individual trees of moderate to low quality and 4 areas of natural regeneration including hedgerows and shrubs.

- 14.6.7** The majority of the proposed removals are trees situated within the northern half of the site, which is to facilitate and create a developable area. By way of mitigation, it is proposed as part of the landscaping proposals, 120 new trees will be planted including field maple, birches, hornbeams, and dawycck birch are to be planted for compensation of the vegetation proposed to be removed. The loss of the vegetation can be mitigated with new tree planting which will deliver a significant net gain in tree numbers and diversity.
- 14.6.8** All other trees to be retained will be protected during construction works by way of tree protecting fencing and ground protection.
- 14.6.9** Open Space:
- 14.6.10** 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.
- 14.6.11** The proposed development includes informal areas of open space around the boundaries of the site, along the pipeline easement which adjoins Miller Street and in the north-western corner where a small informal play area is proposed. The play area will include benches and informal paths, natural play spaces and play equipment.
- 14.6.12** The size and amount of the open space and play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.
- 14.6.13** The proposed landscaping of open spaces including street frontages is appropriate.
- 14.6.14** Having regard to all the above, the proposal complies with Policies ENV3 and ENV8 of the Adopted Local Plan and Policy SW27 of the Saffron Walden Neighbourhood Plan.

**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 applicant has submitted a Preliminary Ecological Appraisal and an Ecological Mitigation & Enhancement Plan. The supporting documentation stipulates that the proposed development would not have a harmful effect on wildlife, designated sites, or other landscape elements of importance to nature conservation and includes measures to secure biodiversity enhancements.
- 14.7.4** The application site itself is not subject of any statutory nature conservation designation being largely an overgrown previously developed site. Place Services Ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and has assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.7.5** The planting scheme has been designed to increase the ecological benefits of the site.
- 14.7.6** They also stipulated that they support the proposed reasonable biodiversity enhancements including permeable fencing for hedgehogs, installation and integrated bird boxes, size integrated bat boxes, installation of six integrated bird boxes, six integrated bat boxes, five reptile hibernacula and butterfly banks as well as chalk grassland mitigation area and wildlife tree and hedgerow planting and that these net gain and mitigation measures should be secured by way of imposing conditions on the decision if permission were to be approved.
- 14.7.7** It is put forward that the proposals will not result in harm to protected species or their habitats and that it will deliver enhancements in ecological terms. The proposal therefore complies with Policy GEN7 of the Adopted Local Plan and SW19 of the Saffron Walden Neighbourhood Plan.

**14.8 F) Flooding and Drainage**

- 14.8.1** 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.
- 14.8.2** Flooding:
- 14.8.3** The site is shown on the Environmental Agency Flood Map for Planning as lying entirely in Flood Zone 1 and thereby has a low probability of flood risk either on or surrounding the site. The proposals are acceptable

in terms of potential flood risk in accordance with Policy GEN3 of the Adopted Local Plan.

**14.8.4**     Drainage:

**14.8.5**     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.

**14.8.6**     A Sustainable Urban Drainage System (SuDS) is proposed that would drain surface water into the ground via on-plot soakaways, permeable paving, and an infiltration basin in the area to the south of the site that would sustainably accommodate surface water run-off from the site. This ensures water management for 1:100-year storm event, plus a further 40% storage capacity to account for climate change and 10% urban creep.

**14.8.7**     Essex County Council who are the Lead Local Flooding Authority stipulate that having reviewed the Flood Risk Assessment and Drainage Strategy which accompanied the planning application, that they do not object to the granting of planning permission as the proposed development would 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.

**14.8.8**     The proposals, for this reason is thereby comply with to Policy GEN3 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**     The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2, GEN4 and ENV10 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.9.2**     Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

**14.9.3**     The proposed dwellings will not result in significant overlooking to restrict daylight or sunlight to existing neighbouring properties as the closest properties on the Bloor Homes development to the west will be separated by the access road and the landscaping strip over the existing pipeline. The setback distances from neighbouring properties and the positioning of dwellings and their orientation relative to one another will also avoid unnecessary overbearing of visual impacts.

**14.9.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Noise Impact Assessment and Construction Traffic Management Plan would ensure to address these points when the details are submitted.

**14.9.5** 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 ENV10.

## **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. This is also reflected in Local Plan Policy GEN6. 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/17/3413/OP specifies several obligations/requirements in which proposals need to comply with. The proposal has 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.

## **16.1 CONCLUSION**

**16.1.1** 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 providing a sense of well-being for future occupiers. The proposed landscaping and open space including street frontage is appropriate.

**16.1.2** The proposed affordable housing meets the requirements of the S106 agreement and is therefore acceptable and it is considered that the mix of homes across the development is appropriate.

**16.1.3** 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.

**16.1.4** 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 occupiers surrounding the site.

**16.1.5** The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), the Saffron Walden Neighbourhood Plan, 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/17/3413/OP subject to the conditions outline below.

## **17. CONDITIONS**

- 1** 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.

- 2** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 304.07 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 of the Adopted Local Plan, Policy SW7 of the Saffron Walden Neighbourhood Plan, and the National Planning Policy Frameworks.

- 3** Prior to the occupation of the development, the access as shown in principle on submitted drawing 11511-00-8003 P5 with a one 2 metre wide footway and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway shall be provided. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicle 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, Policies SW21, SW23 of the Saffron Walden Neighbourhood Plan, and the National Planning Policy Guidance.

- 4** 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 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 National Planning Policy Guidance.

- 5** 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 other purpose other than the

parking of vehicles that related to the use of the development unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that on street parking of vehicle 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, Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005), Policy SW8 of the Saffron Walden Neighbourhood Plan, and the National Planning Policy Guidance.

- 6** Dwelling 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, Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005), Policy SW8 of the Saffron Walden Neighbourhood Plan and the National Planning Policy Guidance.

- 7** Prior to the occupation of any dwelling to the north or west of the road, the pedestrian access adjacent to Plots 10 and 11 and the secondary emergency access/pedestrian/cycle access opposite Plot 18, as shown in principle in drawing number 11511-00-884 P5, shall be provided and thereafter retained. The access opposite Plot 18 shall have suitable infrastructure to stop vehicle access (accept emergency vehicle) but allow use by pedestrians and cyclists.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Local Policy GEN1 of the Uttlesford District Council Local Plan as Adopted (2005), Policy SW20 of the Saffron Walden Neighbourhood Plan and the National Planning Policy Guidance.

- 8** Prior to the Occupation of Plots 1 – 7, the pedestrian access as shown in principle in drawing number 11511-00-884 P5 from the south-east corner of the site to the shared surface shall be provided and thereafter retained.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Local Policy GEN1 of the Uttlesford District Council Local Plan as Adopted (2005), Policy SW8 of the Saffron Walden Neighbourhood Plan and the National Planning Policy Guidance.

- 9** Pilling or any other foundation designs and investigation boreholes using penetrate methods shall not be permitted other than with the express



written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 174, 183, 184, the Environmental Agency Groundwater Protection Position Statements, and Policy ENV12 of the Adopted Local Plan.

- 10** The development hereby approved shall be constructed in accordance with the carbon reduction requirements and energy strategy as set out within the Energy & Sustainability Statement' prepared by Abby Consultants dated July 22 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV15 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 11** No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

REASON: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties in accordance with Policies GEN1, GEN2 and GEN4 of the Adopted Local Plan and the National Planning Policy Framework.

- 12** All mitigation and enhancement measures and/or works in relation to the proposals shall be carried out in accordance with the details contained in the Ecological Mitigation & Enhancement Plan, drawing no CSA/5831/105 Rev A (CSA Environmental, September 2022) and letter dated 22<sup>nd</sup> September 2022 (CSA Environmental Ref: 5831/2022/0922) as already submitted with the planning application and agreed in principle with the local planning authority.

This may include the appointment of an appropriately competent person e.g an ecological clerk of works (ECoW) to provide on site ecological expertise during construction. The appointed person shall undertake all

activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and S40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

**13** Prior to commencement of the works hereby approved 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 the following.

- 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 the Receptor area(s).
- i. Details for 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 LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

## Appendix 1 – Statutory Consultee Responses

### Lead Local Highway Authority

Your Ref: UTT/22/1939/DFO  
Our Ref: HT/TPD /SD/KW/9996/4B  
Date:- 05 October 2022



CC: Cllr Gadd  
Essex Highways DM

Paul Crick  
Director for Highways and Transportation

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/22/1939/DFO
Applicant	Stonebond Properties
Site Location	Land North Of Ashdon Road Ashdon Road Saffron Walden
Proposal	Details following outline application UTT/17/3413/OP - details of layout, appearance, landscaping and scale, for the development of 55 dwellings together with associated open space, landscaping, parking and supporting infrastructure

### Note

This response is based on the plans submitted on the 16<sup>th</sup> September 2022.

This application has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; the opportunities for active travel within the site and connections with the surrounding area.

The highway authority liaised with the applicant to ensure improved permeability for pedestrians and cyclists and facilities for pedestrians within the site and at the access. The location and the form of access is acceptable to the highway authority and the design has been subject of swept path analysis and will be subject to further technical review at the detailed design stage. The construction access will not be in this location but will be situated to the east of the site away from the residential development.

It is noted that the site is not being offered to the highway authority for adoption.

**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. **Access:** Prior to occupation of the development the access, as shown in principle on submitted drawing 11511-00-8004 P5 with one 2m width footway and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway shall be provided. 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. 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.
  3. 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.
  4. 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.
  5. Prior to occupation of plots 1 -7 the pedestrian access as shown in principle in drawing number 11511-00-8004 P5 from the south-east corner of the site to the shared surface shall be provided. **Reason:** To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
  6. Prior to occupation of any dwelling to the north or west of road 1 the pedestrian access adjacent to plots 10 and 11 shall be and the secondary emergency access/pedestrian/cycle access opposite plot 18, as shown in principle in drawing number 11511-00-8004 P5, shall be provided, this access opposite plot 18 shall have suitable infrastructure to stop vehicle access (accept emergency vehicles) but allow use by pedestrians and cyclists. **Reason:** To provide safe and convenient walking and
-

cycle access in 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) The highway authority is unlikely to adopt the proposed layout.
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.

## Lead Local Flooding Authority

Essex County Council  
**Development and Flood Risk  
Waste & Environment**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

Date: 11 August 2022  
Our Ref: SUDS-006139  
Your Ref: UTT/22/1939/DFO

Dear Ms Trevillian,

### **Consultation Response – UTT/22/1939/DFO – Land North Of Ashdon Road Ashdon Road Saffron Walden**

Thank you for your email received on 18 July 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 **do not object** to the granting of planning permission.

- 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.

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 Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

### **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: Development and Flood Risk  
 Service: Environment, Climate & Customer Services  
 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.



Ms Lindsay Trevillian  
Uttlesford District Council  
Development Control  
Council Offices London Road  
Saffron Walden  
Essex  
CB11 4ER

**Our ref:** AE/2022/127284/01-L01  
**Your ref:** UTT/22/1939/DFO  
**Date:** 24 August 2022

Dear Ms Trevillian

**DETAILS FOLLOWING OUTLINE APPLICATION UTT/17/3413/OP - DETAILS OF LAYOUT, APPEARANCE, LANDSCAPING AND SCALE, FOR THE DEVELOPMENT OF 55 DWELLINGS TOGETHER WITH ASSOCIATED OPEN SPACE, LANDSCAPING, PARKING AND SUPPORTING INFRASTRUCTURE**

**LAND NORTH OF ASHDON ROAD ASHDON ROAD SAFFRON WALDEN**

Thank you for your consultation, dated 18 July 2022. We have inspected the application, as submitted, and have no objection to this application providing that you carefully consider our comments relating to Piling, and our condition, as set out below in the Water Environment section, be appended to any permission granted. Without this condition we would object to the reserved matters stage of this application.

Please note, our position relates to the importance of ensuring the protection of controlled waters. Without a Piling foundation works risk assessment, we are unable to assess the risk posed to the water environment. It should be noted that we have chosen not to object at this stage, in order to assist the applicant with the progress of their applications.

We take the opportunity to highlight that we did in fact request a piling condition at the outline application stage (our letter AE/2017/122349/01-L01 dated 04 January 2018) but this does not appear on the outline planning permission granted through appeal. We therefore, consider requesting a condition again at this stage to be consistent. However, we wish to raise again, should you consider approval of this application contrary to our advice, we ask to be re-consulted for further comment before a decision is made.

We have also provided informative advice relating to Land Contamination, Sustainable Drainage Systems, Permitting and other aspects of this reserved matters application, as submitted.

