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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 11th January, 2023

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. 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.

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 - 13

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 14

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 15 - 28

To note the Quality of Major Applications Report.
- 5 S62A Applications** 29 - 30

To note applications which have been submitted direct to the Planning Inspectorate.
- 6 S62A/2022/0014. UTT/22/3258/PINS - Land to the West of Thaxted Road, SAFFRON WALDEN** 31 - 53

To consider making observations to the Planning Inspectorate in respect of UTT/22/3258/PINS.
- 7 UTT/22/1802/FUL - Wood Field (land adjoining 'Land West of Woodside Way'), GREAT DUNMOW** 54 - 116

To consider application UTT/22/1802/FUL.

- 8 UTT/22/1508/DOV - Sector IV Woodlands Park, GREAT DUNMOW** 117 - 127

To consider application UTT/22/1508/DOV.

PLEASE NOTE THAT ITEM 9 WILL NOT BE TAKEN BEFORE 2.00pm

- 9 UTT/22/2763/DFO - Land East of Warehouse Villas, Stebbing Road, STEBBING** 128 - 145

To consider application UTT/22/2763/DFO.

- 10 UTT/22/1764/FUL - Woodside Farm, Gallows Green Road, GREAT EASTON** 146 - 184

To consider application UTT/22/1764/FUL.

- 11 UTT/22/2491/HHF - 24A Borough Lane, SAFFRON WALDEN** 185 - 195

To consider application UTT/22/2491/HHF.

- 12 Late List** 196 - 206

This document contains late submissions, updates or addendums to existing agenda items which have been 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.

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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.**

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 14 DECEMBER 2022 at 10.00 am

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

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), N Makwana (Senior Planning Officer), E Smith (Solicitor), G Tuttle (Development and Flood Risk Officer - Essex CC), C Tyler (Senior Planning Officer) and K Wilkinson (Strategic Development Engineer – Essex CC)

Public Speakers: K Artus, D Barnes, S Butler, Councillor A Fisher, Councillor M Foley, Councillor J Fulcher, M Greenwald, N Greenwald, R Haines, D Macpherson, L Melin, Councillor N Reeve and T Wilson.

PC242 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Bagnall, Fairhurst, Loughlin and Pavitt.

Councillor Sutton declared that she was the Ward Member for Takeley (items 7 and 8).

Councillor Freeman subsequently declared that responsibility for parking was within his portfolio (Item 12).

PC243 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 23 November 2022 were approved as an accurate record.

PC244 **SPEED AND QUALITY REPORT**

The Development Manager presented the Speed and Quality Report.

The report was noted.

PC245 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager presented the Quality of Major Applications report. In response to a question about the statistics, he said that he would examine the data and respond outside of the meeting.

The report was noted.

PC246 **S62A APPLICATIONS**

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

In response to a question, the Development Manager confirmed that an aide memoir was currently being 'road tested', with the intention of being rolled out to all Parish Councils.

The report was noted.

PC247 **PLANNING ENFORCEMENT TEAM UPDATE**

The Development Manager introduced the report that provided an update on work that the Planning Enforcement Team had carried out during the financial year 2022 – 2023 to date. In response to questions, he said that focus had been placed on areas where compliance had been achieved and he explained the situation when enforcement was appealed and then dismissed.

The report was noted.

PC248 **S62A/22/0005. UTT/22/1897/PINS - CANFIELD MOAT, HIGH CROSS LANE, LITTLE CANFIELD**

The Senior Planning Officer presented a report in relation to a major (full) planning application submitted to PINS for determination. The application sought full planning permission for the erection of 15 dwellings.

The report recommended that observations be submitted to the Planning Inspectorate.

The Senior Planning Officer highlighted a number of issues that had been raised and referred to objections by Essex Highways in respect of GEN1 and Public Rights of Way. He also said that the traditional orchard was not protected from residential development.

In response to various questions from Members, officers said that:

- Essex Highways had responded directly to PINS and a copy of their submission had been requested.
- The speed limit for High Cross Lane West was 60mph.
- Any commuted sums would need to be independently assessed.

- Design images had not been included and there was a moat but it was not historic.

Members discussed:

- Opposition to having commuted sums in lieu of affordable housing. It was recognised that UDC would be responsible for any S106 being put in place.
- The prospect of generating a little island in a field, with no nearby facilities.
- The proposed styles of the dwellings being incongruous and the size of the smaller cottages not meeting standards.
- Amenity space considered to be inadequate.
- The unsustainability of the site.
- The issues relating to the protected orchard.
- Gymnasium facilities only being available to residents.

Members were unanimous in their view that, in addition to the adverse impacts highlighted in the report, the following comments be added and that they would be shared with the Chair before responding directly to PINS:

- The Council noted and supported the Local Highways Objections to this proposal.
- The proposals constituted unsustainable development in an open countryside location. The development would cause harm to the countryside setting contrary to Policy S7 of the ULP.
- The quality of the development as proposed was best described as mediocre and certainly not of the quality to offer any benefits that outweigh the harm. The proposal would not comply with Policy GEN2 of the ULP.
- The Council was disappointed that some of the dwellings failed to adhere to the National Space Standards. Development of this type (which it is claimed is an exclusive gated community) should at least meet the basic levels of living standards.
- The Council was also disappointed that the proposal would not provide onsite affordable housing, not to do so would not provide a properly inclusive development. However, it does accept that in certain circumstances off site contributions can be accepted. Due to the poor quality of this proposal, the Council failed to see the exceptional need for off-site provision. Notwithstanding these objections, should the Inspector entertain this as an option the Council saw no viability reasons that these contributions should in any way be discounted.
- The Council noted that Natural England had identified this as a Traditional Orchard, and the impact of this proposal on this habitat/landscape should be considered in light of paras 179 & 180 of the NPPF. The Council understands that Natural England will respond separately on this matter. The Council supports Natural England on this point.

Having regard to the above, the Planning Committee formally recorded that the Council objected to the proposed development.

The Development Manager presented an outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, green infrastructure including play areas and ancillary infrastructure. He referred to further comments that had been made in respect of biodiversity and the CPZ as well as additional information on the Late List. He said that the application had previously been deferred and had been brought back.

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.

In response to questions from Members, officers clarified:

- Health Authority requirements.
- Odour concerns as highlighted by the Environment Agency, although outside of the control of the developer. This was an enforcement issue for Essex CC.
- CPZ concerns.
- That ecological concerns had been resolved.

Members discussed:

- The apparent lack of CPZ protection.
- Health Authority issues relating to NHS GP surgeries.
- Lack of local amenities that would require car dependency.
- The proposed development being in the wrong place.
- Concerns relating to the Fitch Way enclosures.
- The need to weigh up the benefits and harms in light of no 5-year land supply being in place.
- Odour and noise concerns particularly relating to the refuse tip.
- The proposed £10k contribution to the village hall.
- The benefits of affordable housing and of 90 new dwellings.
- Possible overdevelopment.
- Many of the issues raised by the public speakers and through their statements.

Councillor LeCount proposed that the application be refused on the grounds of S7,S8, ENV2, GEN6, GEN2 and NPPF200.

This proposal was seconded by Councillor Freeman.

RESOLVED that the application be refused in line with the proposal.

Councillor J Fulcher spoke against the proposal and a statement was read out from Councillor G Bagnall against the proposal.

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

The meeting was adjourned for a comfort break between 12.10pm and 12.20pm.

PC250 **UTT/21/1836/OP - LAND TO THE EAST OF WEDOW ROAD, THAXTED**

The Principal Planning Officer presented an outline 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.

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.

Following on from public speakers and statements being read out. the meeting was adjourned for lunch at 1.15pm and re-convened at 1.50pm.

In response to questions from Members, officers said:

- The weighting that could be given to the Neighbourhood Plan would be considered as moderate.
- A desk top exercise had been undertaken in respect of flood risks, as confirmed by the Development and Flood Risk Officer – Essex CC. She said that water flow would be no more than that which came off the fields at the current time.
- Various site visits had been made, one during the evening peak time, as confirmed by Essex Highways through the Strategic Development Engineer – Essex CC. The access had been examined and she confirmed that Ellers Way was a cul-de-sac. She also summarised what the Essex Design Guide was and what it does.
- The possibility of access through Copthall Lane had not been put forward in the planning application.

Members discussed:

- Construction access and the possibility of utilising Copthall Lane or alternatives.
- The need for a strong Construction Management Plan; important issues included hours of operation and the possibility of prescribing an obstruction as opposed to a gate and to ensure an adequately sized compound for lorries etc.
- The need to have an agreement in place for any damages to existing dwellings and their surrounds to be rectified.
- The need to manage traffic; the Development Manager said that this would be challenging but he was confident that it could be done. He said that penalties could be put in place such as breach of conditions that could impact significantly as reputational damage.
- The possibility of Public Open Space (POS) to be used by the wider community with a S106 to encourage the POS to be adopted by Thaxted PC.
- The private road being adopted.
- Concerns about the generic designs- e.g. orange roofs.
- The use of swales to increase biodiversity.

- The need for a tight Environmental Management Plan.

Councillor Lemon proposed approval of the application subject to those items set out in section 17 of the report along with a Construction Management Plan and an Environmental Management Plan. The Chair would be party to discussions with the developer and UDC officers.

This was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to the terms detailed in the proposal above.

Councillor M Foley, T Wilson, D Macpherson, M and N Greenwald and R Haines (on behalf of Thaxted PC) all spoke against the proposed application.

Statements were also read out against the proposal from Councillor M Tayler, T Lant, K Woodhouse and T Mawer.

S Butler (Agent) spoke in support of the application.

PC251 **UTT/21/3298/FUL - LAND SOUTH OF CANNONS LANE, HATFIELD BROAD OAK**

The Principal Planning Officer presented an application for erection of 30 dwellings with open space, landscaping, access and associated infrastructure.

He recommended that the Director of Planning refuse permission for the development for the reasons set out in section 17 of the report on the basis that the harms outweighed the benefits.

In response to questions from Members, officers said:

- The speed limit rose to 60mph from 30mph outside the village.
- There were no records of any dedication or adoption of ditches in the County terrier.

Members discussed:

- There being no access to the west of the site.
- The request made by the applicant to defer the decision, pending a site visit.
- The linear settlement boundary that jutted out which might be considered for possible refusal under GEN2.
- That there was no longer an objection in place regarding bats.
- That there should not be dependence on Essex Highways as a reason for refusal as views sometimes changed.

Following these discussions, Councillor Emanuel proposed refusal on the grounds of GEN1 and GEN2. This was seconded by Councillor LeCount.

The Development Manager said that the agent was looking to resolve all issues and that Members should consider a site visit. Following this guidance both Councillor Emanuel and Councillor LeCount withdrew their motion.

Councillor Emanuel then proposed deferral, pending a site visit. This was seconded by Councillor Sutton.

RESOLVED that the matter be deferred, pending a site visit.

Councillor N Reeve, K Artus and Councillor A Fisher (Hatfield Broad Oak PC) spoke in support of the recommendation made in the report.

L Melin (Agent) spoke in support of the application.

There was a brief adjournment between 3.30pm and 3.35pm.

PC252 **UTT/22/2568/FUL - LAND NORTH OF WATER LANE, STANSTED**

The Senior Planning Officer presented a report seeking removal of conditions 5 (pre-commencement condition survey of Water Lane) and 6 (post-completion condition survey of Water Lane) attached to planning permission UTT/16/2865/OP for the erection of up to 10 dwellings.

He recommended that the Director of Planning be authorised to approve the removal of conditions 5 and 6 subject to the re-imposition of all other conditions as set out in section 17 of the report.

In response to questions from Members, officers said:

- The works had commenced but had now ceased and that no survey had been undertaken when it should have been. Conditions 5 and 6 had failed all the tests of paragraph 56 of the NPPF, including being unenforceable and unreasonable.

Members discussed:

- S278 of the Highways Act 1980 which gave powers to the Highways agencies to enforce what happened on the roads in respect of extraordinary traffic.
- The need for Essex Highways and the Development Management team to take forward various issues.
- The need for strong construction management to be in place.

Officers confirmed that various S278 issues generally needed resolving and would be discussed further by UDC and Highways.

Councillor Emanuel proposed the removal of conditions 5 and 6 subject to the re-imposition of all other conditions as set out in section 17 of the report. This was seconded by Councillor LeCount.

RESOLVED that conditions 5 and 6 be removed subject to the re-imposition of all other conditions as set out in section 17 of the report.

The Strategic Development Engineer – Essex CC was thanked for her various contributions to the meeting.

PC253 UTT/22/0579/FUL - FORMER GAS WORKS, MILL LANE, GREAT DUNMOW

The Senior Planning Officer presented an application that sought planning permission to undertake the necessary initial engineering works, aimed at removing the contamination legacy arising from the historic use of the site as a gasworks. The proposals had been put forward voluntarily by the applicant in an effort to return the site into a viable and beneficial commercial use in the future.

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.

Members discussed:

- That this was remediation and that the site needed to be sorted.
- It was not known what the proposed use would be.

The Chair proposed approval of the development, subject to those items set out in section 17 of the report. This proposal was seconded by Councillor Emanuel.

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.

The meeting ended at 4:05 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	January 2020- December 2021	October 2020 to September 2022	October 2021 to September 2023	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (86.4%)	60% (80.30%)	60% (84.21%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	70% (85.06%)	70% (85.07%)	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% (11.76%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.27%*)	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: 11 January 2023
Title: Quality of Major Applications
Author: Dean Hermitage

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 - 2023. 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%	
Total for 2017 - 2019							9.21%	
Apr 2018 - Mar 2019	39	20	16	9	7	0	17.95%	
Apr 2019- Mar 2020	40	26	18	8	6	4**	15%	
Total for 2018 - 2020							16.5%	
Apr 2019 - Mar 2020	40	26	18	9	9	0	22.50%	
Apr 2020- Mar 2021	34	12	9	4	4	1***	11.76%	
Total for 2019 - 2021	74	38	27	13	13	1*	17.57%	
		Minimum level required						10.00%

**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	2	0	0	0.00%
Quarter 06	July - Sept 2021	5	2	1	0	1	0	20.00%
Quarter 07	Oct - Dec 2021	16	9	5	1	1	3	6.25%
Quarter 08	Jan - Mar 2022	8	4	2		1	1	12.50%
	total	68	31	19	7	8	4	11.76%
		Minimum level required						10.00%

Note data checked 23/12/2022.

		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
	Incomplete data							
Quarter 01	Apr - Jun 2021	5	4	2	2	0	0	0.00%
Quarter 02	Jul - Sept 2021	5	2	1	0	1	0	20.00%
Quarter 03	Oct - Dec 2021	16	9	5	1	1	3	6.25%
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				0.00%
Quarter 07	Oct - Dec 2022	14	5	1			1	0.00%
Quarter 08	Jan - Mar 2023							
	total	50	27	12	3	3	6	6.00%

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	£306,407.36 (to 23/12/2022)	£139,094.32 (to 23/12/2022)

*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

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

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
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 Essex	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 Essex	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 Essex	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 Essex	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 CM6 1HH	Demolition of existing buildings and construction of 12 no. residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure.	Committee	24-Nov-21	Approve	Refused	INPROG	

UTT/20/1744/FUL	Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow	Proposed 30 no. Self build and custom dwellings	Committee	09-Jun-21	Approve	Refused	Dismissed	28-Nov-22
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	INPROG	
UTT/21/0247/OP	The Rise Brick End Broxton 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	Allowed	21-Nov-22
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	APPWIT	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	APPWIT	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,	Delegated		Refuse	Refused	Dismissed	21-Sep-21

		sustainable drainage systems, landscaping and all associated						
UTT/20/2613/OP	Land North Of The B1256 Braintree Road Dunmow	Outline planning permission, with all matters reserved except for access for the development of up to 38 dwellings, open space, landscaping, drainage infrastructure and associated highway improvements.	Delegated		Refuse	Refused		
UTT/20/0336/DFO	Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green Great Hallingbury CM22 7TJ	Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.	Committee	30-Sep-20	Approve	Approved		
UTT/20/1929/OP	Helena Romanes School Parsonage Downs Dunmow CM6 2AT	Outline application with all matters reserved except access for the erection of up to 200 dwellings, demolition of existing school buildings, public open space, landscaping, sustainable drainage system and vehicular access from the B1008 Parsonage Downs.	Committee	29-Sep-21	Refuse	Refused	INPROG	
UTT/19/1219/FUL	Land East Of Braintree Road (B1256) Dunmow	A full application for Refuse Lorry Depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development.	Committee	19-Aug-20	Refuse	Approved		
UTT/19/3068/DFO	Land East Of Little Walden Road Saffron Walden Essex	Reserved matters following UTT/16/2210/OP for 85 residential dwellings including all necessary infrastructure and landscaping. Details of appearance, landscaping, layout and scale.	Committee	03-Jun-20	Approve	Approved		
UTT/20/0614/OP	Claypits Farm Bardfield Road Thaxted CM6 2LW	Outline application for demolition of existing buildings and erection of 14 no. dwellings with all matters reserved except access and layout (alternative scheme to that approved under planning permission UTT/18/0750/OP)	Delegated		Refuse	Refused	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				Not Determined	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/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	APPWIT	23-Jun-22
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				Not Determined	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	INPROG	
UTT/21/2082/FUL	Land East Of Brick Kiln Lane North Of Pound Gate Stebbing Essex	Proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.	Committee	16-Mar-22	Refuse	Refused		
UTT/19/1744/OP	Former Friends School Mount Pleasant Road Saffron Walden CB11 3EB	Hybrid application consisting of full details for development of 30 dwellings utilising existing access, re-provision of swimming pool with new changing rooms, artificial grass pitches, sports pavilion, multi-use games area (MUGA), local equipped area for	Committee	17-Mar-21	Refuse	Refused		
UTT/20/2028/FUL	Tesco Supermarket Stortford Road Great Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Committee	21-Nov-20	Approve	Approved		
UTT/20/2417/OP	Barnston Warehousing Chelmsford Road Great Dunmow CM6 1LP	Outline application, with matters of landscaping and appearance reserved, for partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping.	Committee	24-Nov-21	Approve	Approved		
UTT/20/2653/FUL	The Joyce Frankland Academy Cambridge Road Newport Saffron Walden CB11 3TR	Application to Vary Condition 2 (Plans) attached to planning application UTT/18/0739/FUL (approved under appeal APP/C1570/W/19/3229420) - Amendments to footpath link, revisions to plots 5-8 and the re-location of visitor parking spaces.	Committee	17-Feb-21	Approve	Approved		
UTT/20/2220/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 326 residential dwellings and associated infrastructure works	Committee	17-Feb-21	Approve	Approved		

UTT/20/2784/FUL	Land At Takeley Street Next To Coppice Close Dunmow Road Takeley	Residential development of 23 dwellings with associated vehicular access points of Dunmow Road, open space, car parking and associated infrastructure.	Committee	08-Jul-21	Approve	Refused		
UTT/21/0405/FUL	Former Winfresh Site High Cross Lane Little Canfield Dunmow Essex CM6 1TH	Mixed use development on the site comprising the continuation of part of the existing building for warehouse/storage distribution and associated office use, internal refurbishment to create offices for the Council with an entrance canopy, separate offices	Committee	07-Jul-21	Approve	Approved		
UTT/19/1789/FUL	Land At Pound Hill Little Dunmow	Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure.	Committee	17-Mar-21	Approve	Approved		
UTT/20/2639/OP	Land To The West Of Stortford Road Clavering Essex	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	Committee	12-May-21	Approve	Approved		
UTT/19/2875/FUL	Holroyd Components Ltd Shire Hill Industrial Estate Shire Hill Saffron Walden Essex CB11 3AQ	Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier	Committee	18-Mar-20	Approve	Approved		
UTT/20/1098/FUL	Land To The East Of Tilekiln Green Great Hallingbury	Construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping				Not Determined	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		