**Water Environment**

We have reviewed the following documents for this consultation:

Environment Agency  
Iceni House Cobham Road, Ipswich, IP3 9JD.  
Customer services line: 03708 508 508

- 
- PRL, Geo-environmental Assessment, 101145/GEA/001 Rev 1, 30/06/2022
  - PRL, Controlled Waters Quantitative Risk Assessment, 101145/DQRA/001, 13/06/2022
  - PRL, Remediation Implementation Plan, 101145/RIP/001, 29/06/2022
  - Brand, Flood Risk Assessment, 11511/02, 15/07/2022

We have the following comments to make on the proposed details of the development as they relate to controlled waters protection and to relevant conditions on outline planning permission UTT/17/3413/OP:

#### **Piling**

Details of the proposed building foundation design have not been provided, although we understand that sheet pile retaining walls are proposed. The applicant should be aware that we expect it to be demonstrated, via a contamination remediation strategy and a foundation works risk assessment, that any piling on the site will not result in contamination of groundwater.

We requested a piling condition at the outline application stage (our letter AE/2017/122349/01-L01 dated 04/01/2018) but this does not appear on the outline planning permission.

We are therefore requesting this condition again, be appended to any permission granted. The condition request is set out below, updated with relevant NPPF paragraph references. Without this condition, we would object to this reserved matters application.

#### **Condition Request 1 – Piling**

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

#### **Reason for Condition**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and Environment Agency Groundwater Protection Position Statements.

#### **Contamination**

#### **Condition 10 of Outline Appeal Permission**

Information pertinent to Condition 10 (contamination) has been submitted. We note the details do not fully satisfy our requirements for controlled waters protection. However, we will be providing our full review comments, and recommendations, under the relevant discharge of condition planning application (UTT/22/1898/DOC);

#### **Condition 14 of Outline Appeal Permission**

Information pertinent to condition 14 (infiltration of surface water drainage) has been

## General Advice to Applicant

### Land Contamination Assessment

Our expectations for undertaking land contamination assessments are laid out in our [Land contamination risk management \(LCRM\)](#) guidance.

The PRA should include historical plans of the site, an appraisal of the environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections, will support the understanding of the site as represented in the CSM.

Land contamination investigations should be carried out in accordance with BS 5930: [Code of practice for ground investigations](#) and BS 10175: [Investigation of potentially contaminated sites – code of practice](#). Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited.

Investigation, demolition, remediation, or construction works on the site must not create new pathways or linkages to controlled waters as these would generate new liabilities for the developer. Clean drilling techniques may be required for boreholes, piles etc. that penetrate contaminated ground.

### Sustainable Drainage System (SuDS)

Soakaways and other infiltration SuDS must comply with statements G1 and G9 to G13 of our [Groundwater Protection Position Statements](#). They must not be constructed in contaminated ground where infiltration could re-mobilise contaminants to pollute groundwater. They should be constructed in line with good practice and guidance documents including the [CIRIA C753](#) SuDS Manual and the [Susdrain website](#).

We do not consider deep infiltration systems (>2.0m below ground level) to be routinely acceptable. Exceptionally, we may approve the use of deep infiltration provided that the scheme satisfies all of the criteria in position statement G9. However, the use of deep infiltration systems may require an environmental permit.

All infiltration SuDS should be designed to maintain a minimum 1.2m clearance above peak seasonal groundwater levels. The acceptability of schemes with reduced clearances will be assessed on a site-by-site basis and in the context of the overall pollution risks to controlled waters. However, direct inputs to groundwater are not acceptable except for clean roof water, as per position statements G1 and G9. Only clean roof water can be directly discharged to infiltration SuDs or watercourses. Systems for the discharge of surface water from hard-standing, roads and impermeable vehicle parking areas must incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment components in line with the environmental sensitivity of the receiving waters. An oil separator/interceptor (or equivalent device) may be required to remove oil from water draining off hard surfaces with a risk of oil contamination, such as: lorry parks; car parks with a surface area exceeding 800m<sup>2</sup> or

Cont/d..

3

with 50 or more parking spaces; small car parks discharging to a high sensitivity environmental receptor; vehicle maintenance areas; refuelling facilities; roads. Clean roof water shall not pass through the interceptor/device.

#### Requirement for an Environmental Permit

The removal/abstraction of water in order to locally lower water levels could impact upon local wells, water supplies and/or nearby watercourses and environmental interests. Most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence prior to the commencement of dewatering activities. Relevant guidance is available at <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>.

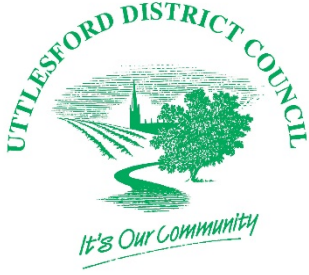
#### **We recommend that developers:**

1. Refer to our [Groundwater Protection](#) webpages, which include our [Groundwater Protection Position Statements](#)
2. Refer to our [Land Contamination Technical Guidance](#), including our [Land contamination risk management \(LCRM\)](#) guidance, when dealing with land affected by contamination and for the type of information required in order to assess the risks to controlled waters. The Local Authority can advise on management of risks to human health
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to British Standards BS 5930 [Code of practice for ground investigations](#) and BS 10175 [Investigation of potentially contaminated sites – code of practice](#)
5. Refer to our [Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination](#) National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a Foundation Works Risk Assessment Report, guidance on the production of which can be found in Table 3 of [Piling Into Contaminated Sites](#)
6. Refer to [Position Statement on the Definition of Waste: Development Industry Code of Practice](#)
7. Refer to our [Good Practice for Decommissioning Boreholes and Wells](#)
8. Refer to our [Dewatering building sites and other excavations: environmental permits](#) guidance when temporary dewatering is proposed

We trust that this advice is useful.

Yours sincerely

# Agenda Item 8



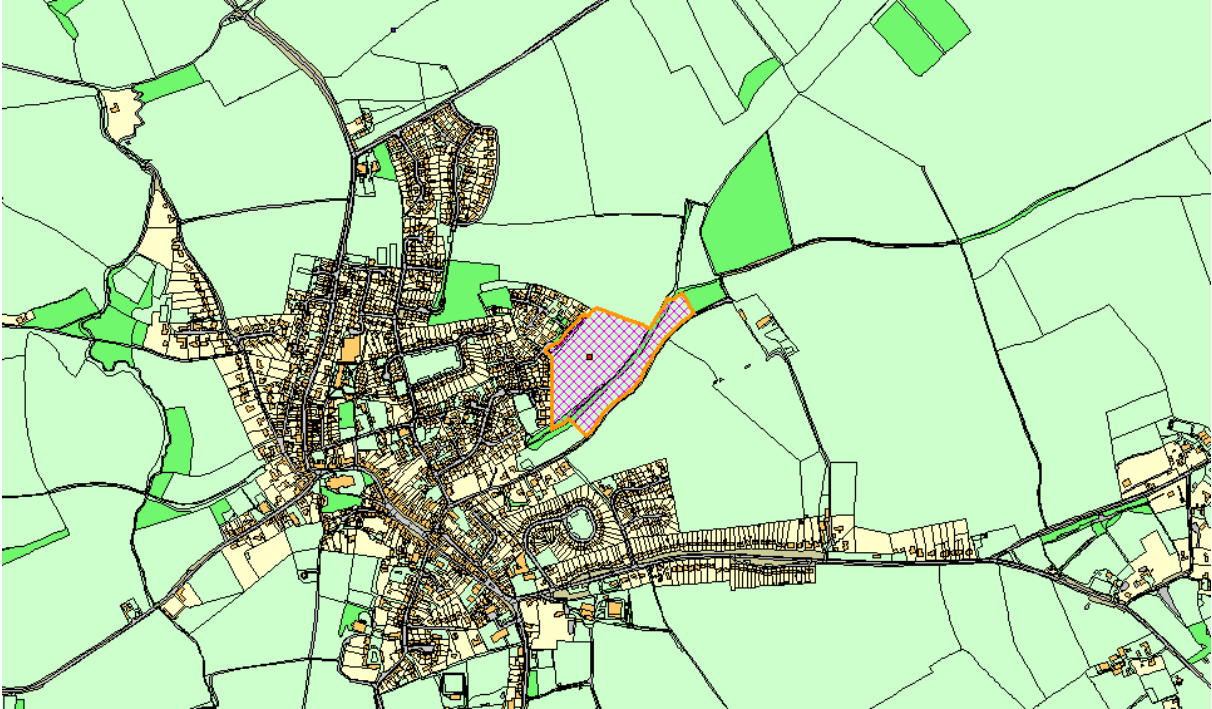
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 26 October 2022

**REFERENCE NUMBER:** UTT/21/1836/OP

**LOCATION:** Land To the East of Wedow Road, Thaxted,

**SITE LOCATION PLAN:**



**© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: October 2022**

**PROPOSAL:** Outline planning application with all matters reserved except access, for the development of the site for up to 49 residential dwellings, with vehicle access from Elers Way, associated infrastructure, sustainable drainage, public open space and linkages for pedestrians and cycle routes.

**APPLICANT:** Fiona Milden – Vistry Homes Limited

**AGENT:** Steven Butler - Bidwells

**EXPIRY DATE:** 03 September 2021

**EOT Expiry Date**

**CASE OFFICER:** Laurence Ackrill

**NOTATION:** Outside Development Limits; site within 2KM of SSSI; Tree Preservation Order & Public Rights of Way

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

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## **1. EXECUTIVE SUMMARY**

**1.1** Outline planning permission is sought for the construction of up to 49 residential dwellings with access from Elers Way and associated infrastructure. All matters reserved apart from Access at the site known as 'Land to the East of Wedow Road, Thaxted, Essex'.

**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 5-year housing land supply and thereby paragraph 11 of the National Planning Policy Framework (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 significantly boost the Councils housing



supply including the provision of affordable housing. Furthermore, weight has been given in respect to the biodiversity net gain, improvements to transport infrastructure, on-site energy generation from low-carbon sources and the provision of a public open space. Thus, taken together, significant weight to the benefits of the development have been considered.

- 1.4 Therefore, and taken together, weight to the adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

## 2. **RECOMMENDATION**

- 2.1 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 Interim Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

- 2.3 That, in the absence of the agreement referred to in resolution (2.1) above being completed within the time period provided for in resolution (2.2) above, the planning permission be refused for the following reasons:

- 1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005,

and the National Planning Policy Framework 2021.

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

- 3.1** The application site measures approximately 4.5ha and is located due east of Thaxted Village/Town Centre on the edge of the settlement.
- 3.2** 2.9 hectares of the Site is formed of a single parcel of arable farmland to the north of a stream running northeast to south-west through the application site known locally as “Crispey Brook” which is a minor tributary of the River Chelmer. The remaining 1.6 hectares of land is accessed via Copthall Lane and comprises a long narrow strip of open grassland between Crispey Brook and Copthall Lane. Walnut Tree Meadow to the south-west of the site is designated as a Local Green Space within the Thaxted Neighbourhood Plan, where there is a group Tree Preservation Order.
- 3.3** There are two public rights of way that run through the Site (ref nos. 49\_29 and 49\_30), one each side of Crispey Brook, between Thaxted and the open countryside to the north-east. There is an Important Woodland approximately 80m from the boundary of the site due north-east. This would be over 190m away from the development area, as set out by the submitted parameter plan.
- 3.4** The site is also located within the sensitive rural setting of Thaxted, as designated by the Thaxted Neighbourhood Plan 2019

### **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 49 dwellings and for the details of access to 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) are submitted to the Local Planning Authority for consideration.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which provide an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The site will be accessed off Elers Way via a new priority junction which will serve as the main access point to enter and leave the site for vehicles.
- 4.4** The height of residential development will generally be 2 and 2 ½ storeys, with a development density of 27 dwellings per hectare.
- 4.5** The applicant has suggested that the proposals would be made up of a

mix of housing types and forms. Up to 49 new dwellings are proposed, of which up to 20, or 40% of the total, are to be affordable housing units.

- 4.6 The applicant has indicated that there will be a formal Local Area for Play (LAP) located within the 'central space' within the scheme. There would also be opportunities to provide to the south of public access and unprogrammed areas of play within 'The Meadow' area of the site made up of 1.24 hectares (3 acres), as indicated on the submitted illustrative plan.

## 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 No relevant site history.

### *Adjoining Sites*

- 6.2 UTT/13/1170/OP - Outline application for residential development for up to 47 dwellings with access off Wedow Road - Land Off Wedow Road Thaxted Dunmow Essex – Refused – 06/08/2013 – Appeal Reference: APP/C1570/A/13/2206357 – Appeal Allowed – 22/05/2014.