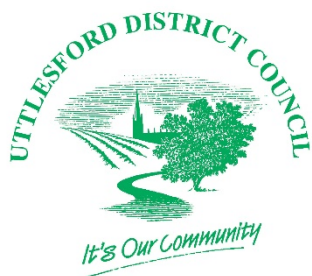
UTT/21/2730/OP	Land East Of Pines Hill Stansted	Outline planning permission with all matters reserved except access, for up to 31 no. dwellings.	Delegated		Refuse	Refused		
UTT/21/2509/OP	Land South Of (East Of Griffin Place) Radwinter Road Swards End Essex	Outline application for the erection of up 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	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 The application has been	Consultee	

				submitted and we await notification that it is valid - (23/12/2022)		
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.	Consultee	
30/11/2022	S62A/2022/0014	UTT/22/3258/PINS	Land To The West Of Thaxted Road Saffron Walden	Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.	Consultee	



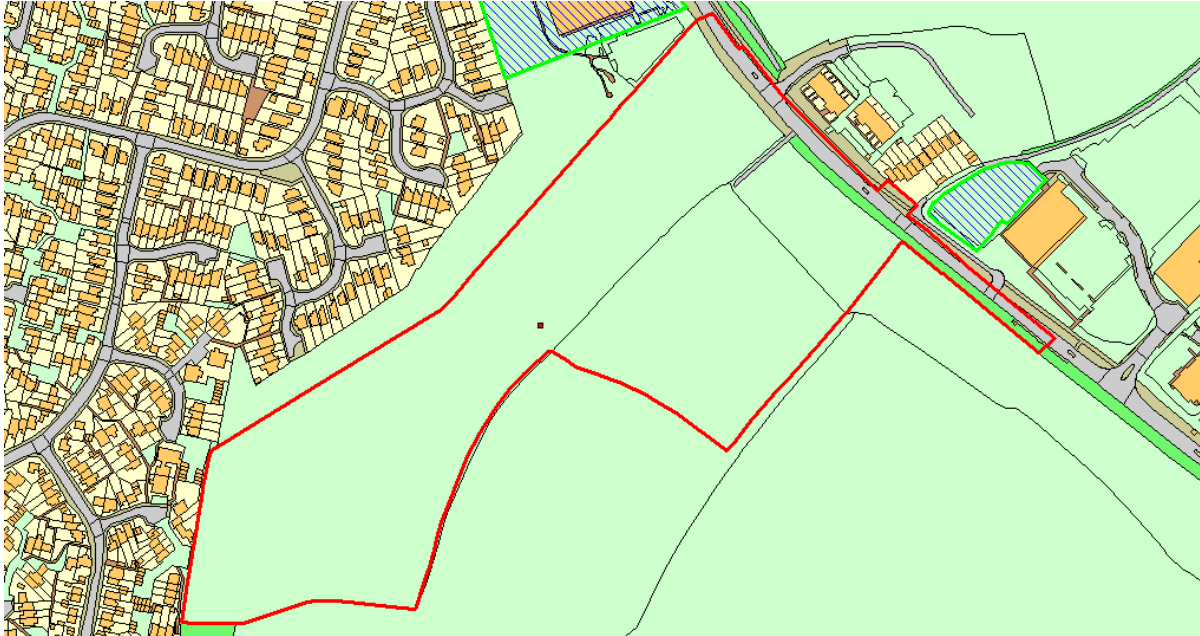
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/22/3258/PINS

LOCATION: Land To The West Of, Thaxted Road, Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date:19/12/2022**

PROPOSAL: Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road

APPLICANT: Kier Ventures Ltd

AGENT: Mr S Brown, Woolf Bond Planning

DATE CONSULTATION RESPONSE DUE: 17 January 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

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

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

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

1 RECOMMENDATION

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

2 SITE LOCATION AND DESCRIPTION:

2.1 The proposed application site is located to the southwest of Thaxted Road on the edge of the town of Saffron Walden. The site is approximately 7.8 hectares in size and its topography consists of a modest slope falling from the rear western boundary to the front eastern boundary.

- 2.2** The site is formed by three distinct fields currently in arable production and free of any established built form. Mature vegetation in the form of established hedgerows and medium size trees are located along the boundaries of the site and internally splitting the fields.
- 2.3** Immediately adjacent to the northern boundary is a small area of public open space with residential housing, a community skate park, and the Lord Butler Leisure Centre. To the west lies further residential housing and a primary school. New development in the form of a retail park consisting of commercial premises, restaurants and a hotel, along with new residential housing is located on the opposite side of Thaxted Road to the east.
- 2.4** In terms of local designations, the site is defined as being outside of the settlement boundary of the Town of Saffron Walden and thereby located in the countryside. The Environmental Agency Flood Risk Maps identifies a site to be located within 'Flood Zone 1'. The site does not fall within or abuts a conservation area, although a grade two listed building known as 'The Granary' lies to the southwest of the site. There are no local landscape designations within or abutting the site.

3. PROPOSAL

- 3.1** This application seeks outline planning permission with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with a new access from Thaxted Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/12/6004/SCO	Request for screening opinion in respect of proposed residential development (225 dwellings) including extension to Stake Park	Refused, 3/6/2016 allowed at appeal
UTT/13/2060/OP	Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site.	Application Refused 2nd May 2014). (Dismissed at Appeal Ref: APP/C1570/A/2221 494 2nd June 2015).

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

6.1 The LPA has engaged in pre application discussion with the planning agent concluding that in light of the above appraisal and for the reasons highlighted, it is officers' opinion that the principle of the development of the site could be considered appropriate when one applies the tilted balance.

However, this would involve the applicant to provide substantial evidence as part of the submission to clearly demonstrate that the benefits of the proposals would outweigh the potential harm that the proposals may cause.

At this stage, it is understood that further work is being undertaken in the background in the preparation of the supporting documentation to help illustrate that any perceived/potential negative harm is avoided, reduced, or offset as well as the benefits that the scheme will manufacture.

As such, officers are not in the position as to the potential recommendation as all final information and documentation would need to be viewed individually and collectively so that a full and quality assessment can be carried out.

6.2 It is confirmed a statement of community involvement has been submitted with the application advising the engagement with the community via electronic feedback between the 28 October and 13 November 2022. 1110 people in total provided feedback, the majority of the comments received were focused on the following:

Increase traffic congestion,
The impact on the local infrastructure,
Environmental concerns,
Support and opposition to the development,

Kier Ventures has undertaken consultation to make sure local residents, and the wider community have been engaged ahead of the submission of the planning application.

7. STATUTORY CONSULTEES

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 30th December 2022.

7.2 Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

7.3 **The Health & Safety Executive**

7.4 The site is not within the consultation distance of a major hazard site or major hazard pipeline.

8 TOWN COUNCIL

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 30 December 2022.

No comments have been received from Saffron Walden Town Council.

9 CONSULTEE RESPONSES

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 30th December 2022. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report.

Notwithstanding, the following comments have been received: -

9.2 UDC Housing Enabling Officer

9.2.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 170 units. This amounts to 68 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The tenure split of the affordable housing provision needs to be 70% for affordable rent, 25% for First Homes and 5% for shared ownership. The mix of the affordable housing can be agreed if outline planning approval is granted for the development.

The First Homes will need to be delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.

9.3 Place Services - Heritage

9.3.1 No objections,

The closest designated heritage asset is the Barn at Herberts Farm, there is a large field gap between this asset and the proposals. The proposals will change the setting of the listed building however given the distance between the site due to the existing fields, plus mitigation through landscaping, I do not consider the proposals to result in harm to the significance of the listed building. I also do not consider the proposals to result in harm to the significance of the Saffron Walden Conservation Area.

9.4 Place Services Archaeology

9.4.1 No objections subject to conditions for the submission and approval of a programme of archaeological investigation has been submitted and approved by the LPA.

9.5 Essex Police

9.5.1 No Objection, we would require the finer detail such as the proposed lighting, landscaping, boundary treatments and physical security measures.

9.6 Cadent Gas

9.6.1 No objection.

9.7 UK Power Networks

9.7.1 No Objection.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending 9th January 2023.

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

Notwithstanding the above, PINS has granted Uttlesford District Council an extension until 17 January 2022 to submit comments due to the Council's scheduled timetable for Planning Committee meetings.

11. MATERIAL CONSIDERATIONS

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

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

(a) The provisions of the development plan, so far as material to the application,:

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

11.3 Section 66(1) 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.

11.4 The Development Plan

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

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV1 – Design of Development within Conservation Areas

ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing Development
H9 – Affordable Housing
H10 – Housing Mix

12.3 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

12.4 Saffron Walden Neighbourhood Plan Policies

SW1 – Dwelling Mix
SW2 – Affordable Housing
SW3 – Design
SW4 – Parking
SW11 – Ecology
SW12 – Promoting Walking and Cycling
SW14 – Improving Provision of Public Transport
SW17 – Open Space for Information Recreation

13 CONSIDERATIONS AND ASSESSMENT

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

- 13.2**
- A) Principle Of Development**
 - B) Highways Considerations**
 - C) Design, Landscape and Heritage**
 - D) Housing Mix and Tenure**
 - E) Flooding**
 - F) Energy And Sustainability**
 - G) Air Quality and Pollution**
 - H) Ecology**
 - I) Planning Obligations**
 - J) Other matters**
 - K) Planning Balance and Conclusion**

13.3 A) Principle of development

13.3.1 The application site is located outside of the village of Elsenham wherein the principle of development would not generally supported as outlined in Policy S7 of the Uttlesford Local Plan.

13.3.2 However, regard must be given the fact that the Uttlesford Local Plan is not up to date and significantly pre – dates the National Planning Policy Framework 2021.

13.3.3 Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS). Both of the aforementioned factors are cited in paragraph 11 of the NPPF as grounds to grant planning permission unless:

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

13.3.4 With regard to (i) above Guidance is given in the NPPF re the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change

13.3.5 The application site is not located within an area that is specifically protected as outlined in (i) above.

13.3.6 Paragraph 11 of the NPPF 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.

13.3.7 The proposal seeks outline planning permission for up to 170 residential units. This quantum of development would make a valuable contribution to the district’s housing supply. In principle the proposal may be acceptable subject to an assessment of sustainability.

13.3.8 There are three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application.

13.3.9 Economic:

The NPPF identifies this is contributing to building a strong, responsive and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

The NPPF identifies this is contributing to building a strong, responsive and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure. In economic terms the proposal would have short – term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of local support of services and infrastructure provision arising from the proposed residential development.

13.3.10 Social:

The NPPF identifies this is supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing. In social terms, the proposal would make a reasonable contribution to local/regional/national housing supply in an area that has a reasonable level of public transport accessibility. The proposal would also make a suitable contribution to the provision of affordable housing. Additional social benefits include the provision of public open space/play /recreation areas.

13.3.11 Environmental:

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.

13.3.12 The site is currently undeveloped, and the proposal will therefore result in the loss of land that is in agricultural use. The proposal seeks to compensate for this loss with an indicative housing density of 39 dwellings per hectare providing a variety of landscape features both within the site and around its perimeters; together with the provision of a SUDS, indicative internal roads are wide, and include planted areas for landscape enhancement.

13.3.13 The proposed development will included landscaping edge to the boundaries of the site, in particular the eastern boundary that will further enclose the development in conjunction with the ancient woodland to the south. The scheme secures high quality residential environment together with extensive areas of open space, a children’s play park, cycle path and walking routes.

13.3.14 It is acknowledged that the site is situated outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and

would normally preclude the location of this form of development in this location.

- 13.3.15** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.
- 13.3.16** The landscape of the site itself is not particularly unusual and contains features which are present within the wider area. This does not mean however, that the site has no value, and that it is regarded as having a medium to high sensitivity to change.
- 13.3.17** The proposal would introduce built form onto an area of open countryside. The application would elongate development into the open countryside where it is currently devoid of buildings.
- 13.3.18** The development of the site will impact upon the cross-valley views and characteristic views across the meadow fields in the locality that would be widely seen from public vantage points including the Public Rights of Way (PRoW) to the south and north of the site, residential receptors to the north and west, and nearby highways.
- 13.3.19** The proposals will inevitably cause some level of harm upon the character and openness of this part of the countryside due to the changing nature of the site from arable fields to one consisting of new built form of a substantial size.
- 13.3.20** The application includes the submission of a Landscape and Visual Appraisal (FPCR Environment and Design Ltd- Nov 2022) and confirms that the proposal would be similar in character to the existing residential development to the west, and the retention of the existing woodlands and trees will further mitigate the appearance of the scheme. The Landscape and Visual Appraisal concludes that the receiving landscape is one that can accommodate change (given the context provide by existing built form), with the consequential effects of the proposed development it is considered that the site and the immediate landscape is one that could accommodate change as presented by the proposed development and the consequential effects would not result in any unacceptable level harm to landscape character or visual resources.
- 13.3.21** As proposed a well-designed residential development situated to the west of Thaxted Road can be accommodated within the local landscape with

minimal adverse impact upon the wider landscape character and visual resources. Within the site proposed built development would create a high-quality scheme that relates well to the adjacent settlement and does not harm Saffron Walden's character. A cohesive green infrastructure framework is proposed, providing an attractive setting to the proposed development. Vegetation cover would be increased along retained field hedgerow boundaries, ensuring that the proposed built development could be well integrated within the local landscape.

13.3.22 ULP policy ENV5 considers the protection of agricultural land and advises development of best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

13.3.23 The application site comprises of Grade 2 land which is considered good quality agricultural land. In terms of policy ENV5, this policy is only partly consistent with the Framework and the requirement to undertake in effect a sequential approach is not consistent with the Framework, however the Framework does provide significant weight to the protection of the best and most versatile agricultural land. Although the proposal will include the permanent loss of the agricultural land the benefits arising from the proposed development could be substantial and the benefits of housing delivery, affordable housing and the other benefits set out in section K of this report could all individually carry substantial weight.

13.3.24 Having regard to the details set out in the submitted Landscape and Visual Appraisal, location of the application site to nearby services and the lack of a 5YHLS, the proposal is considered likely to be acceptable in principle.

13.4. B) Highways Considerations.

13.4.1 Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.

e) The development encourages movement by means other than driving a car.

- 13.4.2** The means of access is considered in this outline planning application. Vehicular access to the proposed dwellings will be provided by a single means of access from Thaxted Road. The proposed arrangements for vehicular access to the Site that is proposed to take the form of a give way controlled priority junction off the B184 Thaxted Road sited opposite The Kilns and 60 metres (centre to centre) south-east of the recently constructed traffic signals junction serving the development to the east of Thaxted Road.
- 13.4.3** The proposed vehicular access involves widening of the B184 Thaxted Road within publicly maintainable highway land, adjacent to the Site to enable a ghosted right turn lane into the Site to be accommodated as well as maintaining the existing ghosted right turn lane into The Kilns. These works will also require the removal and replacement of the existing traffic island to the north-west of The Kilns.
- 13.4.4** The proposal which seeks consent for 170 residential units will, cumulatively lead to an increase in traffic movements within the locality. The submitted Transport Assessment advises the proposal could be expected to generate 621 daily vehicle movements. However, in mitigation the applicants suggest that the application site, within walking and distance from the facilities available within Saffron Walden, gives a real opportunity for the majority of trips to be made on foot and by bicycle thereby contributing towards sustainable modes of transport and corresponding reduction in traffic emissions. At this stage however, as no comments are available from Essex County Council as Highway Authority it is not possible to assess whether vehicular movements associated with this proposed development is acceptable.
- 13.4.5** There will be a need to comply with the Council's parking standards as outlined in the Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009). There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling. These are matters that will be considered further at detailed stage.
- 13.4.6** The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development. Details regarding the parking provision for this scheme will be considered at reserved matters stage when detailed layouts have been provided.

13.5 C) Design, Landscape and Heritage.

- 13.5.1** This application seeks consent for the principle of the development and the access only at this stage; with scale, layout, external appearance and landscape considerations being reserved for future consideration.
- 13.5.2** The guidance set out in Section 12 of National Planning Policy Framework outlines that 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.
- 13.5.3** 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 its 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.
- 13.5.4** The wider landscape to the south of the site is characterised by gently undulating agricultural fields along the Cam Valley. Vegetation cover along field boundaries, lanes and track varies, typically including hedgerows, with occasional copses, tree belts and woodland. Providing an appropriate relationship with the existing settlement edge and wider rural character can be achieved by respecting the framework of established streets, public open space and field hedgerows and by setting development back from site boundaries to minimise the visual impact.
- 13.5.5** A cohesive green infrastructure framework is proposed, providing an attractive setting to the proposed development. Vegetation cover would be increased along retained field hedgerow boundaries, ensuring that the proposed built development would be well integrated within the local landscape.
- 13.5.6** The application has been submitted with an illustrative masterplan and land use parameter plan and green infrastructure parameter plan demonstrating potentially how this development form could be accommodated on the site. The extent to which these aspirations have been achieved cannot be assessed at this stage, due to the lack of detailed information including comments from the Council's Landscape Officer.
- 13.5.7** The illustrative plans indicates that there is a potential to provide the number of units proposed; with buildings generally at two storeys. However, the Illustrative Masterplan does provide an opportunity for two and a half storey houses in the eastern part of the site. All of the dwellings

proposed in the western part of the site are proposed as a maximum of two storeys in height, with some bungalows proposed to the higher parts of the site to the south-west. Apartment buildings are to be designed as three storey focal buildings; and placed in key locations where they can act as visual markers to streets and spaces.

- 13.5.8** The Illustrative Site Plan provides for up to 170 dwellings which equates to a gross density of 39dph. However further consideration is required of the overall layout details including pedestrian connectivity to the site and surrounding area. It's also considered that and aspects of the landscape features of the proposals may need further consideration. However, these are matters that would be considered in future submissions, should consent be granted.
- 13.5.9** In regard to heritage, the application site lies within the setting the grade two listed building known as 'The Granary'. Policy ENV2 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. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, this is also compliant with the aims of Neighbourhood Plan policy SW3.
- 13.5.10** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 13.5.11** A Heritage Statement has been submitted with the application and advises the scheme will not result in any harm to the setting of any listed buildings and as such, heritage is not a footnote 7 consideration that could otherwise disengage the presumption in favour of sustainable development. The Council's Heritage Consultant has reviewed the proposal and advises the proposals will change the setting of the listed building however given the distance between the site due to the existing fields, plus mitigation through landscaping, it is not considered the consider the proposals to result in harm to the significance of the listed building. I also do not consider the proposals to result in harm to the significance of the Saffron Walden Conservation Area.

13.5.12 Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. Place Services (Archaeology) have provided comments advising the Historic Environment Record shows that the proposed development lies in an area of potential archaeological deposits directly southwest of Thaxted, southeast of the historic settlement of Saffron Walden. As such a condition for trial trenching is recommended in line with the National Planning Policy Framework paragraph 205.

13.6 D) Housing Mix and Tenure

13.6.1 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.

13.6.2 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 170 dwellings. This amounts to up to 68 affordable homes. The applicant is aware of this requirement. This weighs in favour of the scheme and is also compliant with Neighbourhood Plan Policy SW2.

13.6.3 Layout is not being considered at this stage and as such there will be further opportunity to ensure that an appropriate housing mix is secured. Notwithstanding it is the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). A condition requiring this will be suggested if the Inspector is mindful of granting consent.

13.7 E) Flooding

13.7.1 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.

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

13.7.3 The application is supported by an outline Flood Risk Assessment and

Drainage Strategy. This outlines that the proposed development will follow best practice regarding site drainage to ensure that surface water runoff from the development is managed. The surface water run-off from the site will be directed towards and drained by areas of permeable paving, under drained swales, attenuation ponds and an infiltration basin. It is also proposed that during the detailed design, raingardens and tree pits are considered, to increase the benefits to the site. It is proposed that foul water should be disposed of by connecting to the extended sewer in agreement with the relevant asset owner.

- 13.7.4** The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs.

13.8 F) Energy And Sustainability

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

- 13.8.2** 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.

- 13.8.3** However, given the outline nature of the application under consideration which is seeking consent for access only at this stage; it is not possible to provide a detailed analysis of this aspect of the scheme at this stage.

13.9 G) Air Quality and Pollution

- 13.9.1** Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

- 13.9.2** The Air Quality Assessment ("AQA") considers the potential of the Proposed Development to cause impacts at sensitive locations. These may include fugitive dust emissions associated with construction works and road traffic exhaust emissions from vehicles travelling to and from the Proposed Development during the operational phase.

- 13.9.3** The submitted Air Quality Assessment advice the proposed development has the potential to expose future users to elevated pollution levels in the vicinity of the Site during operation. Model results indicates that future users are unlikely to be exposed to pollutant concentrations that exceed Air Quality Objectives (AQOs).

- 13.9.4** The use of Electric Vehicle Charging Points will help mitigate against climate change and harmful impacts to air quality.
- 13.9.5** Policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users. Given the previous use of the site and the nearby uses, there may be the potential that the site contains contaminated deposits. 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. It is noted no contamination assessment has been submitted with the application.
- 13.9.6** The application has been submitted with an Acoustic Assessment which seeks to demonstrate that the proposed residential development can be provided in this location without harm to residential amenity. It concludes the assessment has demonstrated that incident ambient noise levels around the proposed residential development should not be viewed as a constraint for the planning application.
- 13.9.7** An assessment of air quality, noise pollution and land contamination cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS.
- 13.10 H) Ecology**
- 13.10.1** The application has been accompanied by an Ecological Assessment and supplementary supporting documents which indicates the impact to habitat and protected species primarily comprise the minor loss of hedgerow, which is suitable habitat for reptile, GCN, and bats, and the loss of the arable land, which comprises suitable breeding habitat for skylark. The loss of what is mostly habitat of negligible ecological importance and the introduction of new areas of more valuable habitat is considered to provide an overall long-term benefit to biodiversity and protected species on the site. The proposals demonstrate that a 10% BNG is achievable on-site. This assessment is based on the loss of predominantly arable land and a minor removal of hedgerow, replaced by the proposed planting areas of grassland, mixed scrub, and SuDS features.
- 13.10.2** Due to the nature of the application process; wherein consultee have not been obtained (and will be submitted directly to the Planning Inspectorate); it is not possible for the Local Planning Authority to provide further details on this aspect of the development.
- 13.11 I) Planning Obligations**
- 13.11.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This

is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations.

- 13.11.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

On-site provision

- On-site provision of affordable housing (40%),
- On-site public open space, including ongoing maintenance,
- Travel Plan,
- Provision of a Green Orbital Route through the Site,
- Car club.

Off-site provision

- Provision of public open space,
- Healthcare care,
- Education (early years and primary),
- Off-site highway works, including the provision of a shared footway and cycleway improvements on the B184 Thaxted Road.
- New bus stops on the B184 Thaxted Road, to include passenger facilities, step-free access, seating and real-time passenger information)

13.12 J) Other matters

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

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

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

- 13.12.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by the 29th of December 2022. However, due to the planning committee falling on the 11th January 2023, an extension of time was sought and agreed with the planning inspectorate until the 17th January 2023. This should ideally include a recommendation, with reasons, for whether planning permission

should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

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

13.13 K) Planning Balance and Conclusion

13.13.1 The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply (although the position is improving). Additionally, the Uttlesford Local Plan significantly predates National Planning Policy Framework 2021; meaning that some (not all) policies do not fully comply with it.

13.13.2 As a result of both of these factor's 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.

13.13.3 In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

13.13.4 Benefits:

- Sustainable location of the site that linked to the existing main settlement.
- Provision of up to 170 dwellings would represent a boost to the district's housing supply. The provision would also provide economic gains in the form of additional local use of services.
- The proposal would provide additional housing to the locality including much needed affordable housing at 40%. This would equate to 68 affordable homes.
- Proposed indicative/illustrative layout indicates an intention to make efficient use of the land available with proposed development that is commensurate with the surrounding locality. 39 (DPH) dwellings per hectare.
- This site represents a location where there would be no significant impact upon the landscape, historic environment nor on the amenity of neighbouring properties.

- The scheme secures high quality residential environment together with extensive areas of open space, a children's play park and walking routes.

13.13.5 Adverse impacts:

- In environmental terms the proposal will result in the loss of agricultural land.
- Potential to affect the setting of the Grade II listed building 'The Granary'
- Potential impact upon the character and openness of this part of the countryside due to the changing nature of the site from arable fields to one consisting of new built form.
- Potential decline in air quality and increase in noise pollution arising from additional traffic.
- Increase in traffic movements

13.13.6 Neutral:

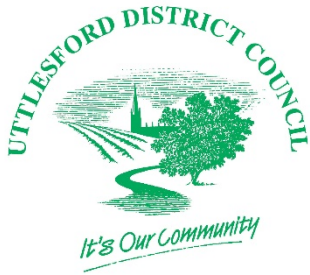
- Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- Proposed travel plan to promote sustainable travel options including improved localised cycle/ pedestrian infrastructure.
- Indicative plans indicate an intention to provide landscape features at the site to compensate for the loss of green space.
- Proposed SuDs features on site.
- Proposed biodiversity net gain.

13.13.7 Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, ecology, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

13.13.8 All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.

13.13.9 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

Agenda Item 7



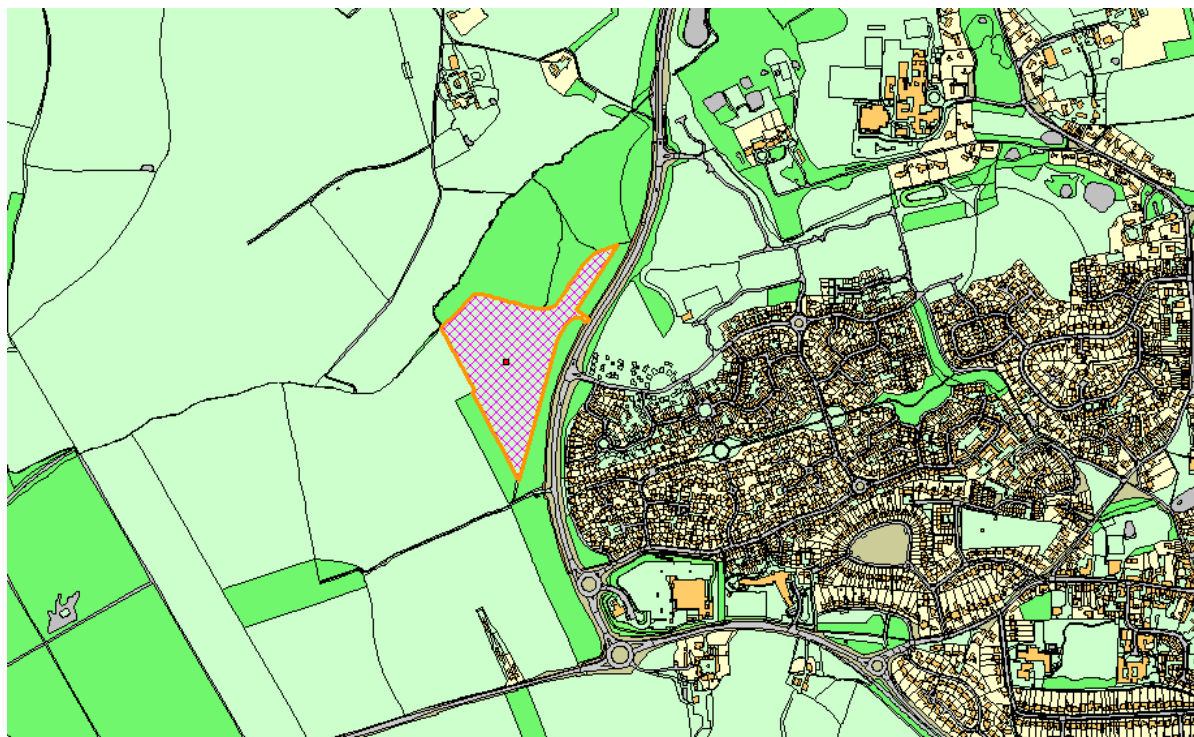
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/22/1802/FUL

LOCATION: Wood Field (land Adjoining 'Land West Of Woodside Way'), Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: December 2022

PROPOSAL: Construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

APPLICANT: Bellway Homes Ltd, Mr Christopher Trembath And Mr Timothy Trembath

AGENT: Mr Kieran Wheeler

EXPIRY DATE: 29 September 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits/Adjacent Ancient Woodland, County Wildlife Site (Hoglands Wood) and Public Rights of Way, within 2km of SSSI & within 6km Stansted Airport.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought for the construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan. However, the site would be within the development housing growth 'Town Development Area', as designated by the Great Dunmow Neighbourhood Plan.
- 1.3** As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5-year housing land supply (although its position is improving), 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.

- 1.4 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 and on-site energy generation from low-carbon sources. The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.5 The application was deferred at the Planning Committee meeting on the 23rd of November 2022 to enable further discussions and clarification to be undertaken regarding the buffer zone to the ancient woodland; useability of open / amenity space; issues regarding active travel & the need to prevent informal access through on to Woodside Way. The applicant has subsequently provided additional material to address the points raised above.
- 1.6 As such, the proposal remains unchanged following the deferral of the application from the 23rd of November 2022 Planning Committee. This report has been amended to reflect the additional detail provided by the applicant in relation the aforementioned elements.
- 1.7 Therefore, and taken together, weight to the minor 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 the proposed 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 Director of 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 (which is 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, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005, Policy DS4:TDA of the Great Dunmow Neighbourhood Plan and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located to the west of the settlement of Great Dunmow. The site comprises approximately 5.4 hectares of vacant agricultural land.

3.2 Stortford Road / Butlers Lane (B1256) which runs to the south of the site provides access to the A120 to the west of the site. The site is bounded to the east by Woodside Way (B184). To the south-west of the site is a more recently approved residential led, mixed use development site comprising of 790 dwellings, where works have commenced. Hoglands Wood immediately adjoins the site to the north, which is an Ancient Woodland, Important Woodland and County Wildlife Site, with Hoglands Brook located beyond.

3.3 The site is not located within or adjacent to any conservation areas and there are no listed structures on or adjacent to the site. The site is located outside development limits but is located within the housing growth Town Development Area, as designated by the Great Dunmow Neighbourhood Plan.

4. PROPOSAL

4.1 Construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

4.2 Access to the site would be through the adjoining residential led, mixed use site to the west, that is currently under construction, through an extended estate road.

4.3 The developed part of the site would have a net area of approximately 3.6 hectares, with a density of approximately 33.3 dwellings per hectare.

- 4.4 The site would feature an extension to the attenuation basin from the adjoining site and drainage infrastructure that would provide a landscaped setting to the northern edge, along with a 15m soft-landscaped buffer zone to the Ancient Woodland of Hoglands Wood.

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 UTT/13/0004/SO - Request for Scoping Opinion in respect of a proposed development of up to 850 homes, community buildings including site for health centre, primary school, playing fields with ancillary buildings (dual use with schools and local community), allotments and supporting road and drainage infrastructure. - Land West Of Woodside Way Woodside Way Great Dunmow Essex - Opinion Given – 28/01/2013.

Adjoining Sites

- 6.2 UTT/13/2107/OP - Outline application, with all matters reserved, for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - Land West Of Woodside Way Woodside Way Great Dunmow Essex - Approve with Conditions – 27/10/2015.

UTT/16/1466/DFO - Reserved matters approval for the accesses to the site and principal roads within the site including spine road following outline application UTT/13/2107/OP - Land West Of Woodside Way Great Dunmow CM6 1SH - Approve with Conditions – 15/12/2016.

UTT/18/1826/DFO - Details following outline approval UTT/13/2107/OP for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - details of access into the site (amendments to the access approved under UTT/16/1466/DFO) - Land West Of Woodside Way Woodside Way Dunmow - Approve with Conditions – 28/11/2018.

UTT/20/2220/DFO - 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 - Land West Of Woodside Way Woodside Way Dunmow - Approve with Conditions – 19/02/2021.

UTT/20/3419/DFO - 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 - Land West Of Woodside Way Woodside Way Dunmow - Approve with Conditions – 29/03/2021.

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:

- 3 x Pre-application meeting with UDC Officers – Since July 2021.
- Pre-application meetings with Great Dunmow Town Council – 16th May 2022.
- Public consultation with letters sent to 270 addresses within the area around the site – 25th May 2022.
- Pre-application meeting with UDC Members – 11th January 2021.

7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 3 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 Exec.

8.2.1 The proposed development site 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 Highways Agency – No Objection.

8.3.1 We have reviewed the technical information provided in support of this planning application and we conclude that this development will not have a severe impact upon the nearby A120.

8.4 Local Flood Authority – No Objection.

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

8.5 Natural England – No Objection.

8.5.1 That the applicants have agreed to fund the financial contribution sought by the National Trust for the purposes of off-site mitigation for the increased visitor pressure on Hatfield Forest SSSI/NNR arising from the proposed development. On the basis that this contribution will be secured (prior to first occupation) by planning obligation, Natural England would not raise objection to the above application.

9. Great Dunmow Town Council Comments - Object

9.1 Resolved to object on the grounds of lack of connectivity to other sites, failing to comply with policy GA2 of the Great Dunmow Neighbourhood Plan. GEN1 – failing to promote sustainable modes of transport. Environmental impact upon public health due to land contamination issues.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The revised schedule of affordable housing is fine and will assist towards meeting local housing need.

10.2 UDC Environmental Health – Holding Objection.

10.2.1 This service has reviewed this application and whilst there is no objection in principle there are concerns on the levels of noise that some of the site will be subjected to. The application has been supported by a noise impact assessment which makes some recommendations on how suitable internal noise levels can be achieved but does show that there will be areas that significantly exceed the recommended external levels. This service therefore recommends a holding objection until suitable and sufficient information is submitted to address these concerns.

10.2.2 No objection on grounds of contaminated land or air quality, which can be adequately dealt with by way of condition.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 Urban Design Officer – No Objection.

10.4.1 On balance no objection is raised. There are practical suggestions for improvements, the majority of which have been addressed through the application process.

10.4.2 The application has been assessed against the Building for a Healthy Life – Uttlesford Assessment tool was used and a copy of the most up to date assessment is attached as Appendix 1 to this Report.

10.5 ECC Green Infrastructure (GI) – No Objection.

10.5.1 Having reviewed the GI Strategy/ GI Plans/ES/ Design and Access Statement/Landscape plans/EIA/Masterplans and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to conditions.

10.6 ECC Infrastructure – No Objection.

10.6.1 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 120 dwellings:

- EY&C – 10.26 pupils = £167,844.96;
- Primary – 34.20 pupils = £559,483.20;
- Secondary – 22.80 pupils = £513,540.00;
- Libraries - £77.80 per unit. = £9,336.00

10.7 Place Services (Ecology) – No Objection

10.7.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.8 NHS – No Objection subject to mitigating contribution.

10.8.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, Hertfordshire and West Essex Integrated Care Board has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, Hertfordshire and West Essex Integrated Care Board would not wish to raise an objection to the proposed development.

10.9 Aerodrome Safeguarding – No Objection.

10.9.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.10 National Trust – No Objection.

10.10.1 On the basis of contributions secured for other developments a contribution of £18,000 is requested.

10.11 Anglian Water – No Objection.

10.11.1 Anglian Water have no objection to this application subject to planning conditions.

10.12 Woodland Trust – Object.

10.12.1 The Trust objects to this planning application on the basis of potential indirect impacts to ancient woodland. The applicant should seek to increase the buffer zone proposed to Hoglands Wood to ensure it will be adequately protected from the impacts of the development. Where appropriate mitigation is not achievable then the application should not be taken forward.

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.

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

11.2 Summary of Objections

- Overdevelopment of Dunmow
- Insufficient infrastructure available (schools, healthcare, water supply)
- Impact on wildlife
- Urban Sprawl
- Impact on Carbon footprint
- Negative impact on traffic
- Impact on highway safety
- Issues with lack of public consultation
- Impact on air quality

12. MATERIAL CONSIDERATIONS

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

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

(a) The provisions of the development plan, so far as material to the application:

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

12.5 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)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021) (NPPF)

13.3 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
 ENV4 – Ancient monuments and Sites of Archaeological Importance
 Policy
 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

13.4 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits
 Policy DS4: TDA: Land West of Woodside Way
 Policy DS8: Building for Life
 Policy DS9: Hedgerows
 Policy DS10: Eaves Height
 Policy DS11: Rendering, Targeting and Roofing
 Policy DS12: Integration of Affordable Housing
 Policy DS13: Local Housing Needs
 Policy LSC1: Landscape, Setting and Character
 Policy GA-A: Public Transport
 Policy GA2: Integrating Developments (Paths and Ways)
 Policy GA3: Public Transport
 Position: HEI-A: Infrastructure Delivery
 Policy NE1: Identified Woodland Sites
 Policy NE2: Wildlife Corridors
 Policy NE3: Street Trees on Development Sites
 Policy NE4: Screening
 Policy S0S3: Children’s Play Space

13.5 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) Air Quality**
 - L) 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 DS13 – Local Housing Needs of the Great Dunmow 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 including bungalows which accommodate the needs of the elderly.

14.3.3 The proposed 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. Uttlesford Local Plan 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.
- 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 No assessment of alternative sites of a poorer quality of agricultural category have been undertaken, as such there would be some conflict with Policy ENV5. However, as discussed below, the site is located within an allocated site for residential development, as designated by the more recently adopted Great Dunmow Neighbourhood Plan. Therefore, the loss of the agricultural land in this location is afforded very limited weight and is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Great Dunmow Neighbourhood Plan

14.3.14 The site is located within the 'Town Development Area' as designated by Policy DS1:TDA of the Great Dunmow Neighbourhood Plan. The purpose of which is to direct future housing growth, protect the rural setting of Great Dunmow and contain the spread of the town by promoting infill within existing built up-areas. Moreover, the land in question forms part of the 'Land West of Woodside Way' site allocation as designated by Policy DS4:TDA, for approximately 800 residential dwellings. This highlights, amongst other criteria, that:

- The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedroom units suitable for older persons.
- Makes appropriate contributions towards the provision community infrastructure, Public Transport and cycleways / footpaths.
- A landscape buffer to the north including screening in accordance with policy NE4 and join wildlife corridors in accordance with Policy NE2.
- To avoid unacceptable harm to the living conditions of neighbouring residents.