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

- 7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- Pre-application meeting with UDC Officers – 25<sup>th</sup> November 2020.
- Presentation and discussion with Thaxted Parish Council – 22<sup>nd</sup> October 2020.
- Public consultation with letters sent to addresses within catchment area around the site with consultation website – 26<sup>th</sup> October 2020.
- Presentation to UDC Members – 11<sup>th</sup> January 2021.
- Essex Quality Review Panel – 8<sup>th</sup> February 2021.
- 2<sup>nd</sup> pre-application meeting with UDC Officers – 9<sup>th</sup> April 2021.

- 7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 6.0 the supporting Planning Statement.

## 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 conditions and S106 agreement).

**8.2 The Health & Safety Executive (HSE) – No Objection.**

**8.2.1** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

**8.3 Local Flood Authority – No Objection.**

**8.3.1** 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 for planning application UTT/21/1836/OP. (Subject to conditions).

**9. Thaxted Parish Council Comments – Object.**

**9.1** Resolved to object on the grounds of loss of agricultural land, failing to comply with policy ENV5 of the Local Plan.

**9.2** The Thaxted Society also re-iterated the objections made by the Parish Council.

**10. INTERNAL 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 49 units. This amounts to 20 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers or via Community Led Housing such as a Community Land Trust.

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

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

**10.2.1** No objection to the application subject to consent conditions.

**10.3 UDC Landscape Officer/Arborist**

- 10.3.1** No comments received.
- 10.4 ECC Infrastructure – No Objection.**
- 10.4.1** 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 49 dwellings:
- Early Years Education: (Financial contribution of **£76,151.88**).  
Primary Education: (Financial contribution of **£253,839.60**).  
Secondary Education: (Financial contribution of **£232,995.00**).
- 10.5 NHS – No Objection.**
- 10.5.1** The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.
- 10.6 NATS Safeguarding – No Objection.**
- 10.6.1** National Air Traffic Service has no safeguarding objection to the proposal.
- 10.7 Aerodrome Safeguarding – No Objection.**
- 10.7.1** No aerodrome safeguarding objections to the proposal subject to conditions.
- 10.8 Anglian Water – No objection.**
- 10.8.1** Anglian Water have no objection to this application and do not require a planning condition.
- 10.9 Crime Prevention Officer – No Objection.**
- 10.9.1** Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
- 10.10 Place Services (Archaeology) – No Objection.**
- 10.10.1** Recommendation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by way of conditions.
- 10.11 Place Services (Ecology) – No Objection.**
- 10.11.1** No objection subject to securing biodiversity mitigation and enhancement measures.
- 10.12 Place Services (Conservation and Heritage) – No Objection.**

**10.12.1** Do not consider the development of the site for up to 49 dwellings to result in harm to the significance of the affected heritage assets.

## **11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 345 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 247 Comments of objection received.

### **11.2 Summary of Objections**

**11.2.1** Neighbourhood Plan – The proposal would be contrary to the Thaxted Neighbourhood Plan as it is located outside development limits and would result in the loss of agricultural land.

**11.2.2** Infrastructure – The proposals will result in strain to existing services that are already overstretched such as doctors, and schools. The foul and sewage water infrastructure system are at capacity.

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

**11.2.4** Traffic/Highways – The submitted Transport information is inaccurate and not fit for purpose. 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 beyond Wedow Road is, narrow and will not be able to accommodate the increase intensification of construction vehicles and residential traffic. Roads have been left in poor condition from previous developments.

**11.2.5** Unsustainable – The proposals are not located in a sustainable location in relation to local amenities and services. There is poor transport links in the area and a lack of job opportunities. There is a lack of green space in the area and more sustainable locations for housing could be found elsewhere, including on brownfield sites.

**11.2.6** Flooding/Drainage – The proposals would amount to increase flooding along Copthall Lane, The Tanyard and the surrounding area.

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

- 11.2.8 Biodiversity – The proposals would harm local wildlife species and their habitats.
- 11.2.9 Heritage – The proposals would result in harm upon the nearby listed buildings and Thaxted Conservation Area.
- 11.2.10 Landscaping – The proposal would result in the loss of trees and landscaping.

### 11.3 **Summary of Comments**

- 11.3.1 Comments regarding the inclusion of enhancement measures for Swifts.

## 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.

### 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)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)

## **13. POLICY**

### **13.1 National Policies**

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

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

S7 – The Countryside  
S8 – The Countryside Protection Zone  
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  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H1 – Housing development  
H9 – Affordable Housing  
H10 – Housing Mix

### **13.3 Thaxted Neighbourhood Plan**

TX HD10 – Design Principles  
TX HC1 – Heritage and Development  
TX LSC1 – Protection of the Countryside and rural setting of Thaxted  
TX LSC2 – Protection and Enhancement of the Landscape  
TX LSC 3 – Wildlife habitats and landscape features  
TX HD1 – Scale and Location of New Development  
TX HD2 – Local Housing Needs  
TX HD3 – Affordable Housing



TX IFS3 – Footpaths  
TX IFS4 – Surface Water Drainage  
TX IFS5 – Foul Water Drainage  
TX IFS8 – Broadband

#### **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) Countryside Impact**
  - C) Design & Neighbouring Amenity**
  - D) Heritage impacts and Archaeology**
  - E) Affordable Housing Mix and Tenure**
  - F) Access and Parking**
  - G) Nature Conservation & Trees**
  - H) Climate Change**
  - I) Contamination**
  - J) Flooding**
  - K) Planning Obligations**

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

##### Housing Delivery

**14.3.1** The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

**14.3.2** Policy TX HD2 – Local Housing Needs of the Thaxted Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom properties and single storey dwellings which accommodate the needs of the elderly.

**14.3.3** The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing and a significant proportion of one and two bedroom

units. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

#### Development Limits

- 14.3.4** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.3.5** The application site is located outside of the development limits and in the countryside. ULP policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 14.3.6** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.3.7** 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 and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

#### Loss of Agricultural Land

- 14.3.8** Paragraph 174(b) of the Framework states “Planning policies and decisions 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’.
- 14.3.9** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

- 14.3.10** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise. This policy is also relevant in this case, as the ES records that all of the appeal site, with the exception of the access and access road up to the main part of the site, is Grade 2 agricultural land, thereby falling into the BMV category.
- 14.3.11** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 14.3.12** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.3.13** Given the above, the applicant has not provided an assessment of alternative sites of a poorer quality of agricultural category, there would be some conflict with ENV5. However, the loss of BMV land as part of the application, at 2.9ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. 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.

#### Thaxted Neighbourhood Plan

- 14.3.14** The site is also located within the 'sensitive rural setting of Thaxted', as designated by the Thaxted Neighbourhood Plan, adopted 21 February 2019. Policy TX LSC1 of that document states that the countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land and for recreational use and biodiversity. Development in the sensitive rural setting of Thaxted should be connected with agricultural, rural recreation or affordable or special needs housing and respect key views.

**14.3.15** Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three-year supply of deliverable housing sites; and
- d) d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

**14.3.16** The Thaxted Neighbourhood Plan would be a material consideration. However, this is now more than two years old and as such the added protection of Paragraph 14 would not apply in respect to applications involving the provision of housing. It is therefore necessary to assess whether the application proposal is sustainable development.

#### Suitability and Location

**14.3.17** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

**14.3.18** Thaxted is identified within the Local Plan settlement hierarchy as being "a Key Rural Settlement" where it is recognised that they are located on main transport networks as well as there being local employment opportunities. Local affordable housing and community facility needs may be met on "exception sites" outside development limits.

**14.3.19** Although outside the settlement boundaries of Thaxted, the new built form would be constructed adjacent to the eastern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

#### Policy Position

**14.3.20** The Council are currently unable to demonstrate a 5 YHLS and therefore paragraph 11 is fully engaged along with the "tilted balance"

in favour of the proposals.

- 14.3.21** 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.
- 14.3.22** 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.
- 14.3.23** However, taking into account the lack of 5 YHLS, when reviewed against the aforementioned policies, the proposal is on balance considered to be acceptable in principle.

#### **14.4 B) Countryside Impact**

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** 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.
- 14.4.3** 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'.
- 14.4.4** The application site lies within the character area known as the Thaxsted Farmland Plateau, which extends from Swards End at its northwest to Little Bardfield in the southeast, then through Thaxted down to Sucksted Green in the south.
- 14.4.5** Characterised broadly as gently undulating arable farmland, with irregular field patterns bounded by hedgerows that are often broken or gappy, and deciduous tree cover that gives distant structure to the landscape. The assessment describes that the key characteristics that are sensitive as being the landscape pattern of small patches of ancient woodland scattered across the landscape, which are sensitive to changes in land management. The open nature of the skyline of

higher, more exposed upper plateau levels is visually sensitive to new development, which may interrupt views across, to and from the plateau.

- 14.4.6** Although it is acknowledged that the site comprises of arable land, 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.
- 14.4.7** It is acknowledged that the proposal introducing up to 49 dwelling alongside associated infrastructure will bring change to the visual aspects and character of the site.
- 14.4.8** The site of the development is in the lower river valley, whereby the surrounding rising topography hides the proposals in views from the higher plateaus. The existing tree cover and hedgerow provide good screening. The substantial landscape buffer provided by the existing tree belt along Crispey Brook provides mitigation to effects on local landscape receptors.
- 14.4.9** 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 substantial landscape buffer provided by the existing tree belt along Crispey Brook is such that the proposed development would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.
- 14.4.10** 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 properties within the existing settlement of Thaxted.

## **14.5 C) Design & Neighbouring Amenity**

### Design

- 14.5.1** 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.

- 14.5.2** 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 height of residential development will generally be 2 and 2 ½ storeys, with the density of the site would be between approximately 27 dwellings/hectare and there would be a mixture of housing types.
- 14.5.3** 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.
- 14.5.4** 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.

#### Neighbouring Amenity

- 14.5.5** 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.
- 14.5.6** 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.
- 14.5.7** The submission includes an indicative parameter plan and layout of the site. This shows that the proposed built form would be 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 in terms of noise, outlook, daylight or privacy.

#### **14.6 D) Heritage impacts and Archaeology**

## Impact on the Conservation Area & Listed Buildings

- 14.6.1** 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.
- 14.6.2** The site is located to the east of Thaxted and the Conservation Area boundary which is located along Weaverhead Lane and up Copthall Lane to include Brooklyns Cottages. The development has the potential to affect several heritage assets, through change within their setting, including that of Thaxted Conservation Area. The other assets affected are:
- Brooklyn's Cottages, Grade II listed
  - Church of St John the Baptists, Grade I listed
  - Bridgefoot Cottages, non-designated heritage asset and
  - Brooklyns, Weaverhead Lane, non-designated heritage asset
- 14.6.3** 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'.
- 14.6.4** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, 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.
- 14.6.5** Whilst the applicants submitted Heritage Assessment concluded that any harm caused by the scheme would be 'less than substantial' at the lower end of the scale, the application was formally consulted to Place Services Conservation Officer who raised no objection to the proposed development. Whilst there will fundamentally be an impact arising from the proposals, the proposal was not considered to result in harm to the significance of the potentially affected heritage assets. Any future Reserved Matters applications would have to carefully consider the appropriate mitigations measures for any impacts. A fully detailed landscaping plan should be submitted which ensures robust screening. As such, the proposals would thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

## Archaeology



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

**14.6.7** The application was formally consulted to Place Services Historic Environment Consultant that the proposed development lies within an area of known archaeological potential. A Desk Based Assessment has been undertaken by the applicant and has highlighted the potential for encountering these archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.

**14.6.8** 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.

#### **14.7 E) Affordable Housing Mix and Tenure**

**14.7.1** 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.

**14.7.2** 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 49 properties. This amounts to up to 20 affordable housing properties.

**14.7.3** 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)'.

- 14.7.4** 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%. The applicant has provided an indicative accommodation mix at 1 bed units at 1%, 2 bed units at 24%, 3 bed units at 44%, 4 bed units at 28% & 5 bed units at 1%. Whilst this provision would not be strictly in accordance with the aforementioned policy, the accommodation mix would be subject to condition through the submission of a Site Wide Housing Mix Strategy to ensure that the most appropriate mix for the site is achieved.
- 14.7.5** 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 2 bungalows across the whole site delivered as 1 affordable unit and 1 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

## **14.8 F) Access and Parking**

### Access

- 14.8.1** 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.
- 14.8.2** Access forms part of merits of this application and is not reserved. The site will be accessed off Elers Way via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles. The proposed layout would provide multiple points of access to the development for pedestrians and cyclists, including the improvement of existing footpaths through the site.
- 14.8.3** 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.
- 14.8.4** The proposals are to provide a new footway on the western side of the site linking the development to Wedow Road and a footpath adjoining the vehicular access on to Elers Way. Further pedestrian connections are proposed with a north-south route through the site which links with the footpath to the south of the site, where to the south of the site

connecting onto the public rights of way which then lead onto connection to Copthall Lane and Walnut Tree Meadow.

- 14.8.5** The application was consulted to the lead local highway authority who confirmed that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the mitigation and conditions.
- 14.8.6** 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. An initial response was made to the application which required more work and information concerning the assessment of impact on the highway, the access, sustainable links and public rights of way.
- 14.8.7** While additional trips will be generated by the development the modelling of the local junctions showed that the impact on the highway would not cause any junctions to go over capacity. The access has been subject to a safety audit. The application also provides a walking and cycling route to the south which will provide a shorter route to the primary school and the south of Thaxted, the permeability of the site is also enhanced by a link for pedestrians and cyclists on to the east of the development. A contribution is required to mitigate the additional impact on the public rights of way network adjacent to the site.

#### Parking

- 14.8.8** 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'.
- 14.8.9** 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.
- 14.8.10** 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. The proposal would also include the provision of electric vehicle charging

infrastructure.

- 14.8.11** There is parking around the junction into of Wedow Road and Weaverhead Lane which could potentially interfere with the turning in and out of the junction therefore a contribution is required to undertake feasibility, design and implementation of an appropriate parking scheme.
- 14.8.12** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

## **14.9 G) Nature Conservation & Trees**

### Nature Conservation

- 14.9.1** 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.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is within 2km of West Wood which is a Site of Special Scientific Interest (SSSI). The site is also within a reasonable distance of Hatfield Forest SSSI. However, as this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.9.3** 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.
- 14.9.4** The proposed reasonable biodiversity enhancements including permeable fencing for Hedgehog, installation of bird and bat boxes and the provision of Hedgehog hibernacula, bee bricks and log piles, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021) and is supported by the Place Services Ecologist.

### Trees

- 14.9.5** 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.

- 14.9.6** The Council's landscape officer has not provided comments on the proposal. However, the supporting Arboriculture Impact Assessment confirms that the only tree removals will be of low-quality of category C & U. It is noted that part of one group (G11) would need to be removed to facilitate access. Further details and assessment of tree removals, protection and replacement / mitigation measures would be a matter reserved for consideration at a later date.

#### **14.10 H) Climate Change**

- 14.10.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

- 14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. However, given the outline form of the application, the full details of such measures would be dealt with by way of condition / reserved matters stage.

#### **14.11 I) Contamination**

- 14.11.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The Council's Environmental Health Officer has been consulted with in the application and has suggested that if permission is approved, conditions regarding 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, prior to any works commencing on site.

#### **14.12 J) Flooding**

- 14.12.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1.
- 14.12.3** 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.
- 14.12.4** 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.
- 14.12.5** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

#### **14.13 K) Planning Obligations**

- 14.13.1** 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.
- 14.13.2**
- 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 £76,151.88).
  - Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £253,839.60).
  - Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £232,995.00).
  - A financial contribution of £15,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order to restrict parking in the area around the junction of Weaverhead Road and Wedow Road.
  - A financial contribution of £31350 (index linked) shall be paid the highway authority for works to the public rights of way 49/30 and

49/29 in the vicinity of the site, works to include but not be limited to signing, drainage, appropriate surfacing, renewal/repair of facilities on the route.

## **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 YHLS 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 carries limited weight.

**16.3** In respect to addressing the benefits of the proposed development, the provision of up to 49 dwellings including 20 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.

**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 provision of approximately 1.24ha of a new public open space would be delivered that would include space for play areas, alongside Crispey Brook, creating an additional area of recreation alongside Walnut Tree Meadow.

**16.6** 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.

**16.7** 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.

**16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

**16.9** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

**17. S106/ CONDITIONS**

**17.1 S106 HEADS OF TERMS**

- 17.2**
- i. Provision of 40% affordable housing
  - ii. Provision of 5% wheelchair accessible and adaptable dwellings



(M4(3) – Building Regulations 2010

- iii. Payment of education financial contributions; Early Years, Primary and Secondary.
- iv. Provision and long-term on-going maintenance of public open space (including LAP).
- v. Financial contribution towards the implementation of sustainable highway improvements / restrictions.
- vi. Financial contribution towards maintenance / improvements to public rights of way (49/30 & 49/29).
- vii. Monitoring cost
- viii. Payment of the council's reasonable legal costs.

### **17.3 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: UDS60125-A3-P01, UDS60125-A3-P04, UDS60125-A3-P05, UDS60125-A3-P02B, 4312-GA-01 P01 & A.55, 257b 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** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

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

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.
- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

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.

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

REASON: To ensure 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** Prior to the commencement of the development, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal (Aspect Ecology, August 2021) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

- 9** 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 and 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.

- 10** 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 Part 1 and confirmed by the Local Authority archaeological advisors.

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 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.

- 12** 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.

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

REASON: 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.

- 14** a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes.

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
- (ii) (The results from the application of an appropriate risk assessment methodology

c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b),

above; has been submitted to and approved by the Local Planning Authority

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

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.

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

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

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

- i. Demolition, construction and phasing programme.
- ii. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- iii. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- iv. Delivery times for construction/demolition purposes shall be

carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.

- v. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- vi. Maximum noise mitigation levels for construction equipment, plant and vehicles.
- vii. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
- viii. Prohibition of the burning of waste on site during demolition/construction.
- ix. Site lighting.
- x. Screening and hoarding details.
- xi. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- xii. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- xiii. Prior notice and agreement procedures for works outside agreed limits.
- xiv. Complaints procedures, including complaints response procedures.
- xv. Membership of the Considerate Contractors Scheme.
- xvi. The development shall then be undertaken in accordance with the agreed plan

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.

**16**

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. The access to the site is through a residential development, the roads of which have not all yet been adopted as they have been recently built. The developer should liaise with the current owner and the highway authority to agree the methodology for and scope of a before and after condition survey to identify defects to highway

through residential area to the access to the site. The surveys shall be carried out and where necessary ensure repairs are undertaken at the developer expense where caused by developer's construction vehicles.

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

- 17** Prior to the first commencement of the development, an Energy and Sustainability Statement shall be submitted to, and approved in writing by, the local authority. The measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

- 18** Prior to the first construction of the development, damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 19** No later than the submission of the first reserved matters application, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

REASON: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, in accordance with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 20** Prior to occupation of the development, an access of 5.5m width with 2 x 2m footways as shown in principle on submitted drawing 4312-GA-01 P01 shall be provided. It shall include a structure over the drainage system and pedestrian protection, a level dwell area for vehicles and clear to ground visibility splays with dimensions of 2.4 metres by 27 metres to the north and 2.4m by 43 to the west, as measured from and

along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy 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.

- 21** Details of a pedestrian/cycle route of minimum effective width of 2.5m to be provided between the site and Copthall Lane shall be submitted to, and approved in writing by, the local planning authority. The route shall be suitably surfaced and drained for the use of pedestrians and cyclists and include a bridge suitable for pedestrians and cyclists over the water course known as Crispey Brook, details to be agreed with the highway authority and the agreed scheme to be delivered prior to first occupation.

REASON: To provide pedestrian/cycle access between the site and the primary school in the interests of reducing the need to travel by car and promoting sustainable development and transport, 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.

- 22** Prior to first occupation a pedestrian cycle route of minimum effective width of 3m shall be provided on to Wedow Road as shown in principle on Figure 2 Access and circulation diagram of the Supplementary Planning Information (March 2022).

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, 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** A buffer strip of a minimum of 5m from the north-eastern edge of the PROW 49/30 shall be maintained free of planting and building.

REASON: to protect and maintain the integrity of the public right of way, in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 24** Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day



travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy 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.

- 25** 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 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.

- 26** 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 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.

- 27** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, August 2021) and the Confidential Appendix (Aspect Ecology, August 2021), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 28** Prior to the first occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on

site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 29** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for motorised and non-motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

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

- 30** The development shall be carried out so that, as a minimum the requirements of paragraph M4(2) (and were shown on the plans (M4(3)) of schedule 1 of the Building Regulations 2010 are satisfied.

REASON: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

## Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/21/1836/OP  
Our Ref: HT/TPD /SD/KW/47627/4B  
Date:- 29/09/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Cllr Martin Foley  
Essex Highways DM  
Travel Planning

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/21/1836/OP

Applicant Vistry Homes

Site Location Land To The East Of Wedow Road Thaxted

Proposal Outline planning application with all matters reserved except access, for the development of the site for up to 49 residential dwellings, vehicle access from Elers Way, associated infrastructure, sustainable drainage, landscaping, public open space and linkages for pedestrians and cycles

### 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.

An initial response was made to the application which required more work and information concerning the assessment of impact on the highway, the access, sustainable links and public rights of way. While additional trips will be generated by the development the modelling of the local junctions showed that the impact on the highway would not cause any junctions to go over capacity. There is parking around the junction into of Wedow Road and Weaverhead Lane which could potentially interfere with the turning in and out of the junction therefore a contribution is required to undertake feasibility, design and implementation of an appropriate parking scheme. The access has been subject to a safety audit.

The application also provides a walking and cycling route to the south which will provide a shorter route to the primary school and the south of Thaxted, the permeability of the site is also enhanced by a link for pedestrians and cyclists on to the east of the development. A contribution is required to mitigate the additional impact on the public rights of way network adjacent 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. The access to the site is through a residential development, the roads of which have not all yet been adopted as they have been recently built. The developer should liaise with the current owner and the highway authority to agree the methodology for and scope of a before and after condition survey to identify defects to highway through residential area to the access to the site. The surveys shall be carried out and where necessary ensure repairs are undertaken at the developer expense where caused by developer's construction vehicles.

**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.

2. **Access:** Prior to occupation of the development, an access of 5.5m width with 2 x 2m footways as shown in principle on submitted drawing 4312-GA-01 P01 shall be provided. It shall include a structure over the drainage system and pedestrian protection, a level dwell area for vehicles and clear to ground visibility splays with dimensions of 2.4 metres by 27 metres to the north and 2.4m by 43 to the west, as measured from and along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall retained free of any obstruction at all times thereafter. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Pedestrian/cycle access:** A pedestrian/cycle route of minimum **effective** width of 2.5m to be provided between the site and Copthall Lane. The route shall be suitably surfaced and drained for the use pedestrians and cyclists and include a bridge suitable for pedestrians and cyclists over the water course known as Crispey Brook, details to be agreed with the highway authority and the agreed scheme to be delivered prior to first occupation. **Reason:** To provide pedestrian/cycle access between the site and the primary school in the interests of 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. **Pedestrian and cycle access:** Prior to first occupation a pedestrian cycle route of minimum effective width of 3m shall be provided on to Wedow Road as shown in principle on on Figure 2 Access and circulation diagram of the Supplementary Planning Information (March 2022). **Reason:** To provide a shorter pedestrian/cycle route to

local amenities in the interests of 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

5. **Parking restrictions:** Prior to occupation a financial contribution of £15,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order to restrict parking in the area around the junction of Weaverhead Road and Wedow Road. Reason: To remove conflict between parked vehicles and turning vehicles at the junction of the access the use of which will be intensified by the development 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.
6. **Public Rights of Way:** a buffer strip of a minimum of 5m from the north-eastern edge of the PROW 49/30 shall be maintained free of planting and building. Reason: to protect and maintain the integrity of the public right of way, in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **Public Rights of Way:** Prior to occupation a financial contribution of £31350 (index linked) shall be paid the highway authority for works to the public rights of way 49/30 and 49/29 in the vicinity of the site, works to include but not be limited to signing, drainage, appropriate surfacing, renewal/repair of facilities on the route. Reason: to protect and maintain the integrity of the public right of way by mitigating the additional footfall generated by the proposed development in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **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

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) 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) Any 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.
- (iii) In situations where structures (such as bridges or retaining walls) are required to support highway or land directly adjacent to the highway, their design,

construction or composition (in the case of embankments) should be agreed in advance with the Highway Authority.

- (iv) For the avoidance of doubt the highway authority will not adopt the proposed structure over the watercourse however as stated in (iii) technical approval must be sought from the highway authority as the structure will link and be adjacent to, two public rights of way.
- (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) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).