14.3.15 As highlighted within the Relevant Site History section of this report, part of the site allocation has already been granted planning permission for 790 homes, south of the site, where works have commenced.

14.3.16 Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, any 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) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

14.3.17 Whilst residential development in this location is supported in principle by the Great Dunmow Neighbourhood Plan and this is a material consideration, the Neighbourhood Plan 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

14.3.18 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.

14.3.19 Great Dunmow is identified within the Local Plan settlement hierarchy as being "the focal point of the south-eastern part of the District and the second largest settlement in Uttlesford." Where there is a town centre with a number of services and facilities.

14.3.20 Although outside the 'development limits' of Great Dunmow as designated by the Local Plan, the new built form would be within the 'Town Development Area' of the Neighbourhood Plan and would be constructed towards the western 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

14.3.21 The Council is currently unable to demonstrate a 5YHLS supply and therefore paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

- 14.3.22** 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.
- 14.3.23** 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.
- 14.3.24** However, taking into account the lack of 5YHLS, when reviewed against the aforementioned policies, particularly that the site has been allocated for residential development within the Great Dunmow Neighbourhood Plan, 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 Broxted Farmland Plateau, which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.
- 14.4.5** The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area. which are sensitive to changes in land management. Overall, this character area has moderate to- high sensitivity to change. The assessment also highlights that any new development should responds to historic

settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

14.4.6 With regards to the application site specifically, the applicant has submitted a Landscape Visual Appraisal which notes that the Site is not considered to be a Valued landscape and is of medium quality in terms of its overall value. Its sensitivity to development, as set out in published Character Area appraisals is reduced to medium to low taking into account the enclosed nature of the Site and the considerable level of development in the immediate surroundings.

14.4.7 It is acknowledged that the proposal introducing 120 dwellings, with associated infrastructure would bring change to the visual aspects and character of the site. However, the site sits in between larger scale residential developments to the west and on the opposite side of Woodside Way, to the east, whilst the northern boundary would largely be bound by Hoglands Wood and would therefore be enclosed by mature boundary planting and developments being built out.

14.4.8 This sense of enclosure means that these areas of the site are largely separate from the wider landscape. As such, the proposal would have little visual impact and effect on the wider landscape character area.

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.

Layout

14.5.2 The layout is characterised by six distinct character areas, being "The Glade", to the north of the site with a landscaped edge and a 15m buffer to the ancient woodland further north, "Internal Spaces" broken up into two areas within the central parts of the site, "The Avenue" which provides longer views through the centre of the site, "Entrance Green", which is to act as the 'public face' of the scheme with a landscaped edge. "Woodside Anterior" with a buffer of trees facing on to Woodside Way (B184) and "The Pan Handle" to the very north of the site, a one-sided cul-de-sac at

the lowest density for the site, again with a 15m buffer to the ancient woodland.

- 14.5.3** The arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, Woodside Way (B184) to the east, previously approved residential schemes to the south, and the location of green infrastructure within, and adjoining, the proposed development. The layout comprises a mix of attached, detached and semi-detached houses and bungalows, together with detached two storey blocks of flats. All of the proposed houses and flats are provided with generous outdoor amenity space in the form of rear gardens, which have been designed to ensure they are not overlooked by neighbouring dwellings.
- 14.5.4** The proposed layout adopts many positive design principles. Further, these proposals have been assessed against the Design Council/ CABI Building for Life principles. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS8 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Scale

- 14.5.5** The scale of the buildings within the proposal follows the principles of the planning permissions granted at the adjacent sites to the south. There would be a clear differentiation between the inner and outer parts of the site in terms of scale and density. The general scale of the buildings would be two storey, other than the provision of bungalow dwellings at one storey in height. All the proposed plots would be between 5m and 10m from finished floor level to roof ridge level.
- 14.5.6** Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS10 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Landscaping

- 14.5.7** The landscape strategy addresses the landscape, arboricultural and ecological constraints and opportunities afforded by the site. These elements have been taken into account in order to formulate a robust and holistic landscape strategy for the site. The overall vision for the Site's proposed new landscape and public realm is to create a distinctive, high-quality place, which is informed by best practice design guidance. Central to these proposals is to create a pedestrian friendly environment with a strong sense of place. An 'entrance green' providing a 'public face' to the development from the adjoining residential development site would create a positive and expansive green gateway at the main entrance into the site. The site would feature an extension to the attenuation basin and drainage

infrastructure that would provide a landscaped setting to the northern edge.

- 14.5.8** The 'Entrance Green' would provide a public open space featuring a LAP/LEAP Children's Play area. Whilst this is in close proximity to the main entrance to the site, the inclusion of substantial planting and 'raised tables' would ensure that this area is clearly defined and separated providing suitable access for new residents.
- 14.5.9** A planted 15m buffer will be maintained between the edge of the development and the Ancient Woodland. The buffer will be planted with a new boundary hedgerow and a substantial linear belt of thorny scrub species as well as a new tree belt planting to protect the edge of the woodland.
- 14.5.10** The primary streets would be tree lined along the southern edge, with front gardens would be fronted by hedgerows. Tree and hedgerow planting would also be located along the periphery of the site.
- 14.5.11** Overall, the proposals provide a high quality multi-functional open space, which will serve a range of requirements, whilst also providing a range of recreational opportunities, and this arrangement is considered acceptable to the Local Planning Authority. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 and LC4 of the adopted Uttlesford Local Plan 2005, and Policies LSC1 and DS4:TDA of the Great Dunmow Neighbourhood Plan.

Design Summary

- 14.5.12** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above.
- 14.5.13** The Council's Urban Design Officer considers the scheme to be largely compliant with Local Plan Policy GEN2 and the Building for a Healthy Life Design Code, in terms of layout, scale, material palette and landscaping. Although a lack of a perimeter footpath has been raised as a concern, it is noted that the applicant is unable to implement such measures due to land ownership issues. However, given the overall quality level of design provided by the proposal, this element in itself is not considered to be of sufficient concern to justify refusal of the application.
- 14.5.14** Similarly, the ECC Green Infrastructure Team have been consulted as part of the application and raise no objection to the proposal, subject to conditions.
- 14.5.15** In general terms, the proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the

development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005, and Policy DS11 of the Great Dunmow Neighbourhood Plan.

Neighbouring Amenity

- 14.5.16** 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.
- 14.5.17** As noted above, the proposal would be up to two storeys in scale, ranging from 5m to 10m in height. The proposed site would be located due north-east of closest neighbouring residential development, where there would be a substantial soft-landscaped buffer between the sites that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.
- 14.5.18** The site would be separated from the closest residential properties to east by existing strong planting that borders Woodside Way (B184), and to the north by Hoglands Wood.
- 14.5.19** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

Standard of Accommodation

- 14.5.20** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses and bungalows will have direct access to private amenity space in the form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed Houses. The apartments would have access to landscaped communal spaces. It is important to note that there are no prescriptive requirements in terms of open space either within the Local Plan, or Neighbourhood Plan. However, as part of the proposal, 1.53ha (29.02%) of the site would be provided as either public open space or private amenity space, not including the 15m buffer zone to the Ancient Woodland and attenuation features which would make up 0.697ha (13.23%) of the site.
- 14.5.21** In terms of noise, it is noted that site is located next to Woodside Way (B184) and the Council's Environmental Health Team have been consulted as part of the application and raise no objection in principle to the proposed development. However, there are concerns on the levels of noise that some of the site will be subjected to.

- 14.5.22** They consider that the potential levels of noise to the dwellings and the majority of external areas could be adequately mitigated through the installation or reasonable noise protection measures. However, there would be gardens along the eastern site boundary, along the 'Pan Handle' part of the development that are predicted to be over this recommended noise level.
- 14.5.23** Given the small number of dwellings this would potentially affect (5 plots) and that there would be adequate mitigation measures put in place to ensure the internal areas of all the dwellings would achieve adequate noise levels; no objection is raised to this aspect of the proposal. In addition, no in principle concerns have been raised in terms of air quality, subject to conditions.
- 14.5.24** Overall, whilst a small number of external garden areas would be exposed to noise levels that may exceed recommended levels, the proposed development would provide a high-quality standard of accommodation in all other areas for future occupiers of the development. As such, overall the proposal would be in accordance with Policies GEN2 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

14.6 D) Heritage impacts and Archaeology

- 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** There are no designated or scheduled heritage assets within or immediately adjacent to the proposed development that would be impacted upon.
- 14.6.3** In terms of archaeology, 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.
- 14.6.4** The site is not located within or adjacent to an archaeological site. However, Policy DS4:TDA of the Great Dunmow Neighbourhood Plan states within the Site Allocation requirements that 'any successful application for development must be accompanied by an appropriate assessment of the site's archaeological deposits'. Whilst an Archaeological Assessment has not been submitted as part of the

application, it is noted that as part of the outline planning application for the development directly south of the site included a desk based archaeological assessment. This showed that whilst there was potential for previously unknown archaeological deposits to be present within the area, these were unlikely to be any sites of national significance. Given the proximity of that site to the application site that is the subject of this report and given that the site circumstances have not changed significantly since the determination of that application, it is considered reasonable that the proposed development would be unlikely to have any direct impact on archaeological remains of significance.

- 14.6.5** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

14.7 E) Affordable Housing Mix and Tenure

Affordable Housing

- 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 120 properties. This amounts to 48 affordable housing properties.

- 14.7.3** The proposed 40% affordable housing would be split with 25% being First Homes, in accordance the government's guidance minimum target. 4% would be Shared Ownership units with 71% being for Affordable Rent. This would represent a substantial contribution to the Council's affordable housing objectives as described above and would help meet the stated need for low-cost Council rented housing in this part of Uttlesford. The affordable housing units would be evenly dispersed across the site. As such, the proposal would contribute to the creation of a mixed and balanced community in this area.

Housing Mix

- 14.7.4** 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)'.
- 14.7.5** 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%. In addition, the Site Allocation DS4: TDA requirements state that at least 5% of the residential units across tenure shall be 1 or 2 bedrooms.
- 14.7.6** The accommodation mix proposed is as follows: 1 bed units at 6%, 2 bed units at 24%, with four of these being 2-bedroom bungalows, 3 bed units at 40% & 4 bed units at 28%.
- 14.7.7** 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 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 6 bungalows across the whole site delivered.
- 14.7.8** The Council's Housing Officer has been consulted as part of the proposed development and considers the housing mix and tenure split to be appropriate in planning policy and housing strategy terms. As such, it is considered that the proposed provision of affordable housing, and the overall mix and tenure of housing provided within this proposed development, is acceptable and in accordance with policies H9 of the Local Plan & DS4: TDA of the Great Dunmow Neighbourhood Plan.

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** The application extends the approved West of Woodside Way scheme to the south and relies on the infrastructure for that site for access to the site and sustainable transport connections. While there is impact on the network this has been tested as cumulative impact with committed development. The choice of accesses on to the highway network, the community facilities, sustainable transport mitigation measures and

capacity enhancements secured through the previous scheme, and yet to be implemented, will help absorb this.

- 14.8.3** Due to the reliance on the access and infrastructure associated with the Land West of Woodside Way development the development should not be occupied until the access onto Woodside Way and the crossings and footway cycleways have been provided.
- 14.8.4** It is noted that concerns have been raised by Great Dunmow Town Council in relation to a lack of connectivity to other sites, contrary to policy GA2 of the Great Dunmow Neighbourhood Plan. However, the policy wording states that developments 'will be expected, wherever possible', to be linked and well-integrated with the surrounding footpath and bridleway network. Whilst a cycle/footpath directly on to Woodside Way would be desirable, this would require crossing land that is outside of the ownership of the applicant and therefore not possible as part of this application proposal.
- 14.8.5** It is important to view the proposal in relation to the adjoining approved development sites within the same Site Allocation within the Neighbourhood Plan. The site is situated in close proximity and within walking distance of a number of community facilities and services, including 850m (10-minute walk) of the nearest supermarket, 480m (6 minute walk) from the proposed school site, 565m (7 minute walk) from the allotments and 500m (6 minute walk) from the community centre that is due to be brought forward as part of the wider Site Allocation masterplan.
- 14.8.6** The highway authority has advised that the most appropriate way to mitigate the impact of the development is through provision and improvement of sustainable transport connections and to this end a contribution to bus services, a crossing of the spine road and a contribution for public rights of way linking to Helena Romanes School mean that the highway authority does not consider the residual cumulative impact on the highway network to be severe and there would be a number of measures incorporated to promote active travel to and from the site.

Pedestrian Access onto Woodside Way

- 14.8.7** Woodside Way would be separated from the closest residential properties to the eastern boundary of the site by existing substantial planting that borders Woodside Way. The existing planting therefore ensures that this area is not overly accessible and will serve to restrict informal access on to Woodside Way. It is also important to note that the ECC Highway Authority have not raised any concerns with regards to the proposals impact upon highway / pedestrian safety in this regard.

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. However, the site is adjacent to the Hoglands Wood Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.9.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.
- 14.9.4** For the largest, strategic housing sites (100+ units) such as this proposal, Natural England advises that recreational pressure impacts on this designated site are additionally mitigated via the provision of Suitable Accessible Natural Greenspace (SANG), a specific form of Green Infrastructure, to be provided within the red-line boundary of the proposed development as an avoidance measure Natural England advise on using a distance of 2.7km for a daily walking route within attractive greenspace on the site and/or with links to surrounding public rights of way (PRoW). ANG 'standard' accepted by Natural England is 8ha greenspace per 1000 population as per Thames Basin Heaths and this requires a commitment to its long-term maintenance and management to be secured by a Landscape and Ecological Management Plan to be secured by a condition of any consent.
- 14.9.5** The Ecological Assessment REV C (SES, October 2022) states that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution towards the SAMM and the provision of on-site ANG. The proposals also provide connectivity to walking routes in the wider landscape. This financial contribution is to be secured by a S106 agreement to mitigate predicted impacts on Hatfield Forest NNR/SSSI.
- 14.9.6** The proposal would include biodiversity enhancements, which have been outlined within the Ecological Assessment Rev C (SES, October 2022). This includes delivery of at least 10% Biodiversity Net Gain, a vegetated buffer along the northern boundary, provision of integrated bird and bat boxes, and permeable fencing for Hedgehog. This will ensure net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.

14.9.7 It is noted that the Woodland Trust have objected to the proposed development, requesting a buffer zone of at least 50m between the Woodland and the proposed development. However, Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Hoglands Wood in respect of any resulting loss or deterioration. The proposed buffer zone would also extend beyond the 15m minimum requirement in some areas, extending beyond 30 metres. In addition, the buffer zone would comprise of a planted linear belt of thorny scrub species as well as a new tree belt planting to protect the edge of the woodland.

Trees

14.9.8 The proposed development would result in the loss of 5 individual trees and part of 2 groups of trees and 2 groups of hedges. It is noted that 2 of the trees are category B trees. However, these are required to be removed to facilitate access to the development site. These losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.

14.9.9 In addition, the use of hedgerows throughout the scheme to garden areas and also defensive woodland planting across large areas to front of Hoglands Wood would off-set the loss of the proposed vegetation to be removed. A fully detailed scheme of protective measures for existing vegetation to be retained would be conditioned as part of any approval.

14.9.10 Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8 and DS9, NE1 & NE2 of the Great Dunmow Neighbourhood Plan.

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 has submitted an Energy and Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems.
- 14.10.3** The statement demonstrates that the development would be constructed to meet the requirements of Part L of building regulations, delivering at least a 31% reduction in CO2 emissions. This would be achieved largely through the use of solar thermal systems and PV Panels.
- 14.10.4** Overall, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

14.11 I) Contamination

- 14.11.1** Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.
- 14.11.2** It is noted that concerns have been raised by the Great Dunmow Town Council with regards to potential large-scale tipping of material arising from the construction of Woodside Way bypass. However, the applicant has provided a Geo-Environmental Assessment which concluded that based on the results of the site investigation the proposed site was generally found to be free of any significant contaminative issues. The Council's Environmental Health Officer has been consulted on the application and has suggested this could be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority.
- 14.11.3** Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

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 where there is a minimal risk of flooding.
- 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 The proposal would utilise an extension to the attenuation basin on the adjoining residential development and a linear vegetated drainage feature which would convey low flows within the basin. 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 therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.13 K) Air Quality

14.13.1 The site is not located within a poor air quality zone. However, an air quality assessment has not been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of a condition relating to the submission of an Air Quality Assessment including appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment including during construction.

14.13.2 Given the above, the proposals would comply with Uttlesford Local Plan Policy ENV13.

14.14 L) Planning Obligations

14.14.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure 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.

14.14.2

- 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 £167,844.96).

- Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £559,483.20).
- Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £513,540.00).
- Libraries: Financial contribution of £9,336 (£77.80 per unit).
- National Trust mitigation contribution: Financial contribution of £18,000.
- NHS: Financial contribution of £61,710.
- A financial contribution of £312,000 (£2600 per dwelling) towards improvements to enhanced and diverted bus services.
- A financial contribution of £10,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order and supporting signs and lines to implement the successful order to limit parking on the access road through the committed development to the south.
- A financial contribution of £12,360 (index linked) shall be paid the highway authority for works to the public rights of way 18/15, 18/79 and 18/87 in the vicinity of the site, such works to include, but not be limited to, surfacing, drainage and signage of the footpaths.
- An annual monitoring fee of £1,596 (index linked) for the monitoring of a Residential Travel Plan, for a minimum period of 1 year from first occupation to final occupation.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.5 Human Rights

15.6 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 5YHLS supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.3 The proposed development seeks to deliver the aspirations of Site Allocation DS4:TDA by providing high-quality new housing on land allocated for housing growth. The development would provide 120 new homes including 48 much needed affordable homes which will be delivered as a split between affordable rented, shared ownership and first homes. As such, the development is wholly supported in land use terms.

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 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 a minor adverse effect on both the landscape and visual amenity, but this would

decrease to a negligible effect once strategic planting has established. The impacts of noise on the development would be mitigated and affect a small area of the site.

16.6 Therefore, and taken together, weight to the minor 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.

16.7 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.

16.8 It is therefore recommended that the application be approved subject to the suggested conditions

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, Secondary and Libraries.
 - iv. Provision and long-term on-going maintenance of public open space (including LAP/LEAP).
 - v. Financial contributions towards the implementation of sustainable highway improvements / restrictions.
 - vi. Financial contribution towards maintenance / improvements to public rights of way (18/15, 18/79 & 18/87).
 - vii. Payment of National Trust mitigation financial contribution.
 - viii. Payment of NHS financial contribution.
 - ix. Monitoring cost.
 - x. Payment of the council's reasonable legal costs.

17.3 Conditions

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

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.

- 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** 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.
OK

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

- 4** 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.

- 5** No development 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.

- 6** 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.

7 No development 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

8 The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the 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.

9 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974); • Hours of works: works should only be undertaken Monday - Friday 7.30am - 6pm , Saturday 7.30am - 1pm, Sunday and Bank Holidays No work where noise is audible at the site boundary. (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- the parking of vehicles of site operatives and visitors,

- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- Routing strategy for construction vehicles
- Protection of any public rights of way within or adjacent to the site
- It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Uttlesford Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.
- Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that: Prior to commencement soils for storage must

be classified before the waste is moved, stockpiled, reused, and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or 'WM3'). Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.

- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency.
- Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding locality residential/business premises, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1, GEN2 & GEN4 of the Adopted Local Plan and the NPPF.

- 10** Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works detailing the flow rates and pump station design shall be submitted to and approved in writing by the Local Planning Authority.

The foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme, prior to the first occupation of the development.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** Prior to the commencement of any works, an air quality assessment and report shall be undertaken and submitted and approved by the Local Planning Authority. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact on

the surrounding locality of the development and the operation of the development on the local environment including during construction.

The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010.

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.

12

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.

13

Prior to the commencement of any phase of the development hereby permitted a Site Waste Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4.

14

With the exception of dwellings that are to be constructed to wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010, the remaining dwellings permitted by this planning permission shall be carried out so that the requirements of paragraph M4 (2) of Schedule 1 to the Building Regulations 2010 (category 2- accessible and adaptable dwellings) are satisfied.

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

15

Prior to first occupation of the development, the access, as shown in principle on submitted drawing BW193b-PL-03 Rev C shall be provided, including raised table and crossing for pedestrians and cyclists to join off road facility.

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.

- 16** Prior to first occupation of the development, details of a controlled crossing point (such as a zebra crossing) to be provided on the main spine road to the south of the site in the vicinity of the bus stops, shall 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 the first occupation of the development.

REASON: To provide a safe, convenient crossing point for residents of the site to access public transport, community facilities to the south of the site and Great Dunmow town centre to promote active travel 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 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 DM9 & DM10 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.

- 18** 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 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 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.

- 19** 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 DM1 AND DM8 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.

- 20** Prior to first use of the Children's Play Area, details of a secure cycle parking in the form of a minimum of 3 Sheffield type stands shall be submitted to and approved in writing by the local planning authority. Cycle parking shall be implemented in accordance with the approved details and retained as long as the Play Area is in use.

REASON: To ensure appropriate bicycle parking is provided to promote active travel in accordance with policy DM9 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** 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 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.

- 22** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, October 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk 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.

- 23** A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

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

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

REASON: To 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.

- 24** Prior to the commencement of works, A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

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

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

REASON: To conserve 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.

25 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To conserve 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.

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

REASON: To 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.

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

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

REASON: To 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** The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - it is necessary to manage the development in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Stansted Airport through the attractiveness of species of birds that are hazardous to aircraft.

- 29** No dwelling shall be occupied until the details of noise mitigating measures have been submitted to and approved in writing by the Local Planning Authority. The measures of the scheme shall include:

Details sufficient to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dBLAmax, including the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers.

If the internal noise limits can only be achieved with closed windows, then enhanced ventilation should be provided to allow residents to occupy the properties at all times with windows closed, as required to maintain thermal comfort. Noise from the system shall not present an adverse impact on occupants. The alternative means of ventilation shall enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

- 30** Prior to the occupation of any dwelling further assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority

This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

The area surrounding the detection of the positive asbestos be subject to additional shallow soil sampling during further works, to screen for the presence of asbestos fibres, in support of potentially reducing or removing the residual risks at the site.

Supplementary investigations to carry out additional environmental screening of the topsoil/ made ground in order to increase the sample dataset, provide targeted assessment where asbestos fibres have been

identified to delineate risks, in order to robustly characterise the environmental status of the site and advise clarify any remedial requirements.

A programme of ground gas monitoring shall be submitted and approved by the Local planning Authority to robustly assess the ground gas regime at the site and to confirm/ discount any requirements for future protection measures.

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

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

- 31** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment ref 2108181 dated June 2022 by Ardent Consulting Engineers. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, 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.

- 32** 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.

- 33** The applicant or any successor in title must maintain yearly logs of maintenance of the surface water and drainage scheme 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.

34

Prior to the first occupation of a residential unit, the spine road through the development known as Land West of Woodside Way including the bus stops closest to the site, and the access onto Woodside Way; the signalised crossing of Woodside Way; the footway/cycleways on Woodside Way and the residential road between the spine road and the access point are constructed and available for use.

REASON: To ensure that pedestrians, cyclists and vehicles can access the site and surrounding area from the site, 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.

Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/22/1802/FUL
Our Ref: HT/TPD /SD/KW/53916/4B
Date: 03 November 2022



CC: Cllr Susan Barker
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/22/1802/FUL
Applicant Bellway Homes Ltd, Mr Christopher Trembath And Mr Timothy Tr C/o Savills
Site Location Wood Field (land Adjoining 'Land West Of Woodside Way') Dunmow
Proposal 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

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.

The application extends the approved West of Woodside Way scheme to the south and relies on the infrastructure for that site for access to the site and sustainable transport connections. While there is impact on the network this has been tested as cumulative impact with committed development. The choice of accesses on to the highway network, the community facilities, sustainable transport mitigation measures and capacity enhancements secured through the previous scheme, and yet to be implemented, will help absorb this.

Due the reliance on the access and infrastructure associated with Land West of Woodside Way development the development should not be occupied until the access onto Woodside Way and the crossings and footway cycleways have been provided.

The most appropriate way to mitigate the impact of this development it through provision and improvement of sustainable transport connections and to this end a contribution to bus services, a crossing of the spine road and a contribution public rights of way linking to Helena Romanes School mean that the highway authority does not consider the residual cumulative impact on the highway network to be severe.

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. It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

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. **Phasing:** Prior to commencement the spine road through the development known as Land West of Woodside Way including the bus stops closest to the site, and the access onto Woodside Way; the signalised crossing of Woodside Way; the footway/cycleways on Woodside Way and the residential road between the spine road and the access point are constructed and available for use. **Reason:** To ensure that pedestrians, cyclists and vehicles can access the site and surrounding area from the site, 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. **Access** Prior to occupation of the development, the access, as shown in principle on submitted drawing BW193b-PL-03 Rev C shall be provided, including raised table and crossing for pedestrians and cyclists to join off road facility. **Reason:** To ensure that pedestrians, cyclists and vehicles can access the site, 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.
4. **Crossing:** Prior to first occupation of the development a controlled crossing point (such as a zebra crossing) to be provided on the main spine road to the south of the site in the vicinity of the bus stops. **Reason:** To provide a safe, convenient crossing point for residents of the site to access public transport, community facilities to the south of the site and Great Dunmow town centre to promote active travel in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
5. **Bus services** Prior to commencement a financial contribution of £312,000 (£2600 per dwelling) (indexed from the date of this recommendation) shall be paid to fund improvements to enhanced and diverted bus services between the development and

the town centre; local amenities and/or key towns improving the frequency, quality and/or geographical cover of bus routes servicing the site. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

6. **Parking Restrictions** Prior to occupation a payment of a financial contribution of £10,000 (indexed from the date of this recommendation) shall be paid to fund the process of a Traffic Regulation Order and supporting signs and lines to implement the successful order to limit parking on the access road through the committed development to the south. An agreed methodology of survey shall be agreed with the planning authority and then implemented by the developer to determine the need for and/or extent of parking restrictions. **Reason:** In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **PROW:** Prior to occupation a sum of £12,360 (indexed from the date of this recommendation) to be paid to the highway authority to provide appropriate works to mitigate the impact on the public rights of way adjacent to the site and connecting to Helena Romanes school, such works to include, but not be limited to, surfacing, drainage and signage of the footpaths. **Reason:** to mitigate the increased use of the footpaths 18/15, 18/79 and 18/87 by the residents of the development and improve the accessibility of the site by walking to promote active travel in accordance with Policy DM9 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
9. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,596 (index linked), to be paid to Essex County Council. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. 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 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.

11. 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.
12. Prior to first use of the Children's Play Area secure cycle parking in the form of a minimum of 3 Sheffield type stands shall be provided. Cycle parking shall be retained as long as the Play Area is in use and subject to the same maintenance programme. **Reason:** To ensure appropriate bicycle parking is provided to promote active travel in accordance with Policy DM9 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 northern most arm of the site is unlikely to be adopted.
- (ii) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (iii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (v) 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.
- (vi) 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.

- (vii) 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.
- (viii) 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 right of way no **15 (Great Dunmow)** shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

- (ix) 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
Email: Katherine.wilkinson@essex.gov.uk

From: [Lambert, Tessa](#)
To: [Laurence Ackrill](#)
Subject: [External] RE: Wood Field - Land West Of Woodside Way - Dunmow - UTT/22/1802/FUL
Date: 25 August 2022 16:36:21

Dear Laurence,

Your email of 25th August confirms that the applicants have agreed to fund the financial contribution sought by the National Trust for the purposes of off-site mitigation for the increased visitor pressure on Hatfield Forest SSSI/NNR arising from the proposed development. On the basis that this contribution will be secured (prior to first occupation) by planning obligation, I can confirm that Natural England would not raise objection to the above application.

Yours Sincerely

Tessa Lambert

Natural England
Eastbrook
Shaftesbury Road
Cambridge
Cambridgeshire
CB2 8DR

Tessa Lambert
Sustainable Development Lead Advisor
West Anglia Area Team (Essex)
Working pattern: 9:00 – 5:30 Monday, Tuesday, Thursday
☎ Tel: 07385 400068
✉ Email: tessa.lambert@naturalengland.org.uk

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

From: Laurence Ackrill <LAckrill@uttlesford.gov.uk>
Sent: 25 August 2022 11:00
To: Lambert, Tessa <[REDACTED]>
Subject: Wood Field - Land West Of Woodside Way - Dunmow - UTT/22/1802/FUL

You don't often get email from lackrill@uttlesford.gov.uk. [Learn why this is important](#)

Hi Tessa,

I hope you are well.

We have received comments back from the National Trust in relation to the above application (as attached).

I have spoken to the developers and they are happy to fund the contribution of £18,000 for off-site mitigation and this would be secured as part of a Section 106 Agreement. Given this, coupled with the proposed on-site mitigation measures as set out in the attached ecological assessment, is there any further detail / clarification you would like to see as part of this application?

Laurence Ackrill
Principal Planning Officer



**National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows(Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@Nationalhighways.co.uk

To: Uttlesford District Council

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: UTT/22/1802/FUL

**Location: Wood Field (land Adjoining 'Land West Of Woodside Way')
Dunmow**

Proposal: 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

Referring to the consultation on a planning application dated 30 June 22 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

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

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

 Signature:	Date: 11 August 2022
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

This response represents our formal recommendations with regards to the above planning application and has been prepared by Mark Norman.

We have reviewed the technical information provided in support of this planning application. And we conclude that this development will not have a severe impact upon the nearby A120

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



Uttlesford District Council
Planning Services

Date: 2nd August 2022
Our Ref: SUDS-006089
Your Ref: UTT/22/1802/FUL

Dear Sir/Madam,

Consultation Response –UTT/22/1802/FUL – Wood Field (Land Adjoining ‘Land West of Woodside Way) Dunmow CM6 1WF

Thank you for your email received on 30/06/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment ref 2108181 dated June 2022 by Ardent Consulting Engineers and the following mitigation measures detailed within the FRA:

- Run-off rates from the enlarged detention pond serving the combined site shall be limited to those calculated in the FRA.
- Long term storage shall be provided as calculated in the FRA.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event *OR, if impracticable,*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- 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.
- Evidence of formal approval to the discharge from the site

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications 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/news/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning

Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment

on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours faithfully,

Richard Atkins
Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Waste & Environment
Essex County Council

Internet: www.essex.gov.uk
Email: 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.

Essex County Council
Minerals & Waste Planning
County Hall
Chelmsford
Essex CM1 1QH



Your ref: UTT/22/1802/FUL
Date: 19 July 2022

Dear Sir/Madam,

Nature of Response: To address minerals and waste safeguarding implications arising through Application UTT/22/1802/FUL.

Proposal: 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

Location: Wood Field (land Adjoining 'Land West Of Woodside Way') Dunmow.

Thank you for your email received 10th June 2022 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.

The 'application site' forms the basis for the minerals and waste safeguarding assessment set out below.

This response deals with mineral policy matters and waste policy matters in turn.

Mineral Matters

Safeguarding Mineral Resources

The entirety of the application site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 210). The NPPF requires policies that encourage the prior extraction of mineral where it is practical and environmentally feasible.

At 5.4ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel exceeds the 5ha threshold upon which local

resource safeguarding provisions are applied for this mineral. These thresholds are defined in Policy S8 of the MLP Policy S8 of the MLP therefore applies, and this states "... Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed."

Commonly a 100m standoff distance is applied from the façade of any sensitive development to reflect what would be a more practical extraction area, thus reducing the workable area for mineral extraction.

After applying this typical standoff distance, this reduces the amount of land in a MSA to 3ha. This is below the 5ha threshold applied for this mineral and therefore a Minerals Resource Assessment (MRA) would **not** be required as part of a planning application on this site.

Mineral Infrastructure Matters

With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

The application site does **not** pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment (MIIA) would **not** be required as part of a planning application on this site.

Waste Matters

Safeguarding Waste Infrastructure

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

The WLP can be viewed on the County Council's website via the following link:
<https://www.essex.gov.uk/minerals-waste-planning-policy/waste-local-plan>

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

Site Waste Management Plan

Our Ref: 26129703 Your Ref: UTT/22/1802/FUL

Friday, 01 July 2022

Lynn Rusling
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Dear Lynn Rusling

Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

If you have any further queries do not hesitate to contact us.

Plan Provision
0800 056 5866





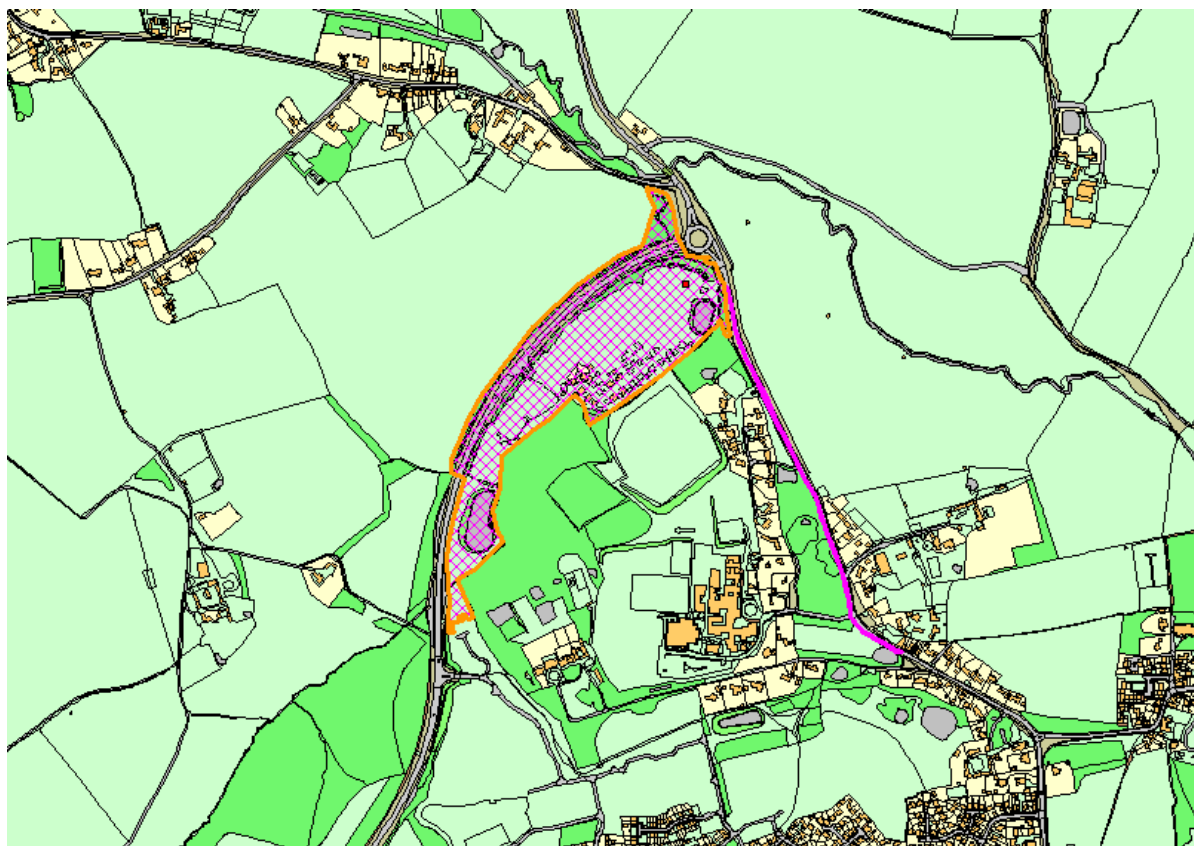
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/22/1508/DOV

LOCATION: Sector 4, Woodlands Park, Great Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: December 2022

PROPOSAL: Deed of Variation (DoV) to the Section 106 (S.106) attached to Planning Permission UTT/2507/11/OP to reduce the Affordable Housing requirement to 23.7%, to dispose of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.

APPLICANT: Mr Stephen Hammond – Wickford Development Company Limited

AGENT: Mr M Harman

EXPIRY DATE: 22 July 2022

EOT Expiry Date: TBA

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: Deed of Variation to a Legal Agreement of a Major Planning Application - UTT/2507/11/OP.

1. EXECUTIVE SUMMARY

- 1.1** A Deed of Variation (DoV) application has been submitted by the Applicant (Wickford Development Company) seeking permission to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline permission reference UTT/2507/11/OP.
- 1.2** The development has commenced and is partly complete. However, in the interim, the Planning Authority has since been approached by Wickford Development Company, who have expressed concerns regarding the viability of the development.
- 1.3** This application has been submitted to amend the S106 to reduce the Affordable Housing requirement from 40% on site to 23.7% by way of disposing of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.

- 1.4 Previous Financial Viability Reviews of the site have arrived at various conclusions with regards to the extent to which Affordable Housing could be provided as part of the development.
- 1.5 This report concludes that the proposed variations/amendments to the Legal Agreement attached to the outline permission are appropriate and that the variations/amendments are recommended for approval.
- 1.6 The application was deferred at the Planning Committee meeting on 23rd of November 2022 to explore the specifics of the delivery of the affordable housing and to allow the S106 to be revisited. The applicant has subsequently included a covenant clause to the extent that would prevent the occupation of more than 65 Open Market Housing Units until - the Affordable Housing Land has been transferred to an Approved Body and the construction of the Affordable Housing Units has been commenced.
- 1.7 As such, the proposal remains unchanged following the deferral of the application from the 23rd of November 2022 Planning Committee. This report has been amended to reflect the additional detail provided by the applicant in relation the aforementioned elements.

2. **RECOMMENDATION**

That the Director of Planning be authorised to GRANT the variation to the Section 106 Legal Agreement attached to application reference UTT/2507/11/OP.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is former agricultural land and has an area of 11.1 hectares. The land is enclosed by the approved route of the bypass and 5.5 hectares is proposed for residential development. It has a curving; almost crescent shape and its northern and western edges are defined by the line of Woodside Way (B184).
- 3.2 From the line of Woodside Way, the site slopes down towards Hoglands Brook on the south-eastern boundary and there is an overall slope down from west to east. To the south are areas of woodland and the playing fields of the Helena Romanes Secondary School.
- 3.3 The application site is located outside of the boundary Great Dunmow Neighbourhood Plan boundary.
- 3.4 The site is also located within the sensitive rural setting of Thaxted, as designated by the Thaxted Neighbourhood Plan.