- (viii) 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.
- (ix) 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.
- (x) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public rights of way 49/29 and 49/30 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.

- (xi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



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)

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: 23<sup>rd</sup> May 2022  
Our Ref: SUDS-005329  
Your Ref: UTT/21/1836/OP

Dear Sir/Madam,

**Consultation Response –UTT/21/1836/OP– Land To The East Of Wedow Road  
Thaxted Essex**

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/21/1836/OP based on the following:

**Condition 1**

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

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and



outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

### **Condition 2**

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

### **Reason**

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

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

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

### **Condition 3**

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

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

**Reason**

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

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

**Condition 4**

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

**Reason**

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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

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

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

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

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

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

**INFORMATIVES:**

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

Yours sincerely,

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

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

### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

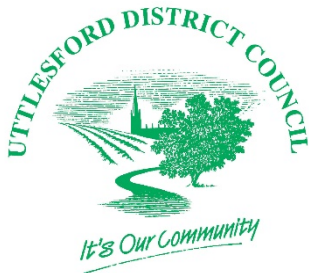
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

# Agenda Item 9



**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 26 October 2022

**REFERENCE NUMBER:** UTT/22/2278/FUL

**LOCATION:** Land To The North of Cornells Lane,  
Widdington



**PROPOSAL:** Proposed erection of 4 no. detached dwellings and associated works

**APPLICANT:** Mr and Mrs M. Tee

**AGENT:** Mr Chris Loon - Springfields Planning and Development

**EXPIRY DATE:** 12 October 2022

**EOT Expiry Date:** 31 October 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits, Protected Lane; Conservation Area and Listed Building (adjacent).

**REASON THIS APPLICATION IS ON THE AGENDA:** Called in by Cllr Hargraves to be determined by the Planning Committee if recommended for approval.

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**1. EXECUTIVE SUMMARY**

- 1.1** The application proposes the development of part of an under-utilised paddock for the erection of four dwellings and associated works, in Widdington. Due consideration is made to the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).
- 1.2** The proposed harm to the countryside location is considered limited. 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. In regard to the impact to setting and character of Heritage Assets it is considered to result in less than substantial harm and at a low level of harm. As such a 'balancing exercise' is carried out in applying the NPPF's Presumption in Favour of Sustainable Development.
- 1.3** In regard to the 'tilted balance' pursuant to Paragraph 11 of the NPPF, it has been demonstrated that there will be no adverse impacts which would 'significantly and demonstrably' outweigh the numerous benefits of the



development, which includes the delivery of housing which as well as sustainably designed development.

- 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.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the north of Cornells Lane, Widdington. It comprises an undeveloped field with an access in the south-west corner and a public footpath inside its eastern boundary. The application site measures 0.48ha and comprises part of a much larger area of managed paddock land measuring approximately 1.34ha.

4. **PROPOSAL**

- 4.1 The application is for planning permission for the erection of 4 no. detached dwellings and associated works. A vehicular access off Cornells Lane would be formed near the south-west corner of the site, and a footpath would be formed to the south of the site to the public right of way to the east of the site.

- 4.2 This application amends the previously refused application (UTT/21/2137/FUL). Whilst the scale of Plots 2, 3 and 4 remain as before, the scheme reduces the height and scale of Plot 1 from a 1 ½ storey chalet dwelling to a bungalow. Each dwelling includes off street parking and cart lodge.

- 4.3 The follow set out the proposed development details:

	House Type	Bedrooms	Garden Size	Parking Numbers
Plot 1	Bungalow	2	473 sqm	3
Plot 2	1 ½ Storey	3	392 sqm	3
Plot 3	1 ½ Storey	3	334 sqm	3
Plot 4	Bungalow	3	247sqm	3

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## 6. RELEVANT SITE HISTORY

### 6.1

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/22/1523/CLP	Certificate of lawfulness for the proposed formation, laying out and construction of a means of access to Cornells Lane, in connection with the use of land (up to 14 days per calendar year) for the purposes of the holding of a market.	Approved
UTT/21/2137/FUL	Proposed erection of 4 no. detached dwellings and associated works	Refused
UTT/19/2623/FUL	Construction of 15 new dwellings, including 6 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping	Refused
UTT/18/0885/FUL	Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping.	Refused, Appeal Dismissed

## 7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

## 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 conditions:

- Approval of visibility splays,
- Provision of parking prior to occupation,
- Compliance with recommend access gradient,
- Use of the existing vehicle access,
- Width of the existing foot path to be retained.

Full response included in Appendix 1.

## **9. PARISH COUNCIL COMMENTS**

### **9.1** Objection, comments include

The material changes are very minor from the previously refused application, these include:

- a) Change in scale of plot 1 from chalet to bungalow
- b) Additional planting to front/side garden boundaries of Plot 1
- c) Additional information concerning access proposal and options
- d) Additional information concerning indicative banks around the proposed access
- e) Clarification of parking spaces available on plots and slight amendments to parking areas; changes to parking surfaces for contrast with the private drive
- f) Clarification of proposed sized of private amenity areas to plots
- g) How the scheme respects concepts endorsed by UDC's Principal Urban Design Officer
- h) Additional documentation regarding heritage issues and rural character issues, addressing reasons for refusal on UTT/21/2137/FUL
- i) Additional information concerning the approved means of access recently granted under
- j) a Certificate of Lawfulness
- k) Information regarding recently improved bus service
- l) Information concerning definitive footpath and related issues.

- The change of design of one dwelling will not overcome the previous reasons for refusal,
- The changes to landscaping and surface materials seem most unlikely to make a difference,
- The impact of the new estate road access cutting through the banking and vegetation, which are defining features of the Cornells Protected Lane, was a key part of the March 2022 UDC decision to refuse permission.
- Recent appeal give weight to the importance of Protected Lanes,
- Insufficient access plans have been submitted,
- The gradient is steeper than the recommendation from the Highway Authority,
- The approved Certificate of Lawfulness is not a material consideration as the access can't be constructed,

- There is no explanation how the proposed footpath is a benefit,
- The details of emissions submitted do not address the 'do nothing' scenario i.e. without development on the site there would be no environmental or emissions at all,
- The decision should be postponed until the decision of the appeal has been made.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

**10.1.1** No objections subject to conditions, these include:

- Identification of contamination if found,
- Use of electric vehicle charging points,
- External lighting

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

**10.2.1** The application site is located immediately adjacent to the Widdington Conservation Area, the boundary of which is located to the west, with access abutting the Conservation Area boundary. In close proximity to the site are the other designated heritage assets of:

- William The Conqueror, Grade II listed (list entry number: 1238376);
- Corner Cottage/White Cottage, Grade II listed (list entry number: 1238374)
- Martins Farmhouse, Grade II listed (list entry number: 1238383).

Cornells Lane is also considered a non-designated heritage asset, which has been identified and designated as a protected lane (Ref: UTTLANE158). A Public Right of Way is located to the eastern boundary of the site and continues northwards.

Roseley Barn is a curtilage listed building to Martins Farmhouse. This application is generally identical to the previously refused application, UTT/21/2137/FUL, which is currently at Appeal and awaiting the Inspectors decision, Appeal Ref: APP/C1570/W/22/3296928.

As such, previous advice in the letter dated 06/09/2021 remains fundamentally relevant. The application site is an area of undeveloped agricultural land located within the setting of several heritage assets, as identified above. The existing site positively contributes to the agrarian setting and rural character of the identified listed buildings and the Conservation Area. There would be an impact upon the setting of the heritage assets.

The proposed development of four dwellings in this location is considered to adversely impact how one experiences the assets, being urbanising in effect. It is considered that there is a level of less than substantial harm to the setting and significance of the assets, I suggest this harm is at the lowest end of the scale.

The proposed development of four detached buildings, and the creation of the access from Cornells Lane, would be inconsistent with the pattern of development and would have an adverse impact upon the approach and views into the Conservation Area. It should also be noted that this approach into the Conservation Area, along Cornells Lane, appears to be the last undeveloped approach into the Conservation Area.

It is acknowledged that the Protected Lane has steep banks, however the existing undeveloped nature of the site preserves the tranquil and rural character of this non-designated heritage and the above-mentioned designated heritage assets. With regards to The Setting of Heritage Assets guidance note from Historic England, environmental factors such as light spill, noise and general disturbance must also be taken into consideration as this adversely impacts how one experiences the heritage assets. The proposals would result in the harmful urbanisation of the site, resulting in several impacts to the setting of William The Conqueror, Corner Cottage/The White Cottage, the Widdington Conservation Area and the non-designated heritage asset of Cornells Lane. This harm would be less than substantial, Paragraphs 202 and 203 of the NPPF (2021) being relevant. This harm would be at the low end of the scale.

### **10.3 Place Services (Ecology)**

#### **10.3.1 No Objection,**

We have reviewed the Preliminary Ecological Appraisal (Southern Ecological Solutions, June 2021) relating to the likely impacts of development on designated sites, protected species and priority species / habitats. We are satisfied that there is sufficient ecological information available for determination.

It is recommended mitigation and biodiversity enhancement are secured by condition.

### **10.4 Place Services (Archaeology)**

#### **10.4.1 No objections, subject to the following conditions:**

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

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

**10.5 Stansted Airport Aerodrome Safeguarding**

10.5.1 No objections

**10.6 National Air Traffic Safeguarding**

10.6.1 No objections

**10.7 Anglian Water**

10.7.1 No objections or further recommendations

**11. REPRESENTATIONS**

11.1 A site notice was displayed on site and 103 notifications letters were sent to nearby properties. The planning application was also advertised in the local press.

**11.2 Support**

11.2.1 N/A

**11.3 Object**

11.3.1 Comments raised include:

- The site is located beyond the Development Limits of the village
- Harmful effect on the character and appearance of the area, including the Protected Lane (a 'non-designated heritage asset')
- Adverse effect on the setting of the Widdington conservation area and numerous listed buildings
- Increased vehicle movements on inadequate roads
- Increased traffic congestion and associated pollution
- Unsuitable vehicular and pedestrian access points
- Adverse effect on the safety of road users
- Increased risk of flooding
- Lack of services and facilities e.g. shop, post office
- Lack of sustainable transport options
- Loss of biodiversity

- No need for the development, no support
- The proposal does not provide the homes required e.g. affordable homes, starter homes,
- The development would cause nuisance and damage to roads and property during the construction period
- No local support for the development
- Approval would set a precedent for further residential development
- In conflict with the village design statement,
- Sets a planning precedent,
- Increase in carbon emissions,
- Highway safety implications,
- Loss of rural views,
- The approved certificate of lawfulness for a new access has no weight,
- The change of one dwelling to a bungalow does not significantly change the scheme,
- Drainage implications,
- Details within the Planning Statement is misleading,
- If approved, the scheme could revert to the 20 dwelling scheme.
- The traffic survey was carried out during lock down,
- Loss of trees
- Details of the public right of way are irrelevant,
- New homes bonus and payment of council tax is not a benefit,
- Insufficient access for larger vehicles,
- No artist impression or visual of the proposed access,
- Impact to existing views,
- Disturbance from noise during construction.

#### **11.4 Comment**

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

- Lack of support is not by itself a material planning consideration.
- Due consideration is made to the previous dismissed appeal (20 dwellings) and refused planning application (15 dwellings)
- Lack of services and infrastructure will be considered in the following report
- Highway safety will be considered in the following report.
- The principle, character, appearance and heritage are key considerations

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

- 12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
- (a) The provisions of the development plan, so far as material to the application,
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area – Delete or keep this paragraph when it is relevant i.e
- 12.4** **The Development Plan**
- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made Feb 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)  
 Stebbing Neighbourhood Plan (made 19 July 2022)  
 Saffron Walden Neighbourhood Plan (made 11 October 2022)

**13. 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 Provision to Support Development

GEN7 - Nature Conservation

GEN8- Vehicle Parking Standards

ENV1- Design of Development with Conservation Areas

ENV2- Development affecting Listed Buildings

ENV3- Open Space and Trees,

ENV5- Protection of Agricultural Land

ENV8- Other Landscape Elements of Importance for Nature Conservation

ENV9- Historic Landscapes

ENV13 - Exposure to Poor Air Quality

**13.3 Supplementary Planning Document or Guidance**

- 13.3.1** Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Widdington Conservation Area Appraisal and Management Proposals (2013)  
Widdington Village Design Statement (2009)  
Uttlesford Protected Lanes Assessment (2012)  
Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide Uttlesford Interim Climate Change Policy (2021)

**14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Location of housing**

**B) Character, appearance and heritage**

**C) Neighbouring Amenity**

**D) Access, Parking and Transport**

**E) Light pollution**

**F) Nature Conservation**

## **G) Flooding**

## **H) Climate Change**

## **I) Planning Balance**

### **14.3 A) Location of housing**

**14.3.1** The site's location beyond the Development Limits for Widdington, although the southwest corner of the site is partially within the Development Limits. ULP Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

**14.3.2** There is a presumption in favour of sustainable development in the NPPF. Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.