4. **PROPOSAL**

- 4.1 This deed of variation application seeks agreement to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline planning permission reference UTT/2507/11/OP. The main revisions are outlined as per below:
- 4.2
- To reduce the Affordable Housing requirement from 40% to 23.7%.
 - To dispose of the land required for the Affordable Housing to a registered provider for £1 rather than constructing all the homes and selling them to an RP.
 - To pay an off-site contribution of £46,000 towards the provision of Affordable Housing

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 UTT/2507/11/OP - Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow Northwest By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right-hand turn lane). Removal of existing spur from roundabout - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 02/08/2012.
- 6.2 UTT/13/1663/DFO - Details following outline application UTT/2507/11 for demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout - Details of appearance, landscaping, layout and scale - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 25/06/2013.
- 6.3 UTT/21/1249/DOV - Request to vary 106 agreements dated 2nd August 2012 between Uttlesford District Council and Wickford Development Company Ltd and Barclays Bank PLC and 14th May 2014 between

Uttlesford District Council and Wickford Development Company Limited.
Relating to provision of affordable housing and public transport contribution - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Received: 25/03/2021 - Not yet determined.

- 6.4** UTT/22/2052/FUL - Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. - Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow – Received: 21/07/2022 – Not yet determined.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** No formal pre-application discussions or community consultation have taken place. Advice has been provided to the applicant by officers.

- 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** None

9. CONSULTEE RESPONSES

9.1 Updated Comments UDC Housing Enabling Officer – Objection.

- 9.1.1** This proposal raises concerns and I therefore object to the application for the following reasons: -

1. Total segregation of the affordable housing from the market housing in a single cluster of 28 properties.
2. On site delivery of the affordable homes directly by the developer is expected and is the norm for a site totalling 118 properties and there is no valid reason to make an exception in this case.
3. The mix of the proposed 28 affordable homes upon the land for transfer to a Registered Provider does not correspond with the identified affordable housing need in the SHMA 2017.

The affordable housing provision previously approved for the site via application UTT/13/1663/DFO consisted of three separate clusters of affordable housing including a cluster with lower density semi-detached properties with in-curtilage parking provision. The three separate clusters when considered together provided a good mix of affordable properties which met the identified housing need at the time.

The cluster of 28 affordable homes proposed via the transfer of land to an RP would be totally segregated from the market housing, be higher density and the proposed mix does not meet the identified housing need.

Affordable Rented housing identified need: SHMA 2017	%	Proposed affordable housing mix upon the land to be sold to an RP for £1	Number	%
1-bedroom flat	16.5%	1-bedroom flat	6	21%
2-bedroom flat	12%	2-bedroom flat	10	36%
2-bedroom house	30%	2-bedroom house	7	25%
3-bedroom house	32%	3-bedroom house	3	11%
4-bedroom house	9.5%	4-bedroom house	0	0%
		1-bedroom bungalow	2	7%
Total	100%	Total	28	100%

The SHMA 2017 states that the combined need for affordable rented 1- and 2- bedroom flats equate to 28.5% whereas the applicant is proposing that 16 of the 28 affordable properties upon this site be 1- and 2- bedroom flats which equates to 57% of the proposed affordable housing provision. This is double the percentage of flats which the SHMA 2017 identifies as being required.

The proposal to include two 1-bedroom bungalows is welcomed but more 3-bedroom houses need to be included within the proposed affordable housing mix.

10. REPRESENTATIONS

10.1 There is no statutory obligation to notify third parties in respect to the application proposals.

11. MATERIAL CONSIDERATIONS

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

11.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
 (a)The provisions of the development plan, so far as material to the application,;

- (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.

11.3 The Development Plan

- 11.4** 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)
- Ashdon Neighbourhood Plan (made December 2022)

12. POLICY

12.1 National Policies

- 12.2** National Planning Policy Framework (2021)

12.3 Uttlesford District Plan 2005

- H9 – Affordable Housing
- H10 – Housing Mix

12.4 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)

13. CONSIDERATIONS AND ASSESSMENT

- 13.1** The main issues to consider in the determination of this application is whether the proposed revisions/amendments to the original S106 agreement attached to the outline consent continue to make the development acceptable in planning terms.
- 13.2** It is important to understand the recent planning history of the site as this helps to provide an understanding behind the submission of the Deed of Variation application.

- 13.3** On the 2nd of August 2012 outline planning permission was granted under application reference UTT/2507/11/OP for the Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow Northwest By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right-hand turn lane). Removal of existing spur from roundabout. This permission was granted subject to conditions and to a Section 106 Agreement which secured various obligations and outlined specifications for the proposed development.
- 13.4** One of the material considerations weighing in favour of granting permission, amongst others, was that the proposal involved the provision of affordable housing in compliance with the Council's Local Plan Policy H9 requirement of 40%. This was a public benefit of the scheme that helped to justify harm caused by the development by being outside development limits (Policy S7 of the Local Plan). Other benefits of the development included the completion of the North-West By-pass (B184) and that the proposal would make a substantial addition to the District's housing land supply.
- 13.5** In March 2021, the applicant submitted an application for a Deed of Variation to UTT/21/1249/DOV to remove the requirement to provide any Affordable Housing contributions as part of the development. As part of that application, a Financial Viability Assessment (FVA) carried out by BNP Paribas concluded in its viability appraisal that the scheme could not viably contribute towards the provision of affordable housing. As part of that application process, the FVA was independently assessed by Essex County Council District Valuer Services, which found that a scheme of 60% private housing and 40% Affordable Housing could viably be provided.
- 13.6** Given the significant divergence between the two appraisals, officers commissioned a third party, independent Financial Viability Assessment by Altair Consultancy and Advisory Services Ltd, who reviewed the submitted viability assessment by the applicant and Essex County Councils subsequent review. This concluded that the scheme could viably provide a contribution towards affordable housing comprising of 30 homes based on 18 homes for affordable rent and 12 homes for shared ownership equating to a 24% provision on site plus a £46,000 financial contribution to affordable housing.
- 13.7** The applicant has submitted this current application to vary the S106 to base the Affordable Housing provision on the conclusions arrived at by Altair (as set out above).

- 13.8** As part of this proposal, the number of 'affordable housing units' on the site would be reduced from 50 to 28 and the land required to provide the Affordable Housing units (approximately 0.6 hectares) would be conveyed to a registered provider for the sum of £1 (essentially at no cost). The registered provider would be responsible for building the units acting as the developer. The registered provider would have full control over construction costs and is able to extract any potential developer's profit should there be one.
- 13.9** Furthermore, the number of overall dwellings on the site is to be reduced by 7, which the applicant advises results in improved viability. This may seem counter-intuitive, but the applicant advises it allows for a better overall configuration in terms of being able to provide the affordable housing land.
- 13.10** In addition to this, the applicant has offered an off-site contribution of £46,000. This contribution would be pooled to contribute towards the provision of social rented homes within Uttlesford.
- 13.11** The ECC Principal Development & Viability Officer has reviewed the submitted detail and considers that, in light of the current economy and the ongoing effects on the industry which has resulted in extremely fine margins and increased lending criteria (rates & risk), they would support the counter offer the applicant has made and agree with Altair's assumptions that this is a fair offer.
- 13.12** The variations to the original Section 106 Legal Agreement as discussed above are considered acceptable in this case in that it would facilitate the provision of affordable housing, albeit below the local plan target of 40%, which is regrettable. However, when considering an affordable housing target individual site viability is also a consideration. The weight to be given to a viability assessment is a matter for the decision maker. In this case officers give significant weight to the latest FVA and consider the 24% AH (achieved by offering land) plus £46,000 is the maximum affordable housing possible while retaining development viability. Accepting the conclusions as set out by the latest appraisal, 40% affordable housing provision at the site would render the development unviable.

Location of Affordable Housing Units

- 13.13** The Affordable Housing units would be located to the western part of the site, in a cluster of 28 units. Whilst this would result in a total segregation of the affordable housing from the market housing in a single cluster. This would only represent an increase of 3 affordable housing units being added to this cluster, over and above that of the extant permission, which included 25 affordable housing units in a single cluster in this location.
- 13.14** Whilst the proposal would not be considered policy compliant when reviewed against current guidance, given the approved layout of the

affordable housing within the extant permission, the increase in 3 additional affordable housing units in this location would not warrant refusal of the application.

14. ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

14.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

14.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

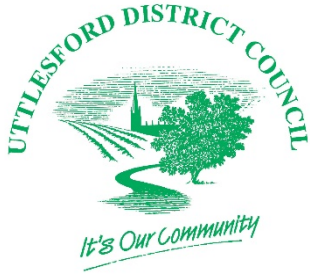
14.5 Human Rights

14.6 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

15. Conclusion

15.1 Given the outcomes of the commissioned Financial Viability Assessment carried out by Altair, it is considered that, in the circumstances, the revised contribution would equate to what is reasonably viable on the site and would enable an affordable residential scheme to be built out. It is therefore recommended that a deed of variation to the S106 Agreement to reflect the revised financial contribution and the new affordable housing units is agreed.

Agenda Item 9



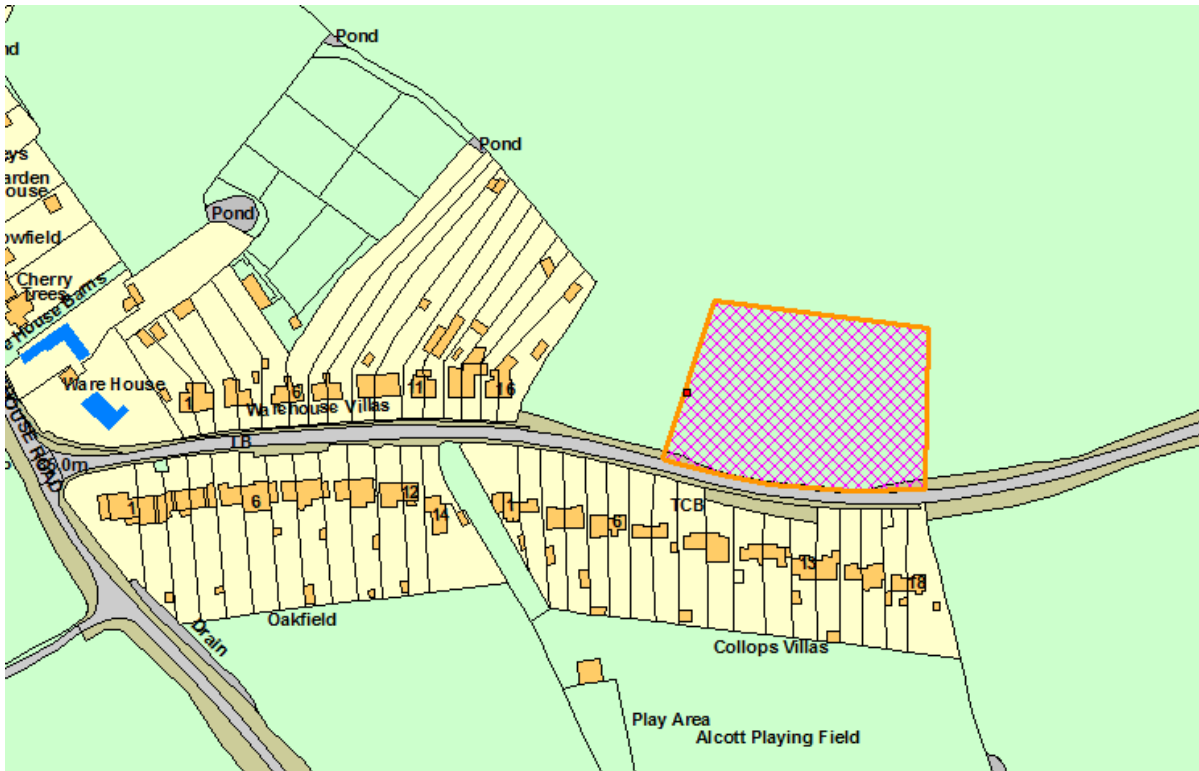
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/22/2763/DFO

LOCATION: Land East of Warehouse Villas, Stebbing Road, Stebbing,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 December 2022

PROPOSAL: Reserved matters application consisting of details of layout, scale, landscaping and appearance of the 10 no Market Housing Plots 7-17 following outline application UTT/19/0476/OP for the erection of 17 dwellings.

APPLICANT: Mr M Firth

AGENT:

EXPIRY DATE: 11 January 2023

EOT Expiry Date 27 January 2023

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits.

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

1. **EXECUTIVE SUMMARY**

1.1 This scheme is for 10 residential housing units and follows the grant of outline planning permission reference UTT/19/0476/OP for the erection of 17 dwellings (with all matters reserved except access) along with associated works.

Details of layout, scale, landscaping and appearance (collectively known as 'reserved matters') relating to 7 (affordable) dwellings have already been submitted to and approved by the Local Planning Authority on 18.07.2022 (UTT/22/0676/DFO).

This application seeks to provide similar details on the remaining 10 (market) dwellings As such the principle of the development has already been established. There are no further relevant changes in planning policy since that date that would reverse that decision.

1.2 The reserved matters to be considered are therefore only appearance, layout, landscaping and scale which are considered below.

- 1.3 The application relates to the eastern parcel of the site that encompasses the market housing dwellings (plots 8-17) that were approved under UTT/19/0476/OP for 17 dwellings. (Shown as plots 1-10 on plans submitted with this application).

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site, of 0.67 hectares, lies on the north side of Stebbing Road to the east of Warehouse Villas and comprises agricultural land which fronts onto the road
- 3.2 A ribbon of post-war former local authority dwellings with long rear gardens front onto the north side of Stebbing Road extending from Collops Lane to the west to Warehouse Villas, whilst a similar ribbon of former local authority dwellings with long rear gardens fronts onto the south side of Stebbing Road extending out from Collops Lane to Collops Villas, with the last dwelling in the line (No.18 Collops Villas) standing opposite and being flush with the eastern boundary of the site. These properties are set back from the road and consists mainly of two storey, semidetached, properties, with parking to the front and side.
- 3.3 The site is substantially level. Stebbing Road is a Class 3 highway.
- 3.4 There is currently no vehicle access onto the site.
- 3.5 The northern and eastern site boundaries are adjacent to open agricultural fields. The western boundary abuts the site for affordable housing detailed in application UTT/22/0676/DFO which formed the eastern end element of the site approved under UTT/19/0476/OP.
- 3.6 The southern boundary has a ditch, trees and hedging and a number of utility poles.

4. **PROPOSAL**

- 4.1 The proposal is for reserved matters consisting of layout, scale, landscape and appearance of the Market Housing Plots 8-17 following the approved UTT/19/0476/OP Outline application with all matters reserved except access for the erection of 17 dwellings with associated works. These plots are now referenced as plots 1-10 on the plans submitted with this application.

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

Design and Access Statement

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/19/0476/OP	Outline application with all matters reserved except access for the erection of 17 no. dwellings with associated works.	Conditional Approval.
UTT/22/0676/DFO	Reserved matters application consisting of details of layout, scale, landscaping and appearance of the Affordable Housing Plots 1-7 following outline application UTT/19/0476/OP for the erection of 17 dwellings	Conditional approval
UTT/22/2634/DOC	Application to discharge condition 4 (Soft landscape works) attached to UTT/22/0676/DFO	Discharged in full
UTT/22/2665/DOC	Application to discharge condition 9 (surface water drainage scheme), 10 (offsite flooding), 11 (maintenance plan) and 13 (Biodiversity enhancement layout) attached to UTT/19/0476/OP.	Refused
UTT/22/2846/DOC	Application to discharge condition 15 (Archaeology) attached to UTT/19/0476/OP.	Discharged in full
UTT/22/3153/DOC	Application to discharge condition 9 (Surface water drainage) 10(offsite flooding) 11(maintenance plan 13(bio	Pending

	diversity enhancement layout) attached to UTT/19/0476/OP for plots 1-7	
UTT/22/3494/NMA	Non material amendment to UTT/19/0476/OP - for changes to part of the access plan 11158 02 D relating to plots 8-17	Pending

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the highway authority subject to conditions.

8.2 Local Flood Authority

8.2.1 No comment

9. PARISH COUNCIL COMMENTS

9.1 Object:

The parking provision is inadequate. This is a dangerous section of highway and there is a slight curve in the road but traffic speeds along from Stebbing Green direction.

9.1.1 The proposed parking arrangements are impractical and when a similar arrangement was suggested for a scheme in Mill Lane it was refused.

9.1.2 The scheme relies on exceedingly good manners re parking between neighbours and relies on far too much tandem parking. We feel this will result in residents parking on the road too dangerous on this section of the road.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 The 10 properties will help towards meeting the identified need for 3- and 4-bedroom market sale homes within the area. I would expect the Design and access statement to show how the new homes are going to adhere to the councils Interim Climate Change Planning Policy.

10.2 Place Services (Ecology)

10.2.1 No objection subject to securing biodiversity mitigation measures

10.3 Anglian Water

10.3.1 No comment

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 38 notifications letters were sent to nearby properties. Expiry date 23rd November 2022

11.1.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

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

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

(a)The provisions of the development plan, so far as material to the application,;

(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 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)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford Local Plan 2005

13.2.1 S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
H9 - Affordable Housing,
H10 - Housing Mix Policy
ENV5 - Protection of Agricultural Land Policy

13.3 Stebbing Neighbourhood Plan Made 19th July 2022

13.3.1 STEB2 - Green Infrastructure
STEB7 - Important and Protected Views.
STEB8 - Blackwater Estuary SPA and Ramsar site/Essex coast
Recreational disturbance Avoidance and Mitigation Strategy.
STEB9 - Design principles and Location of New Development
STEB10 - Meeting Local Needs
STEB11 - Affordable Housing

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) Principle of Development
B) Design, scale, landscaping and appearance
C) Affordable Housing, housing mix
D) Biodiversity
E) Climate Change
F) Highway safety and access

14.3 A) Principle of development

14.3.1 Outline planning permission has been granted for (access) as part of a residential development of 17 dwellings on this site under application UTT/19/0476/OP. The outline planning permission grants permission for the principle of the residential development, on the basis that details relating to the design, scale, external appearance and landscaping will be submitted for further approval . As such the principle of housing on this site has already been established.

14.4 B) Design, scale, landscaping and appearance

14.4.1 The application relates to the eastern parcel of the site that encompasses the market housing dwellings (plots 8-17) that form the 60% of the total site approved under UTT/19/0476/OP for 17 dwellings.

14.4.2 National and local policies seek to secure good quality design which respects general townscape and is a key aspect of sustainable development.

14.4.3 Policy GEN2 of the Local Plan seeks to ensure that the design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Policy GEN2 of the Local Plan seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.4.4 The site layout submitted is similar to the layout submitted in the outline planning application and is considered to be appropriate for the site. However, it is noted that there is a slight change to the number of access points shown with 3 vehicular access points being shown compared to the 6 consented for this part of the site. The Planning Service and the Highway Authority have no objection to the slight change to the number of access points shown on the submitted plans, but for completeness have advised the applicant that the change should also be the subject of a non-material amendment application so that this is also reflected in the outline planning permission for the same site .

14.4.5 The properties comprise a mix of detached and link detached properties of traditional vernacular. A mix of materials is proposed consisting of render and brick. The properties are set back from the road which is in keeping with the properties to the west of the development. The proposal relates well to its site and its surroundings and is in accordance with Stebbing Neighbourhood Plan Policy STEB9.

The design, appearance, scale and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.

14.4.6 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have

private amenity spaces of 100sqm+.and 2-bedroom properties 50 sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide (as shown in the table below).

14.4.7 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbour's amenity. The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties.

14.4.8 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4.

14.5 C) Affordable Housing, Housing Mix

14.5.1 Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing.

The 40% affordable housing units of the total 17 dwellings that were approved under UTT/19/0476/OP comprises the 7 plots approved under the application UTT/22/0676/DFO. This application seeks approval of the details of the remaining 10 market dwellings and therefore does not include any affordable housing units.

Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

14.5.2 The housing mix and parking provision of the individual plots for this application is as per the table below.

14.5.3

Plot	Housing type	Garden size m ²	Parking
1	4 bed detached	380	3
2	4 link detached	340	3
3	3 link detached	320	3
4	4 detached	317	3
5	4 detached	325	3
6	4 link detached	316	3
7	4 link detached	285	3
8	3detached	300	3
9	4 detached	336	3
10	4 detached	350	4
Visitor			3

- 14.5.4** The UDC Strategic Housing Market Assessment evidence identified specific mix requirements for the district as a whole for both market and affordable housing. It concluded that the majority of need for market housing is for 3 and 4+ houses whilst the need for affordable housing units is for 2- and 3-bedroom houses.
- 14.5.5** The affordable housing element comprised of 2 x 1 bed and 4 x 2 bed and 1 x 3 bed.
- 14.5.6** The proposal complies with policies H9 and H10 of the Uttlesford Local plan (2005) and Stebbing Neighbourhood Plan Policy STEB10 and STEB11.

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 and paragraph 174 of the NPPF require development proposals to aim to protect and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 14.6.2** The site currently comprises arable farmland subject to ploughing with a frontage ditch, hedge and partial tree line onto Stebbing Road. A Preliminary Ecological Appraisal Report was submitted with the outline application and a number of conditions were attached to the outline application. The field itself has limited habitat value for protected and priority species.
- 14.6.3** The report advises that no trees with roosting potential are situated on the site nor would be lost to the development proposal, whilst the trees are not considered to provide, nor form part of, a significant commuting and foraging network due to the broken tree line, although the report advises that it is possible that small numbers of bats may commute and forage in the area. The report further advises that the existing boundary tree line and hedgerows are to be retained and incorporated into the proposal where possible and that in addition significant new planting would be undertaken to enhance areas where there are currently no such features, including a new ditch and native hedgerow planting along the northern and eastern boundaries of the site and the planting of new trees and hedgerows within the site interior, where no such features currently exist.
- 14.6.4** Part of the site lies within an amber Risk Zone for Great Crested Newts (GCN) due to the distance from aquatic habitats and area impacted, it is possible to manage potential impacts upon GCN using a precautionary method statement for the construction stage, including storage of materials. This can be achieved by a suitably worded condition.
- 14.6.5** The landscape officer has been consulted and considers the landscaping scheme to be satisfactory.

14.6.6 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

14.7 E) Climate Change

14.7.1 Since the outline application has been approved, the council has adopted an Interim Climate Change Planning Policy.

14.7.2 The proposal seeks to minimise carbon emissions and green house emission.

14.7.3 The construction of the houses and associated structures will use locally sourced materials where possible. Timber will be sourced from sustainable managed forests. All insulation will be CFC and HCFC free and water-based paints will be used where possible.

14.7.4 The agent has stated that the dwellings will be highly insulated and detailed to minimise air leakage. The development will meet or exceed the updated building regulations standards. Solar shading has been carefully considered to minimise summer overheating with larger glazed areas located on north facing elevations. The windows have been positioned and sized to ensure excellent natural light levels within the dwellings. Low energy LED lighting will be used throughout the dwellings. External lighting will be minimised to avoid disruption to the ecosystem

14.7.5 SUDs (sustainable urban drainage systems) will be utilised throughout the site along with additional shrub and tree planting to attenuate surface water. Existing drainage ditches in the site will be used to prevent flooding. Water is a precious resource and Essex often comes under hosepipe bans which will increase as our climate changes. They will reduce usage of clean water by using the following methods:

- Low water consumption WCs.
- Rainwater storage for garden irrigation.
- Flow regulators on taps/showers.
- Planting that is suitable for the Essex climate.

14.7.6 A key feature of this development is the inclusion of a new footpath that links to the existing network. The new footpath entices the new residents to travel by foot or by cycle. Each new dwelling will benefit from secure cycle storage and the bus service is easily available close to the site which gives the residents a viable alternative transport method than be reliant on a car.

14.7.7 In order to comply with the Interim Climate Change Planning Policy 14 all new parking spaces should be adaptable for electric vehicle fast charging (7-22kW), including through local electricity grid reinforcements, substation design and ducting.

All new homes with on-plot parking should be provided with at least one installed charging point and at least 20% of parking spaces in new developments should provide with installed fast charging points, increasing in accordance with the Road to Zero strategy. This can be achieved by a suitably worded condition.

14.8 F) Highway safety and access

14.8.1 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities, and it encourages sustainable modes of transport.

14.8.2 The access proposals were approved at the outline stage.

As mentioned in paragraph **14.4.4** above, a slight change is proposed to the overall number vehicular access points in this part of the site; wherein the number have been reduced from 6 to 3. The Highway Authority are satisfied that this minor change is acceptable, and the Planning Service do not consider that this materially alters the outline planning permission that has already been granted for residential development at this site. The revised plans that have been submitted are acceptable and demonstrate that there will be adequate turning space within the site so that cars can enter and leave in a forward gear.

14.8.3 The layout to the front boundary has changed as there are trees and a broadband pole in the positions of the approved entrances. The applicants have revised the plans so that they do not have to reroute the overhead broadband poles which serves all the properties opposite as it will be a lengthy process which will set timings back from those of the housing association who need to occupy their dwellings no later than November 2023.

14.8.4 Highway officers have been consulted and revised plans have been submitted to comply with their comments. They now have no objections to this application subject to conditions.

14.8.5 The applicant has been advised to submit a Non Material Amendment application for the outline planning permission, to bring the slight revision to the access points in line with this application.

14.8.6 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1

14.8.7 The proposed properties are a mixture of three and four bedroomed dwellings. The adopted local parking standards require the provision for three parking spaces per three bedroomed dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

14.8.8 As set out in the table above it can be seen that each property would be able to meet the required parking standards. There is sufficient space for three unallocated parking spaces within the development to provide visitor parking. Therefore, the proposals comply with Policy GEN8.

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 principle of the development has been established under UTT/19/0476/OP

16.2 The design and scale of the dwellings is considered to be appropriate for this site. Adequate amenity space can be provided.

16.3 The housing mix for the development is considered to be acceptable.

16.4 The proposal would comply with Uttlesford Local Plan Policy GEN7

- 16.5** The proposal complies with the aims of the Interim climate Change Policy.
(Subject to condition)

The new access road is considered to be acceptable and to comply with ULP policy GEN1 and was granted under UTT/19/0476/OP. Adequate parking is provided to comply with ULP policy GEN8

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** Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

- 3** Prior to commencement A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.
The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

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

- 4** Prior to occupation of a dwelling, the accesses (minimum width 5.5m), turning head and parking provision, for that dwelling as shown on submitted drawing number 1034_A_SC_04_RevC shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, for each dwelling, as measured from and along the nearside edge of the carriageway. The turning, parking and access with associated vehicular visibility splays shall retained free of any obstruction (including landscape planting) at all times thereafter.

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

- 5** Prior to occupation of the development a 2m footway shall be provided as shown in principle in submitted drawing number 1034_A_SC_04_RevC to join up with the existing footway to the west and run to the site boundary to the east where it should be adjacent to the carriageway.

REASON: To provide safe and suitable access for all users 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.

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.

Appendices

Highways Authority

CC: Cllr Martin Foley
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/22/2763/DFO
Applicant Mr M Firth Granville Property Solutions
Site Location Land East Of Warehouse Villas Stebbing Road Stebbing
Essex

Proposal Reserved matters application consisting of details of appearance, landscaping, layout and scale of the 10 no. Market Housing

Plots 7 - 16 following outline application UTT/19/0476/OP for the erection of 17 dwellings.

Note

This application is a reserved matters application, the access was approved under application UTT/19/0476/OP. However, the position of the accesses has changed. Therefore, I have considered the accesses and added conditions referring to them in my recommendation below.

I have not repeated the other conditions from UTT/19/0476/OP which include:

- 1) Construction management plan
- 2) Requirement to upgrade 2 bus stops,
- 3) Cycle parking
- 4) No unbound material
- 5) No gates within 6m of back of carriageway
- 6) Provision of residential travel packs.

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. Prior to occupation of a dwelling, the accesses (minimum width 5.5m), turning head and parking provision, for that dwelling as shown on submitted drawing number 1034_A_SC_04_RevC shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, for each dwelling, as measured from and along the nearside edge of the carriageway. The turning, parking and access with associated vehicular visibility splays shall be retained free of any obstruction (including landscape planting) 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. Prior to occupation of the development a 2m footway shall be provided as shown in principle in submitted drawing number 1034_A_SC_04_RevC to join up with the existing footway to the west and run to the site boundary to the east where it should be adjacent to the carriageway. Reason: To provide safe and suitable access for all users 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.

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) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future

maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

(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 atdevelopment.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

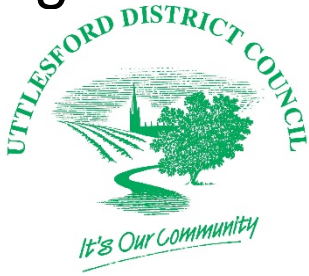
(iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(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.

Agenda Item 10



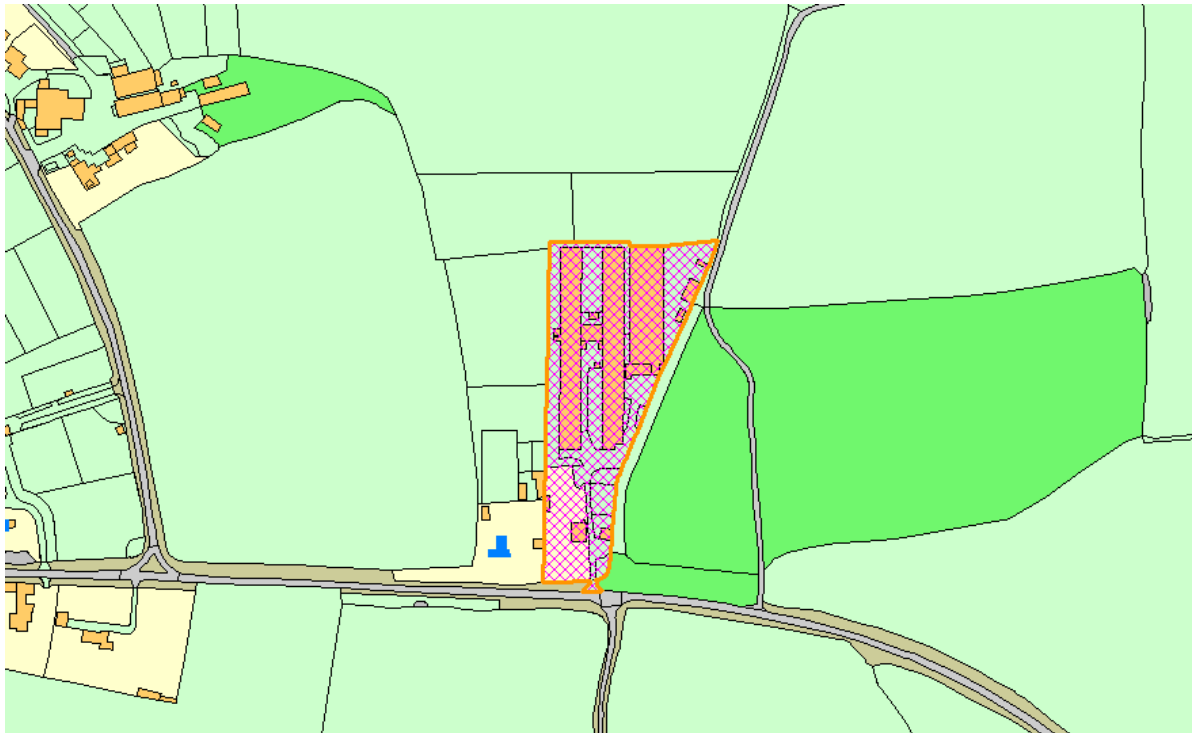
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/22/1764/FUL

LOCATION: WOODSIDE FARM, GALLOWS GREEN ROAD,
GREAT EASTON,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19th December 2022

PROPOSAL: Demolition of existing dwelling and erection of replacement dwelling. Alterations to existing access to provide a type f minor access road. Demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstanding's/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.

APPLICANT: Mr N Cooper

AGENT: Mrs Lucy Carpenter

EXPIRY DATE: 17 August 2022

EOT Expiry Date: 16 January 2023

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Within 200m of Parish Boundary
Protected Lane – UTTLANE81 (Great Easton/Lindsell – Gallows Green Road)
Mineral Safeguarding Area – Sand/Gravel
Within 100m of Local Wildlife Site – Ufd244 (Gallows Wood)
Within 250m of Local Wildlife Site – Ufd244 (Gallows Wood)
Within 100m of Local Wildlife Site – Ufd239 (Gallows Wood Marsh)
Within 250m of Local Wildlife Site – Ufd239 (Gallows Wood Marsh)

REASON THIS APPLICATION IS ON THE AGENDA: Call in

1. EXECUTIVE SUMMARY

- 1.1** This application is for the proposed erection of 4 no. new dwellings and with an additional 1 no. replacement dwelling.
- 1.2** It is located on a former poultry farm located within Gallows Green and located outside the development envelope situated to the west of Lindsell.

- 1.3 This proposal would make use of previously developed land and contribute 1 no. replacement dwelling and a further 4 no. new dwellings towards the Local Planning Authority's 5YHLS, it would also provide local employment for the life of the build.

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located on the northern side of Gallows Green Road, it comprises an irregular shaped approximately 2.86 acres parcel of land that would be seen as a brownfield site, it is still deemed within agricultural use due to its last use in egg/poultry production.
- 3.2 The former intensive poultry and chicken production plant comprises of approximately 4568 square metres of buildings and a detached dwelling located to the frontage of the site.
- 3.3 Gallows Green Road runs between the B184 in Little Cambridge to the west and Lindsell to the east. The hamlet in which the proposal would be situated within comprises a small number of dwellings/farmsteads, set predominantly on the northern side of the road. These dwellings benefit from clearly defined curtilages and are generally bound with trees and hedgerows separating the dwellings and existing built form the surrounding open countryside.
- 3.4 A public byway lies to the east of the application site, it runs between the application site and the ancient woodland of Gallows Wood. To the south-western boundary of the site, lies the Grade II Listed Building of 'Pear Tree Cottage'.

4. **PROPOSAL**

- 4.1 This full application proposal relates to the demolition of existing dwelling and erection of a replacement dwelling. Alterations to existing access to provide a type f minor access road.
- 4.2 The demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstanding's/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1	Reference	Proposal	Decision
	DUN/0396/60	Erection of poultry unit	Approval with Conditions
	DUN/0007/61	Erection of additional poultry unit	Approval with Conditions
	A/DUN/1/61	Erection of Buxted Chicken Sign	Approval with Conditions
	UTT/0707/99/FUL	New egg room and 3 weigh rooms and relocation of 2 feed bins. Extension to industrial buildings.	Approval with Conditions

7. **PREAPPLICATION ADVICE**

7.1 A preliminary enquiry was submitted to the Council in January 2022 for both Planning and Heritage advice. Prior to the submission of this enquiry the suitability of the access was addressed through the carrying out of a speed survey.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 The documents accompanying the planning application have been duly considered. Given that the proposed development is not expected to generate additional trips compared to the existing permitted use of the site when fully operational, the proposal is acceptable to the Highway Authority, subject to the following requirements.

1. Prior to commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

REASON: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. All single garages should have a minimum internal measurement of 7m x 3m

All double garages should have a minimum internal measurement of 7m x 5.5m

All tandem garages should have minimum internal measurements of 12m x 3m

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. All Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

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

9. The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informative

- *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 byway no 5 (Lindsell) 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 temporarily closing 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.

- *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

- *On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.*
- *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.*
- *Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council has significant concerns about this application on a number of issues.

- Objections from neighbouring residents
- The effect on the setting of a Listed Building
- Highways issues

- The proposal does not comply with Uttlesford Local Plan Policies S7, GEN4 and The National Planning Policy Framework (2021) sustainability requirements.
- The design, scale and size of the development
- The Parish Council objects to the application and the fallback position proposed.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to the imposition of conditions regarding:

- Contamination
- Noise and Dust during construction
- Hours of Construction Work
- Electric Vehicle Charging Point
- Report contamination to the LPA if discovered during works
- Provision of electric vehicle charging points

10.2 UDC Landscape Officer/Arborist

10.2.1 No comments towards this application.

10.3 Place Services (Conservation and Heritage)

10.3.1 The development would cause less than substantial harm to the setting of Peartree Cottage which share a functional link with the application site. The cottage would no longer be experienced within an isolated rural position, coupled with the quantity of the glazing which is not considered to be reflective of the architecture within the vernacular. This harm is assessed to be at the low end of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.

10.4 Place Services (Ecology)

10.4.1 No objections subject to the imposition of conditions regarding:

- Development to be in accordance with the ecology appraisal.
- Submission of a Construction Environmental Management Plan (CEMP)
- Submission of a Biodiversity Enhancement Strategy
- Submission of a Wildlife Sensitive Lighting Scheme

Manchester Airport Group

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Conditions:

- During demolition & construction robust measures must be taken to control dust and smoke clouds. Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.
- During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The scheme is acceptable in its current layout, as long as the ponds remain no larger than shown and are located adjacent to the woodland and partially surrounded by native trees and shrubs. Any change to this design should be subject of a re-consultation with the aerodrome safeguarding authority for Stansted Airport. Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Informatives:

- No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:-
 - Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
 - Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- The applicant’s attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town &

Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 21 notifications letters were sent to nearby properties. As the development concerns minor development and affects a public right of way, site notices were displayed near the site and in the local press.

11.2 Object

- 11.2.1**
- Character of the local area
 - Design and appearance
 - Site layout
 - Harmful to residential amenity
 - Highway safety
 - Sustainability
 - Impact on wildlife
 - Increase in population
 - Building density
 - Fallback situation
 - Impact on adjacent Listed Building
 - Recent refusal of single dwelling at Hyde Farm
 - Recent refusal of 7 dwellings at Springwell Nursery

11.3 Comment

- 11.3.1**
- The required statutory consultations have been made.
 - The character, appearance, impact to neighbours and all other material consideration will be considered in the following report.

12. MATERIAL CONSIDERATIONS

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

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

(a)The provisions of the development plan, so far as material to the application,;

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1**
- Policy S7 – The Countryside
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN4 – Good Neighbourliness
 - Policy GEN5 – Light Pollution
 - Policy GEN7 – Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards
 - Policy H1 – Housing Development
 - Policy H7 – Replacement Dwellings
 - Policy H10 – Housing Mix
 - Policy ENV2 – Development affecting Listed Buildings
 - Policy ENV3 – Open Space and Trees
 - Policy ENV10 – Noise Sensitive Development
 - Policy ENV13 – Exposure to Poor Air Quality

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Whether means of access would be satisfactory / sustainable transport**
 - B) Heritage Impacts**
 - D) Design, Layout, Scale and Appearance**
 - E) Environmental Health**
 - F) Ecology**
 - G) Accessibility**
 - H) Impact on neighbours and amenity**
 - I) Landscaping**

14.3 A) Principle of development

14.3.1 The site is located outside the Development Limits and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the NPPF which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

14.3.2 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.3 The National Planning Policy Framework (2021) is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving

development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

14.3.4 Therefore, the titled balance is engaged in favour of housing. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.5 *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (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.