**14.3.3** The settlement's spatial relationship with other nearby settlements includes the larger village of Newport lies north-west circa 3km distant and the town of Saffron Walden lies north about 7km distant. Neighbouring villages with a variety of facilities lie within a few kilometres. The local bus service connects various large and small settlements as well as most of the railway stations (serving London to Cambridge) shown, including those at Newport, Audley End and Bishops Stortford.

**14.3.4** It is noted the previous planning applications and dismissed appeal for the development of this site for more dwellings considered the development would result in a significant increase in the number of journeys made by car rather than sustainable modes of transport, in conflict with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**14.3.5** The Planning Inspector advised *'the proposal would give rise to a significant need to travel. Some limited opportunities exist for walking locally and cycling. However, cycling is unlikely to be popular other than for experienced cyclists. Public transport options consist of an hourly service between Bishop's Stortford and Saffron Walden, much larger towns. The timings of the service however would restrict its use for many residents who may require access early in the morning or later in the evening to access employment and public transport opportunities further*

*afield. More importantly I have some doubt as to the longer-term provision of the service. The parties confirmed that the existing tender is to the middle of 2021 and beyond that the existing provider states that there are 'no guarantees*

**14.3.6** The appeal Inspector expressed some doubt as to the longer-term provision of the bus service as he had no confidence that it would continue to operate after the middle of 2021. However, Essex County Council has recently confirmed that a revised 301 bus service with new timetable will be effective from 31st July 2022. The bus service makes significant increases provision on the previously operated 301 service, with up to 18 (from 12) services per day, these being regular and hourly. These

**14.3.7** This new service will further improve access to local settlements and facilities (including Saffron Walden County High School) by public transport. It will also enhance the ability for sustainable (and earlier/later) commuting, as the bus directly serves three railway stations (Newport, Audley End and Bishops Stortford interchange) lying on the mainline railway between London and Cambridge (also serving Harlow and Bishops Stortford).

**14.3.8** The Planning Inspector considering the previous planning refusal stated *"a development of 20 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private vehicle"*. Although this was the case for the previous applications on this site this application included significant developments of 20 and 15 dwellings. This application has been greatly reduced to 4 dwellings. Therefore, although the location of the development has not changed the overall scale of the development has been greatly reduced and therefore the likely transport movements per day cannot be compared to the previously refused planning application for 20 dwellings.

**14.3.9** A number of recent planning applications have been approved within Widdington for smaller scale housing developments, these include:

UTT/20/1213/FUL- 2 dwellings

UTT/20/0029/FUL- 1 dwelling

UTT/18/3279/FUL- 2 dwellings

UTT/21/1509/FUL- 2 dwellings

**14.3.10** Although the above approved planning applications do not have any planning precedent, they do demonstrate that the smaller developments located close to this current application site and also further outside the central core village of Widdington still were considered as sustainable development. It was considered the occupants of these dwellings would have needed to use a car to access most services, facilities and places of work. However, a regular bus service between Saffron Walden and Bishops Stortford provides a realistic public transport option for some journeys.

- 14.3.11** The applicant has sought to demonstrate through their planning statement that there are opportunities to use sustainable transport to access services in the nearby vicinity, by sustainable transport. Whilst this may be the case, in reality, given the rural location of the site, the occupants of the proposed dwelling would most likely use a car/cars for most of their journeys to access services. Whilst this cannot be said to be a positive for the proposed development the NPPF does acknowledge that there are opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 14.3.12** While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 8(b) of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development, this would also be a consistent approach as per the approval of the above smaller housing developments within Widdington. Therefore, the proposed location of the current proposed development of 4 dwellings is largely seen to accord with the social dimension of the NPPF on sustainable development, and with policies S7 and GEN1 of the Uttlesford Local Plan 2005.
- 14.3.13** Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector considering the previous planning refusal stated (20 dwelling scheme) concluded that there would be no loss of productive agricultural land.

#### **14.4 B) Character, appearance and heritage**

- 14.4.1** The site comprises an undeveloped paddock adjacent the village and its conservation area, which contains numerous listed buildings. Cornells Lane is identified in the Local Plan as a Protected Lane due to its historic character and a public footpath runs along the eastern boundary
- 14.4.2** Following the LPA's refusal of the scheme for 20 no. dwellings, the developers made another planning application (UTT/19/2623/FUL) again on the whole paddock covering its south to north depth but this time for 15 no. dwellings and with more open space to the east side. This was also refused to similar refusal reasons. The Planning Inspector considered issues of 'character and appearance' regarding the 20 unit scheme and considered the paddock (as a whole) provided a 'transition' from the rear

gardens and amenity land adjacent to the west and the agricultural fields and open countryside to the east.

- 14.4.3** The Planning Inspector advised that the paddock was part of the rural setting of Widdington and the introduction of 20 units onto the whole paddock as an undeveloped site would result in the suburbanisation. The Inspector considered that a comparatively large estate of 2 storey housing, although with some screening from the east, would be starkly visible and of an overall scale and disposition that would harmfully encroach above and across the skyline and would jar with their lower, more modest scale and the linear character and pattern of the village. Such visual effects, the Inspector stated that this would be particularly evident on the approach up and down Cornells Lane, from its entrance and through the site's comparatively wide access and from a number of viewpoints from the surrounding Public Rights of Way.
- 14.4.4** This current planning application for 4 dwellings is a significant reduction in dwelling numbers and overall scale of the development site compared to the previously refused application and dismissed appeal (UTT/18/0885/FUL). The dwellings will be sited to the south of the paddock and will retain much of the current paddock as a 'transition', between the existing village and open countryside to the east of the site. The smaller scaled development will not have an estate appearance and will instead provide 4 detached that provide a linear arrangement. The dwelling will be visible, however given the reduction in the scale of the development it will not be starkly visible from far away views. Furthermore, the existing and proposed landscaping will provide some mitigation and will be secured by planning condition should planning permission be granted.
- 14.4.5** The introduction of the wider access as per the previously refused planning application is no longer required, the previous proposal included an estate road of 9m wide where this is 5m wide. The views from the public right of way to the east of the site are restricted by the existing close board fencing.
- 14.4.6** The proposed scheme shows that the dwellings at Plots 2 and 3 (1 ½ storey homes) are 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 1 and 4 (bungalows) are 5.5m high to its ridge. Plots 2 to 3 are designed as traditional style cottages. Plots 1 and 4 forms a 'barn style' single storey dwelling and reflects an agrarian nature of the farmland lying beyond the eastern end of the site.
- 14.4.7** The dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the

dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings, these include:

- soft red brick with lime rich mortar
- conservation colour painted sand cement render
- black timber weatherboarding
- clay plain tiles
- clay pantiles
- natural slates.

**14.4.8** The layout of the proposal includes the dwellings being arranged with spacious garden areas will be in accordance with the size standards as set out in the Essex Design Guide. The single access drive from the highway provides individual accesses to each plot. The proposed footway link is proposed running east to west through the site and will connect with the Public Right of Way network to the east (Cornells Lane to Church Lane) to the High Street.

**14.4.9** The proposed landscaping includes significant number of new trees and hedgerows. Apart from the introduction of the access no trees will need to be removed to accommodate the development. The submitted arboriculture report does provide recommendations to replace trees dying/diseased trees in particular, along Cornells Lane, the green tunnel effect can be enhanced, and tree protection measure should be conditioned.

**14.4.10** The proposed access to the site will require the incursion within Cornell Lane, which is a protected lane, in comparison to the refused schemes the location of the access uses a low part of the bank to Cornells Lane, also where the vegetation at this point is of lower quality. The previous schemes included a significantly larger access and was sited further east along Cornells Lane where it is deeply incised. The required visibility splays for the development will not require the removal of further bank Cornells Lane. Due to the scale of the development the proposed access will be shared surface for pedestrians and cars throughout its length. As advised above a separate footpath will provide an alternative safe route for all who currently walk along the carriageway of Cornells Lane.

**14.4.11** The Council's Landscape Officer has been consulted, although no further comments have been received for this application it is noted the comments made in regard to the previously refused application advised the proposed introduction of the access and works to the bank of the protected lane would inherently result in some degree of harm. ULP Policy ENV9 considers works to protected lanes and advises that proposals likely to harm the protected lane will not be permitted unless the need for the development outweighs the historic significance of the site. The Protected Lane is considered a non-designated heritage asset, the Council's Heritage Officer has assessed the development overall

considers the harm caused to be at the lower end scale. Paragraph 203 of the NPPF states;

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

**14.4.12** The Uttlesford Protected Lanes Assessment was prepared by Essex County Council in March 2012. This document formalises the identification and assessment process and sets clear criteria for assessing the importance of Protected Lanes. It should be noted that the Lanes are selected not only for their historic interest, but also for their biodiversity, group value and aesthetic value. The full criteria are:

- Diversity
- Group value (association)
- Archaeological association
- Archaeological potential
- Historic integrity
- Biodiversity
- Aesthetic

**14.4.13** In the Protected Lanes Assessment Form (Appendix D) Cornells Lane is identified as UTTLANE158 which scores a total of 20 out of 28.

- It scores 4 out of 4 for Group value, its association with historic or landscape features of ‘broadly the same date’.
- It scores 3 out of 3 for archaeological association, its link with ‘non-contemporary archaeological features’.
- It scores 2 out of 3 for archaeological potential
- 2 out of 6 for Historic integrity.

This notes that the Lane has experienced ‘moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)’. Therefore, while Cornells Lane scores highly for archaeological potential and connections, its integrity has clearly been significantly undermined by later alterations and interventions.

**14.4.14** It is noted adjacent the proposed highway access there is an existing wide access serving William the Conquer and Weft house and as such there are number of points along the Protected Lane that have already included the loss of verge and the addition of housing. This single smaller access point is not considered unacceptable or inherently harmful. It is also noted the Uttlesford Protected Lanes Assessment confirm that one of the reasons for Cornells Lane scoring 2 on Aesthetics is the ‘nice views of

houses' from the Lane and as such the view of appropriately sited and design dwellings being seen from the Lane cannot be deemed as a harmful.

- 14.4.15** Whilst the 4 units will not be highly visible from the Lane, where views are available e.g. from the new footpath, these should be equally pleasant, given the good design, which reflects the local vernacular, architecture, materials and landscaping.
- 14.4.16** As part of the assessment of the overall impact to the Protected Lane it is considered that the setting of the Lane is an important element of its significance. This is particularly the case in understanding its links with the surrounding settlements and its visual relationship with the surrounding buildings. The site, as part of its setting provides some rural context and reflects the position of the Lane moving from the southeast extent of Widdington to the east. It is therefore experienced as an entrance and departure point to Widdington. However, the overall contribution of the site to the significance of the Lane as a non-designated heritage asset is limited. This is primarily due to the length and size of this Lane together with its closer connection with other historic and landmark features and that the proposal in terms of scale and introduction of form is small in comparison to the overall significance and setting of the Lane.
- 14.4.17** As stated above Paragraph 203 of the NPPF applies and as such a balanced judgement will be required, taking into consideration the above assessment it is considered introduction of the access point and built form of the dwellings will result in a low level of harm to Cornells Lane. Unlike the appeal scheme for 20 dwellings (and the 15 unit scheme) the width is reduced from 9.5 m to 5.5m, also due to the location of the access sufficient visibility splays will be provided without the requirement to change or remove any more of the protected lane.  
A condition should be included for the submission of the detailing and appearance of the access point and require retaining materials to be approved by the LPA prior to the commencement of the development.
- 14.4.18** A certificate of lawfulness application (UTT/22/1523/CLP) for a means of access, identical to that now being proposed has recently been approved. Therefore, such access could be constructed. This is a fall-back position and material consideration. The approved certificate of lawfulness considering the access to the site is identical in siting, width and visibility splays to the access proposed in the current application (and the refused/appealed application). Furthermore, the gradients shown in the 'certificated' and proposed access incorporate the previously recommended conditions of the Highway Authority.
- 14.4.19** In terms of the designated Heritage asset, this includes the Conservation Area and a number of listed buildings. However, it is noted the application site is outside of the Conservation Area. I first consider the impact the development has to the Conservation Area; due consideration is made to ULP Policy ENV1 and S72(1) of the Planning (Listed Buildings and



Conservation Areas) Act 1990 in relation to the preservation or enhancement to the character and appearance of the Conservation Area.

- 14.4.20** The proposed development would inherently alter the rural setting of the application site with the introduction of built form, however this it is considered this will however this would not be appreciable from within the vast majority of the conservation area, including in views from the High Street. A small section to the southwest of the application site would result in a small change to the conservation area, through the re-surfacing of part of the access road which will include a sympathetic appearance.
- 14.4.21** The location of the dwellings would cause some alteration to the existing historic linear plan form of Widdington which is particularly evident along the High Street, and actively contributes to the historic interest of the conservation area. However, this current proposal only results in the development of the southern boundary of the site and not the entire site as per the previous refused planning applications. The siting of the dwelling would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time.
- 14.4.22** The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village. The development will retain the majority of the conservation area rural setting to the east of the High Street, maintaining the transition between the settlement and the wider rural surroundings which the Inspector identified as an important feature at the previous appeal.
- 14.4.23** The location of the development to the southern boundary of the site will also ensure the views from within the wider paddock and any existing from the wider public footpath to the public views to the east and north of the site. Although the Council's Conservation officer has advised that screening mitigation cannot remove harm, however appropriate landscaping and screening should still be considered and weighed against the harm. It is noted the following the refusal of the previous application the landscaping scheme now includes double depth hedgerow to the south and west sides of plot 1. Plots are arranged with spacious garden and curtilage areas for private Amenity.
- 14.4.24** The Planning Inspector considering the previous appeal confirmed the larger 20 dwelling scheme would cause some less than substantial harm to the significance of the Conservation Area, this included:
- The location of plots 13-12, the scale and overall coverage of built form would visually compete with the village scape of properties in the Widdington Conservation Area

- There is some residential development set out in a linear form along Cornells Lane

The proposal would erode the sense of openness and diminish views of a significant part of the Widdington Conservation Area from its rural surroundings

**14.4.25** However, with this current proposal:

- The area of appeal plots 13-20 is now undeveloped; scale reduced from 20 to 4 dwellings; area reduced significantly,
- The proposed scheme has vastly reduced coverage/scale compared to previous 20 dwelling scheme.
- An existing linear development runs along Cornells Lane (housing lies opposite).
- A sense of openness will be retained with the remaining paddock area to remain undeveloped and provides a transition area between the village and surrounding rural area.
- The development will not compete with the character of the Conservation Area.
- The views from the footpath to the eastern boundary of the site is restricted with a newly erected 1.8m fence. Therefore, views to the back of the back of the High Street remains unaffected.
- The proposal is not considered to have an urbanising effect.

**14.4.26** The appearance of the dwellings would also be constructed in a simple, vernacular style diminishing in height from west to east. As set out by the Council's Heritage Officer the proposal will result in low level of harm to the Conservation Area. This limited, less than substantial harm should be weighed against the public benefits of the proposals in accordance with paragraph 202 of the NPPF.

**14.4.27** Paragraph 206 of the NPPF advises Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserved that make a positive contribution to the asset (or which reveal its significance) should be treated as favourably. The proposal will provide a permissive footpath to the south east corner to the south west corner of the site. This will creating a safe walking environment providing views of the Conservation Area which will better reveal its significance.

**14.4.28** In terms of the effects of the setting of Listed buildings, due consideration is made to ULP Policy ENV2 and S66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990. The following sets out my assessment to each of the Listed Building affected by the proposed development. This also takes into consideration the consultation response from the Council's Heritage Officer and details of the previous planning appeal.

- 14.4.29** Martins Farm House;  
The proposal would alter the views to and from Roseley Barn, which has been identified as a curtilage listed building and therefore part of the listed building of Martins Farmhouse. The proposal will reduce the current rural context which contributes to the significance of the Farmhouse and Barn by virtue of their related historic uses. There is no current functional link and there is no evidence of a historic functional link between the Site and the farm (with the Site and wider paddock in separate ownership to Martins Farmhouse and the Barn).
- 14.4.30** It is noted that at the previously appeal hearing that Martins Farm House and associated buildings could not be seen from the application site and was agreed to not be part of the assessment of the heritage assets. Taking a consistent approach any impact can only be viewed as strictly limited, moreover, the conversion of the Barn to residential use, and its subsequent extension, has diminished the legibility of its former agricultural. The proposed development would therefore have no impact on the significance of Martins Farmhouse, with the relationship between the Barn and Farmhouse being unaffected and the legibility of its historic use unchanged. The special architectural and historic interest of the listed building would be preserved. This accords with the Inspector's findings for the much larger scale of development previously dismissed at Appeal.
- 14.4.31** Corner Cottage/The White Cottage;  
There will be limited impact on views. These semi-detached residential properties lie on the corner of Cornells Lane accordingly, there would be some less than substantial harm by virtue of development within their setting, albeit to the lower end of any scale. Also, the proposal will include some existing access to the Site, which will be undertaken in conjunction with providing additional planting to screen views, reinforcing the sense of enclosure. Fundamentally the development will not alter its role within the setting of the listed building will subsequently be unchanged. As such it is considered that the proposed development will have no impact on the significance of the listed building. Its special architectural and historic interest will be preserved.
- 14.4.32** William the Conqueror;  
The existing landscaping to the north east of the William the Conqueror and particularly on the southern boundary of the site means that there will be a limited visual impact from the proposed development. One of the main changes will result from the construction of a new access proximate to the listed building, which will involve alterations to Cornells Lane.
- 14.4.33** Although this will alter the existing semi-rural setting of the listed building it will not diminish the ability to appreciate and experience its significance,

particularly given the current context of the listed building, which lies adjacent to the engineered access point into Weft House. It is noted the Planning Inspector of the previous appeal considered the proposed passing bays would cause an increase in noise, vibrations and vehicle emissions from vehicular traffic, potentially affecting its fabric, resulting in visual distraction & diluting appreciation of Listed Building from the lane. However, this application does not include or require the passing bays along then highway.

- 14.4.34** The Planning Inspector also considered the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Would be some harm to the setting by virtue of such development and activity associated with it, within its setting. That being said, this proposal is of a much smaller scheme, plots 1 to 4 which have a comparable location include 2 chalets and 2 bungalows and notably lower ridge height and eaves heights.
- 14.4.35** Additional planting and the separation to the dwellings themselves will ensure that proposed dwellings are visually separated from the listed building. These slight changes within the setting of the listed building will have high level of harmful impact on the significance of the William the Conqueror or the ability to appreciate and experience its significance.
- 14.4.36** Fleur-De-Lys Public House;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it's setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 14.4.37** Church of St Mary the Virgin;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it's setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 14.4.38** Roseley Barn;  
This is a curtilage in relation to Martins Farm, it is noted objections were raised during the previously refused planning application by Council; Heritage Consultant or by the Planning Inspector considering the previous planning refusal stated "a development of 20 dwellings. Although the views will be altered, it is not considered to result in a urbanising effect or significant level of harm caused.
- 14.4.39** The development is not considered to have an urbanising effect the character of the site. The proposal for 4 dwellings which have a tradition rural appearance and set out in generous size plots. The reduction of the

scale of Plot 1 and increase planting around further ensures the proposal integrates with its surroundings. Whilst there will inevitably be some minor adverse impacts due to the introduction of built form as is the case of building on any greenfield land the proposed scheme is minor in nature and will not impinge on the overall rural quality around the village. The site is well contained from wider views. As such it is not consider the proposal will have a urbanising effect that will result in significant level of harm to character of the site, it surroundings or the setting to designated or non-designated heritage assets.

**14.4.40** Following the previous planning application the Council's Heritage Consultant has advised the proposal is compliant with Paragraph 206 of the NPPF in regards to new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. The proposal includes the introduction of a new footpath through the site this will open up views towards the back of High Street where the Conservation Area lies and includes White/Corner Cottage (listed), Roseley Barn (curtilage listed to Martin's Farm) and other buildings further north including along High Street.

**14.4.41** Taking into consideration the consultation responses from the Council's Heritage Consultant, the details of the previous planning appeal and submitted Heritage Statement it is considered the proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area and is in accordance with ULP Policy ENV1 paragraphs 202 and 206 of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**14.4.42** As assessed above the significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with ULP Policy ENV2 section 202 of the NPPF and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **14.5 C) Neighbouring Amenity**

**14.5.1** The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at 48m), Roseley Barn (45m), William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant. It is advised there are no proposed windows at the first floor level- western elevation of plot 1 due to being of a bungalow design of. As such taking into consideration the separation distance, siting/ orientation of the proposed dwellings and existing boundary treatment the development will not result in any significant overlooking or loss of privacy that will have a

harmful impact. It is therefore concluded that the proposed scheme accords with the above policies.

**14.5.2** ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Cornells Lane, it is noted noise objections have been raised by the Council's Environmental Health Officer. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.

#### **14.6 D) Access, Parking and Transport**

**14.6.1** Policy GEN1 require development to the main road network that must not compromise road safety, there is an existing access to the site off Cornells Lane is by way of a gated field access located in the south-western corner of the This access also serves an electricity substation. At the site location, Cornells Lane is subject to a 30mph speed limit and comprises a single carriageway with a verge and bank.

**14.6.2** The access requires 2.4m by 43m visibility splays, based on the speed zone and prevailing speed of traffic which has been surveyed. Long sections show that these splays are achievable without further removal of the bank along Cornells Lane to create them.

**14.6.3** The access will meet highway requirements with a 5.5m width for the first 10m, radii kerbs and suitable gradient, as designed by highway consultants. It has also been designed to accommodate the manoeuvres of fire tenders, as well as the large refuse vehicles.

**14.6.4** The Highways Authority have been consulted as part of the planning application process, no objection have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted.

**14.6.5** It is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development. The assessment of this private drive access, to serve 4 dwellings, has been undertaken as required to serve a development of this quantum and type, with due regards to ULP Policy GEN1 and the Essex Design Guide.

**14.6.6** ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted

Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009).

**14.6.7** Each dwelling will include off street parking that is in accordance with adopted standards. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

#### **14.7 E) Light pollution**

**14.7.1** ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution however it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development.

#### **14.8 F) Nature Conservation**

**14.8.1** 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.

**14.8.2** A preliminary ecological assessment (PEA) has been carried out and submitted with the planning application. The Council's Ecology Consultant has been consulted as party of the planning application process; no objections have been made subject to conditions.

**14.8.3** All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.

**14.8.4** In terms of biodiversity enhancement, the proposal includes the provision of an ecological area measuring 0.12 ha (0.29 acres) comprising part of the 2 acres of retained paddock land immediately north of the site. The detailing of the ecological area should be subject to a condition for the submission and approval of the LPA.

**14.8.5** 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.

#### **14.9 G) Flooding**

**14.9.1** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. The application site is in flood zone 1 and therefore it is concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with ULP Policy GEN3, and the NPPF.

## **14.10 H) Climate Change**

**14.10.1** 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.

**14.10.2** The application includes a Planning Statement and Sustainability Statement which have made due consideration to the adopted Interim Climate Change Policy, which advises the proposed development has been designed to address the Climate and Ecological Emergency declared by UDC in 2019 and more recent Interim Policy regarding Climate Change (February 2021).

**14.10.3** The statement set out that in respects to energy efficiency the fabric efficiency well above standard requirements in order to reduce energy demand. Furthermore, each dwelling is proposed with an air source heat pump and photo voltaic panels. These measures are in line with professional recommendations and will mean that the development would save over 5 tonnes per annum of carbon dioxide emissions to the atmosphere, compared to a development built to standard building regulations.

**14.10.4** The sustainable design of the development has considered numerous factors. These include:

Reducing carbon dioxide through renewable energy and reduced energy demand, including fabric improvements, solar panels, and air source heat pumps

- Water Conservation Measures
- Flood Risk
- The use of recycled, responsibly sourced and sustainably manufactured building materials
- Waste and Recycling
- Landscape Design
- Ecological measures, including a substantial off site Ecology Area in addition to on site ecological measures



- Promoting sustainable travel choices e.g Electric Vehicle Charging Points, Home Working facilities, new footpath linking the site to High Street bus stops and provision of Travel packs with vouchers for use on public transport
- 14.10.5** Resource and water efficiency have been maximised, whilst the production of waste and pollution is to be kept to a minimum, ensuring the impact of the proposals on its surroundings and the environment is reduced.
- 14.10.6** The design to meet energy standards and ensuring the dwellings are capable of adopting future technology, the application will respond directly to the Uttlesford District Council's policies as it targets to significantly reduce carbon dioxide emissions above the Building Regulations 2013 Part L requirement.
- 14.10.7** The proposed residential units will be designed to reduce their CO2 emissions by 60.95% below the Building Regulations 2013 (TER) minimum requirements. This equates to a saving of 5.11 tonnes of CO2 per year and will be achieved with the use of a highly efficient building fabric, individual ASHPs and the installation of 7.5 kWp of photovoltaic cells (PV). Electric vehicle charging points will be included in all dwellings.
- 14.10.8** The landscaping strategy provides a harmonious integration with local ecological features as well as protecting habitats for existing wildlife through the planting of native species of trees and shrubs. It will include:
- Mixed hedgerow to all boundaries;
  - Hedge planting to include Hawthorn, Hazel, Blackthorn, Dog Rose, Crab Apple, Field Maple and Dogwood;
  - Bird nesting boxes and bat boxes throughout the site;
  - A number of hedgehog highways will be installed to fences/hedgerows;
  - Selection of fruit trees within garden areas;
  - Selection of plants that rely on limited water for establishment;
  - Selection of local plant materials to minimise transport footprint;
- 14.10.9** A new 0.29 acre ecological area will be provided to the north of the site. This area is to be planted with trees and wild flowers within the grassland. An ecology pond with a bog area will also be created for wildlife. The pond will provide a 'beach' area for access for wild birds and other animals. The new ecological area will increase wildlife to the locality by increasing habitat.
- 14.10.10** The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.
- 14.11 I) Planning Balance**

**14.11.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (5 YHLS update April 2021).

**14.11.2** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the 5 YHLS cannot be delivered. As the Council is currently unable to demonstrate a 5 YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.11.3** The following breaks down the economic, social and environment benefits of the development:

**14.11.4** Economic:

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers.
- Occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas
- Increased pool of potential customers for the local bus service could bring improved viability
- The dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population

**14.11.5** Social:

- The construction of four dwellings to contribute to the 5 Year Housing land supply,
- 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA
- 1 x 2 bed bungalow to meet other housing needs,

- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies
- 2 no. bungalow to meet housing needs
- Accessible to local services, including those which can be reached via the recently improved and regular bus service to other nearby settlements

#### **14.11.6 Environmental;**

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save over 5 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets Building Regulations
- Each dwelling would also be provided with an electric vehicle charging point
- Significant new tree and hedgerow planting which will bring ecological and environmental Benefits
- Opportunities to make improvements to certain vegetation along Cornells Lane, secured by landscaping condition,
- Biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres,
- Provision of landscaped footpath corridor for use by the public
- Removal of overhead power line and apparatus by grounding cables, for visual benefit
- Delivery of high quality design with appropriate scale, form, density, architecture and materials

**14.11.7** As set out in section B of this report the proposal will result in limited low level harm to the character and appearance of the rural site and both designated and non-designated heritage assets. The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (i)).

## **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 location of the current proposed development of 4 dwellings is largely seen to accord with the NPPF on sustainable development, and with Policies S7 and GEN1 of the Uttlesford Local Plan 2005.

**16.2** The proposed layout, scale and appearance of the development is acceptable in the context of the character and appearance of the site and surrounding area.

**16.3** The level of harm to the designated and non-designated heritage assets is considered low level. The benefits have been weighed against this.

**16.4** The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.

**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 (ULP Policy GEN7).

**16.7** The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.

**16.8** The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole NPPF Paragraph 11d (i).

**16.9** 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 in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

**3** Prior to commencement of development (including any ground works) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

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

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

**4** No development or preliminary groundworks of any kind (unless in connection with satisfying this condition) shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been

submitted by the applicant, and approved in writing by the Local Planning Authority.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 5 The applicant/developer shall submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). The assessment shall comprise in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to commencement of the development hereby approved a detailed hard and soft landscaping scheme (including planting, hard surfaces, footpaths and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to commencement of the development hereby approved, a detailed cross sections drawing including the details/ materials and appearance of any retaining features for the construction of the highway access and internal road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 8** Prior to commencement of the development hereby approved a detailed plan of the proposed Ecological Area as shown on Drawing no. P5004-10 B (Proposed Site Layout Plan); and future maintenance details shall be submitted to and approved in writing by the Local Planning Authority.

The completion of the ecology area shall all be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner.

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

- 9** Prior to the commencement of the development hereby approved details of surface and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall not be changed without the prior written consent of the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 10** Prior to the commencement of the development above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (SES, June 2021).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

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

REASON To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the Natural Environment and Rural Communities Act' 2006 ( Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

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

- 12** Prior to the commencement of the development above slab level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in



writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to first occupation of each dwelling hereby approved the renewable energy features/climate change mitigation measures associated with that dwelling shall first be submitted in writing to and agreed by the local planning authority. All measures shall take account of the principles set out in the submitted Sustainability Statement (Abbey Consultants June 2021), Energy Statement (Abbey Consultants June 2021) and Energy Note (August 2022), subject to any amendments to reflect the development hereby approved. All approved measures 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).

- 14** Prior to the occupation of the development hereby approved, 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 amenities of the occupiers of adjoining properties in accordance with ULP Policy GEN54 of the Uttlesford Local Plan (adopted 2005)

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

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

- 16** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the

access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. C (Title– Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

- 19** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 20** The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing

immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 22** The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 23** 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).

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

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)" and in accordance with the guidance in Approved Document S 2021.

- 25** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

## Appendix 1 – Highways Consultation Response

Your Ref: UTT/22/2278/FUL  
Our Ref: 31597  
Date: 28<sup>th</sup> September 2022



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

Andrew Cook  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/2278/FUL  
Applicant Mr and Mrs M. Tee  
Site Location Land to The North of Cornells Lane Widdington CB11 3SG  
Proposal Proposed erection of 4 no. detached dwellings and associated works

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

1. Prior to occupation of the development, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. C (Title – Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose. **Reason:** To ensure that appropriate access, parking and turning is provided.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
4. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To

enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

6. The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.
7. The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath. **Reason:** To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility.

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
  - ii. There shall be no discharge of surface water onto the Highway.
  - iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
  - 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. 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.
  - vi. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.
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- vii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 17 (Widdington) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

Note:

The location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.



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### Late List –Planning Committee 26/10/2022

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
6	UTT/21/3665/FUL – Land North of Shire Hill Farm	<p>Saffron Walden Town Council have confirmed in an email sent to officers on 18th October 2022 that they do not object to the proposals as per below:</p> <p>Hi Lindsay</p> <p>SWTC formally considered the above application at the Planning Committee meeting on 13<sup>th</sup> October.</p> <p>No further comments were made to those raised at the September meeting when Redrow presented the revised plans (detailed in my below email, highlighted for reference). Committee noted again they were pleased to see the revised location of the play area, being further away from the spine road.</p> <p>Please include this information on the late list for next week's meeting, thank you.</p> <p>Kind Regards</p> <p><b>Georgia Arnold</b> <b>Committee Clerk &amp; Office Administrator</b></p> <p>Saffron Walden Town Council The Town Hall Market Street Saffron Walden CB10 1HR Tel: 01799-516501 <a href="http://www.saffronwalden.gov.uk">www.saffronwalden.gov.uk</a></p>

7	UTT/22/1939/DFO – Land North of Ashdon road	None
8	UTT/21/1838/OP – Land to the East of Wedow Road	<p>Amendment to Condition 18 to include the word ‘above’, as follows:</p> <p>Prior to the first construction of the development, above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.</p> <p>REASON: To prevent environmental and amenity problems arising from flooding, in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.</p>
9	UTT/22/2278/FUL – Land to the North of Cornells Lane	<p><u>Supplementary comments from Planning Agent (Chris Loon)</u></p> <ul style="list-style-type: none"> <li>• The head of the report lists the applicant as ‘Mr and Mrs M. Tee’- it should be ‘Dr and Mrs M. Tee’</li> <li>• 3.1 – The public footpath does not lie within the application site. There is a small gap between the site boundary and the public footpath which is divorced from the site by an existing 1.8m high fence.</li> <li>• 4.3 – Plot 1 is 3 beds and Plot 4 is 2 beds (as opposed to vice versa as stated)</li> <li>• 8.1.1 – ECC Highways do not require the ‘approval of’ visibility splays, but merely ‘compliance with’ them</li> <li>• 12.3 – The end of the paragraph includes a drafting note which can/should be ignored</li> <li>• 14.4.1 – The public footpath does not run along within/along the site’s eastern boundary. See comments above for 3.1.</li> <li>• 14.4.9 – The end of the second sentence should add, “except for a small part of the existing paddock track at the south-western end”</li> <li>• 14.4.24 – “Plots 13 to 12” should read “13 to 20”</li> <li>• 14.4.31 – at second sentence “include some existing access to the Site..” should read “include closure of the existing vehicular access to the Site..”</li> <li>• 14.3.35 – at second sentence, “high level..” should read “low level..”</li> </ul>



		<ul style="list-style-type: none"> <li>• 14.4.39 – at first sentence, “it is noted objections..” should read “ it is noted that no objections..”</li> <li>• 14.10.3 – ‘5’ should read ‘4’ (tonnes)</li> <li>• 14.10.7 – “60.95%” should read “63.69% (in the case of plots 2,3 &amp; 4)”; and “5.11 tonnes” should read “4 tonnes”</li> <li>• 14.11.6 – ‘5’ should read ‘4’ (tonnes)</li> <li>• 16.8 – at end of sentence “taken as a whole NPPF Paragraph 11 (d) (i)” should read, “taken as a whole pursuant to NPPF Paragraph 11 (d) (ii)”</li> <li>• Condition 4 – after ‘secured’ insert “(and thereafter completed)” (This is to address ECC Archaeology)</li> </ul> <p><u>NPPF Paragraphs 202 &amp; 203</u>  In respect of 14.4.26 the report correctly cites the balancing exercise that NPPF Para 202 requires. The report concludes positively concerning the lack of impacts upon Designated Heritage Assets at 14.4.41 &amp; 14.4.42 but should it should specifically evidence that such impacts have been balanced against the public benefits under para 202. Benefits (including ‘public’ benefits) are summarised at para 14.11.5 – 14.11.6. Paragraph 14.11.7 set out the ‘tilted’ balance test under NPPF Para 11 but the report (before getting to this stage) should specifically undertake the Para 202 test in advance. An addendum to para 14.4.26 could do the same.</p> <p>For clarity, it may also be appropriate to cite that the para 203 balanced consideration (non designated heritage asset) has been included in reaching a conclusion on the tilted balance assessment under NPPF Para 11 (d) (ii) as set out in the Report at Para 14.11.7.</p> <p>Please can you consider this and act as appropriate.</p> <p><u>Weight of Access Fallback</u>  The report at Para 14.4.18 notes the CLP approval as a fallback and a material consideration. However, it does not then clarify:</p> <ol style="list-style-type: none"> <li>1. What ‘weight’ should be ascribed to the Fallback (applicants say ‘significant’ weight);</li> <li>2. How that weight is derived/evidenced (eg see Appeal evidence - applicant’s stated intentions to construct a permitted development access, their engagement with charity to hold charity market/events, the charity’s contact SWTC re market licence, applicant’s sourcing of contractor</li> </ol>
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		<p>estimate to build access, applicant’s highway engineer progressing highway works agreement with ECC Highways, etc) or;</p> <p>3. How it should be applied as a consideration against any alleged/perceived impacts upon the Protected Lane (under Policy ENV9 and NPPF Para 203) arising from the proposed means of access. This is a fairly critical matter, because this directly addresses a key reason for refusal (RfR1) on the previous decision by the committee (which the applicants say is effectively overcome). This, along with the lack of heritage harm (as now clarified by Place Services, also including a U turn by the heritage officer on NPPF Para 206) which formed the basis of RfR2, means that the tilted balance scales are significantly tipped in favour of approval, compared to the previous committee decision, especially as planning inspectors are now giving just one dwelling ‘significant weight’ in their decisions (see para 36 of attached appeal decision in Ashdon -received last week).</p> <p>The LPA is referred to correspondence on this matter, especially the Holmes and Hills letter dated 6 September 2022 which is not cited in the Report, this being part of the applicant’s case.</p> <p>Also included with the late comments is the allowed appeal decision notice: APP/C1570/W/21/3287385 (UTT/21/2047/FUL) Plot A, Land to the West of The Vales, Radwinter Road, Ashdon.</p>
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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.