14.3.6 *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. 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’.

14.3.7 Policy S7 takes a more protective approach to countryside development, unlike NPPF’s positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80).

14.3.8 *Applying policy S7 tests in conjunction with paragraph 8 of the NPPF:*

In economic terms, the proposal will potentially provide a small contribution towards the wider local economy during construction, via

employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

- 14.3.9** In social and environmental terms: For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located within the hamlet of Gaston Green, Great Easton, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable on this occasion.
- 14.3.10** For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g., supermarkets), sustainable public transport, employment and leisure opportunities is very limited, which means that for the majority of journeys the only practical option would be the use of cars. Although the new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that the nearest bus stop is located approximately 3km away within Lindsell. Therefore, the proposal fails to accord with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).
- 14.3.11** For the 'impact on the countryside and local character' issue the local character contains a distinct rural feel and open countryside setting, whilst the plot is situated next to an existing dwelling, it must be noted that the large intensive poultry buildings that are currently on site are to be removed, with a reduction of approximately 66% in built form within the site.
- 14.3.12** Taking this reduction in massing within the site it is considered that the additional of 4 no. dwellings will not diminish the rural feel that is intrinsic to the local character. As such, the proposed development would not introduce unnecessary built form into its countryside setting. Therefore, it accords with Uttlesford Local Plan Policy S7, and paragraphs 11(d)(ii), 174(b) of the NPPF.
- 14.3.13** As such the proposal concerns an additional 4 no. dwellings as well as a replacement dwelling, no objections are raised under Uttlesford Local Plan Policy S7 in this regard.
- 14.3.14** Whilst it is considered that at this point the tilted balance establishes the principle of development, it is noted that this area is not covered by any Neighbourhood Plan.
- 14.3.15** It is therefore considered that on balance, the benefits outweigh the harms, and the principle of development can be supported, in accordance with Policy S7 of the Adopted Local Plan.

- 14.3.16** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory (April 2022) identifies that the Council has a 4.89hls.
- 14.3.17** Uttlesford Local Plan Policy S7 advises that there will be strict control on buildings in the countryside, with planning permission only being given for development that needs to be there.
- 14.3.18** The review of the Local Plan policies considered that Policy S7 of the adopted Local Plan is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. Therefore, Policy S7 is still relevant to the consideration of this application.
- 14.3.19** Re-use of existing buildings and previously developed land outside urban areas (450 dwellings).
- 14.3.20** Whilst now outdated, Uttlesford Local Plan Policy H1 proposed 450 dwellings were to be built via the re-use of existing building and previously developed land outside urban areas.
- 14.3.21** Uttlesford Local Plan Policy H7 concerns replacement dwellings. A replacement dwelling will be permitted if it is in scale and character with neighbouring properties. Outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.
- 14.3.22** The site was formally in agricultural production, the site is considered to be Previously Developed Land (Brownfield) and as part of the proposal the current bungalow on the site is set to be replaced with a two-storey replacement.
- 14.3.23** Within the Pre-Application enquiry, it was established that there was no objection to a replacement dwelling on plot E, subject to the dwelling being set back, be of a more appropriate domestic design as opposed to the barn like style found to the rear of the site and to be of a size and scale no bigger than the existing Listed Building as so it does not compete in dominance with the Heritage Asset.
- 14.3.24** Uttlesford Local Plan Policy H10 seeks to ensure all new developments of 3 or more dwellings include a significant proportion of market housing comprising small properties. Due to the size constraints of the site, the proposed development demonstrates one five-bed dwelling and four

four-bed dwelling, therefore the proposal is considered to have a housing mix that would accord with the aims of Policy H10 of the Adopted Local Plan.

- 14.3.25** Along with the proposal, the agent has demonstrated the level of build within the site that could be undertaken under a Prior Notification application. Whilst a formal application has not been submitted in order to formally establish this 'fall-back' position, the Local Planning Authority believes that the site would be of better use if a single well-designed scheme rather than what can be achieved by conversion of some of the existing structures on the site.
- 14.3.26** It must also be noted, that if the Prior Notification path is undertaken, a further planning application seeking that the rest of the site be developed at a later date could be received intensifying the site further than that proposed by this application. If the proposal was undertaken via a Prior Notification application the site would not benefit from the additional level of Biodiversity net gain that this application proposes on the site.
- 14.3.27** This agent has confirmed that there would be a Management Company appointment/formed in order to take care of the areas of Biodiversity that the redevelopment of the site would create along the eastern boundary of the site creating a biodiversity corridor with the existing woodland that is adjacent to the byway that runs to the east of the site.
- 14.3.28** It is therefore necessary to establish if the 'tilted balance' is engaged in decision making in this instance, in terms of the contribution this proposed development makes to housing land supply within Uttlesford, the proposed biodiversity gain and the preference of the Local Planning Authority for this site to be the subject of a comprehensive redevelopment through a single planning application as opposed to a piecemeal redevelopment that could occur via a combination of prior notification proposals and planning applications.
- 14.3.29** Due to the size of the application, Essex County Council SUDS Team have not been consulted on the application as it is not of a scale of development that they would comment upon.
- 14.3.30** With regard to the recent refusal of single dwelling at Hyde Farm, it must be noted that the application was not on previously developed land, it does not benefit from a fall-back position and did not contribute as many dwellings to the LPA's land supply. For this current application, the dwelling adjacent to the Listed Building is also being considered as a Replacement dwelling.
- 14.3.31** With regard to the recent refusal of 7 no. dwellings at Springwell Nursery, this application proposed more dwellings within a much smaller site. It was refused on a number of reasons that included Highways, Flood Risk, Ecology, the application whilst it could be considered previously developed land adjacent to a Listed Building such as 'Woodside Farm'

the proposal did not benefit from a 'Fall-Back' position in which to convert the buildings on the site.

14.3.32 Planning Balance

The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

14.3.33 *Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole.*

14.3.34 The proposed development will result in a small level of economic and social benefit. Together these elements are considered to carry limited weight in support of the scheme.

14.3.35 It must be noted that whilst the proposal introduces built form into the countryside, it also proposes the removal of 3100m² of built form within the site, by the removal of these existing structures, it will lessen the overall impact of the development and reduce the urban sprawl.

14.3.36 Against this proposed scheme, would be the impact upon the openness of the countryside and impact towards the adjacent Listed Building. The proposal would have a detrimental impact and cause harm to the specific rural character of the site and surrounding area by urbanising and domesticating the site unduly.

14.3.37 Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.

14.3.38 The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Plan Policies S7, H1, H7, H10 and the National Planning Policy Framework (2021)

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

14.4.1 The Local Highway Authority has been consulted and have no objection to the proposal subject to conditions.

- 14.4.2** There are no Highway objections to the application for the alteration of the existing access in order to provide a type f minor access road and for the erection of 4 no. new dwellings along with the 1 no. single replacement dwelling within the site.
- 14.4.3** The proposed development would be served by this minor access road into the site from the classified Gallows Green Road (Class III). Prior to the commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway is to be submitted and approved in writing by the Local Planning Authority in order to ensure that disruption to the local residents and other road users is kept to a minimum.
- 14.4.4** The proposals do not obstruct the definitive line of the adjacent byway number 5 (Lindsell).
- 14.4.5** Parking is indicated on hard landscaping plan (no: 1329-02) and each dwelling will benefit from a garage and there is sufficient room to park a vehicle on the hard standing within the site without leading to on street parking which would result in obstructing the highway.
- 14.4.6** It is therefore concluded that the proposal, subject to conditions accords with the above policies and guidance insofar as they relate to highway safety and parking.

14.5 C) Heritage Impacts

- 14.5.1** To the south of the application site lies 1 no. Grade II listed building.
- 14.5.2** 'Peartree Cottage' is of c16 construction, it is a one storey with attics and is timber framed and rendered. The roof is thatched, half hipped with an eyebrow dormer. The windows are later c19 casements.
- 14.5.3** In terms of impacts upon the Grade II listed buildings, the Historic Environment Team Place Services Essex County Council commented on the application in October 2021, making the following observations:
- 14.5.4** *"It should firstly be understood that whilst the existing buildings are not considered to be of any historic or architectural merit and their demolition would not be objectionable, the agricultural use of the site is considered to preserve the setting of the adjacent listed building, Peartree Cottage, and the prevailing rural character of the site. The submitted Heritage Statement shows that Peartree Cottage, previously known as 'Stevens' has historically been located in an isolated and rural position, the earliest map being the Chapman and Andre Map of 1777. There is also a known functional link between the application site and Peartree Cottage, therefore raising the sensitivity of the designated heritage asset as identified within the Heritage Statement."*

- 14.5.5** *"I acknowledge that the existing application site does not make a positive contribution to the significance of the heritage asset however the proposed development of five dwellings would result in an impact to the setting of the heritage asset which must be considered."*
- 14.5.6** *"The proposed development would be of a distinctly residential and more urban character, contrary to the existing prevailing rural character of the site. Peartree Cottage, which shares a functional link with the application site, would no longer be experienced within an isolated rural position but rather as part of a residential development. Thus, there would be a low level of less than substantial harm to the significance of the designated heritage asset, Paragraph 202 being relevant."*
- 14.5.7** *"Notwithstanding the above in principle concerns, there are concerns regarding scale and massing of the proposed development. Whilst the existing buildings are not considered to be of a positive contribution to setting, their low form is considered successful towards preserving the setting of the heritage assets. Pre-Application Advice stated that 'by keeping the ridge heights of the buildings no higher than that of Peartree Cottage, the development would not compete visually with the listed building."*
- 14.5.8** *"The proposed development is of an increased height from the existing buildings, including Peartree Cottage, therefore Pre-Application Advice has not been responded to. In particular, Plot E and D is of concern as these would likely be visually intrusive within the immediate setting of the listed building."*
- 14.5.9** *"The proposed addition of large residential buildings within the rural setting of the designated heritage asset would result in additional less than substantial harm. Furthermore, whilst I acknowledge that a 'barn' aesthetic has been used, the form of the buildings and the quantity of glazing would not be, in my opinion, reflective of local vernacular architecture. Therefore, I do not consider the proposals to result in a positive contribution to local character and distinctiveness contrary to Paragraph 197.c, and the proposals are considered contrary to Paragraph 206."*
- 14.5.10** *"To conclude, the proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through inappropriate development in its setting. With regards to the NPPF, Paragraphs 197.c, 202 and 206 are considered relevant."*
- 14.5.11** Whilst it is noted that there is a level of harm introduced with the redevelopment of the site, the Conservation Officer has indicated that it is at the low end of the scale of less than substantial harm
- 14.5.12** The redevelopment of the site from its current use is considered to be more appropriate than its previous use and even though the proposed

dwellings are of a large scale they are predominantly single storey in nature and the proposal seeks to open up the site would seek to return a large amount of the site with the addition of a number of biodiversity improvements along the eastern boundary.

14.5.13 With the Local Planning Authority not having an up to date Local Plan and without being able to demonstrate a 5YHLS, applications that demonstrate low harm to the Heritage Assets are looked at and weighed up against the Tilted Balance in order to make a balanced decision.

14.5.14 In terms of the “tilted balance”, as set out in A of this Section of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF) advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

14.5.15 Colleagues at the Place Services Historic Environment Team have advised that the harm to the setting of Peartree Cottage would cause less than substantial harm weighted to be at the low level of the scale as set out in paragraph 202 of the NPPF (2021). Furthermore, the proposal would contribute to the shortfall of housing land supply within Uttlesford, which currently stands at 4.89 years (April 2022).

14.5.16 Therefore, and on balance, the proposed development by virtue of its contribution to the housing land supply would tilt the balance in favour of development in this location and would comply with the provisions of Uttlesford Local Plan Policy ENV2.

14.6 D) Design, Layout, Scale and Appearance

14.6.1 The application proposes the creation of 4 no. dwellings, including the replacement of the existing bungalow to make a total of 5 no. dwellings within the site.

14.6.2 In terms of design, the submitted Design and Access Statement goes into further details with regard to the house types proposed, but the following table demonstrates the number of bedrooms, maximum measurements and the building footprint.

14.6.3 Currently the built form footprint on the site is approximately 4700m², this proposal proposes a total building footprint of approximately 1562m² including both the dwellings and their associated garaging.

14.6.4	Plot	House Type	Bed rooms	Eaves height	Ridge height	Building width (m)	Building depth at max	Building footprint (m²)
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			ht (m)	ht (m)		point (m)	
Plot A	Detached	5	3.5	7.56	45.85	17.2	448
Plot B	Detached	4	3.45	7.56	33.40	10.35	224
Plot C	Detached	4	2.65	7.46	26.66	19.4	322
Plot D	Detached	4	2.29	7.44	32.48	17.8	332
Plot E	Detached	4	4.75	7.46	13.7	15.8	113

- 14.6.5** The proposed dwellings would comprise of 1 no. 2 storey dwelling and 4 no. single storey dwellings. The two-storey dwelling set to the front of the site adjacent to the Listed Building with the single storey barn style dwellings flanking the new F-Type access road.
- 14.6.6** Plot A, the largest plot is situated at the end of the shared drive, it is single storey and resembles a barn conversion in terms of design. It is a of U-shaped construction with a taller central section with the flanking wings dropping in height either side of the central core, the principal elevation of the dwelling faces to the south. The dwelling has been designed and is set in this location as to draw the eye up the site adding visual interest to the site. This plots parking is off set to the eastern side and screened by Plot B.
- 14.6.7** Plot B is situated on the eastern side of the access road, the larger massing of dwelling is located at the northern end stepping down respectively towards the south of the site. The principal elevation of the dwelling faces to the west. This plot's parking is set to the south of the site and screened by biodiversity corridor.
- 14.6.8** Plot C is situated on the western side of the access road. It is of L-shaped construction It is single storey in nature and following a barn conversion form of design. Its parking sits to the side of the proposed dwelling to the southern side, against the boundary of Plot D.
- 14.6.9** Plot D is also situated on the western side of the access road. It is of T-shaped construction It is single storey in nature and following a barn conversion form of design. Its parking sits to the side of the proposed dwelling to the southern side, against the parking for Plot E.
- 14.6.10** Plot E is situated on the western side of the access road. It concerns the replacement dwelling for the current bungalow that is on the site. It is of T-shaped construction of modern design, two-storey in nature and forms as a break from the barn conversion design as used predominantly on the rest of the site.
- 14.6.11** Its parking sits to the side of the proposed dwelling to the northern side, against the parking for Plot D. It is set back from the road frontage; however, it is marginally closer to the western boundary than the existing bungalow. The scale of the proposed replacement is no higher than the adjacent listed building.

14.6.12 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings with 3 bedrooms or more should have private amenity spaces of 100sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide (as shown in the table below)

14.6.13	Plot	House Type	Garden Size m²	Parking
	Plot A	Detached	1413	4
	Plot B	Detached	466	4
	Plot C	Detached	803	4
	Plot D	Detached	1011	4
	Plot E	Detached	629	4

14.6.14 Each plot has sufficient garden amenity space in excess of the amenity standards to serve the property they serve. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

14.6.15 Each plot would have sufficient parking provision for the dwelling that is constructed on each plot. The on-plot provision parking provided for the plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling involved. Whilst there are no specific designated visitor parking spaces, each dwelling would exceed the parking standards leaving 1 no. additional parking space per dwelling that would not lead to parking on the access road within the site.

14.6.16 The road has been set out to have the appearance of a rural lane/farm track. Referring to the vehicle tracking diagram, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

14.6.17 The residential cul-de-sac as proposed by this application has taken inspiration from the Essex Design Guide from Essex County Council. It proposes a Minor Access Type F street, which incorporates a 6m shared surface, coupled with a 0.5m buffer either side.

14.6.18 In terms of appearance, the 4 no. new dwellings to the rear of the site would be of Barn style design.

14.6.19 The proposed barns would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, red brickwork, black weatherboard cladding, black timber windows and doors, handmade clay roof tiles.

- 14.6.20** The 1 no. proposed replacement dwelling would be of two storey construction and be of modern design incorporating a palette of traditional materials through the use of brickwork plinths, red brickwork, painted render, black timber windows and doors, handmade clay roof tiles.
- 14.6.21** As there a mixture of styles in the locality, the agent seeks to provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.
- 14.6.22** It is accepted that the dwellings, namely the dwelling on Plot A is of a large size and scale, however the site is of a scale that can accommodate dwellings of this size, if the site was to proposed additional dwellings, whilst it would not be considered overdevelopment of the site, it more than 5 no. dwellings would be out of keeping with the locality and would number more dwellings than the existing hamlet.
- 14.6.23** The proposed new dwellings are of a single storey construction in nature bar the 1 no. replacement dwelling set the front of the site which is a two-storey dwelling, which leads them to be larger than their two storey counterparts and they are not of a height in excess of the Listed Building located to the southwest of the site.
- 14.6.24** In terms of appearance, layout, scale and landscaping are considered to be acceptable, whereby this would provide modern housing in a traditional vernacular it is considered that would respect the character and appearance of the local area.
- 14.6.25** However, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate
- 14.6.26** The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.6.27** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policies GEN2 and GEN4

14.7 E) Environmental Health

- 14.7.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to a condition stipulating the submission of a Demolitions and Construction Method Statement has been submitted, that a Contaminated Land Risk Assessment is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site, and for the installation of electric vehicle charging

points to minimise the impact of the development on the air quality of the area.

14.7.2 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with policies GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2021).

14.8 F) Ecology

14.8.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.8.2 Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are “*satisfied that there is sufficient ecological information available for determination.*” subject to conditions securing biodiversity mitigation and enhancement measures.

14.8.3 Given the site’s close proximity to the adjacent Gallow Wood Marsh and Gallows Wood Local Wildlife Sites, Ecology have requested that a Pre-Commencement condition to secure a Construction Environmental Management Plan for Biodiversity is undertaken prior to commencement of any works on site in order to demonstrate how these non-statutory designated sites will be protected from construction impacts such as dust.

14.8.4 Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- The installation of one integral bird, bat and invertebrate box per new building
- 10 tree mounted bird and bat boxes
- New tree and hedgerow planting
- An ecological buffer zone
- Creation of wildflower meadow and the inclusion of native/wildlife friendly planting in the landscape scheme

14.8.5 Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Biodiversity Enhancement Strategy and a Wildlife Sensitive Lighting Design Scheme have been sought with any forthcoming grant of permission.

14.8.6 As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2021).

14.9 G) Accessibility

14.9.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.10 H) Impact on neighbours and amenity

14.10.1 According to Uttlesford Local Plan Policy GEN2, development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.

14.10.2 The closest building proposed new dwelling would be located to the western boundary known as 'Peartree Cottage', the proposed dwelling sited within Plot E is sited approximately 30m from the proposed new two storey dwelling.

14.10.3 However, at this separation distance, it is not considered that the application due to its size, scale and proposed usage would result in any material detrimental overlooking, overshadowing or overbearing, therefore would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.10.4 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.10.5 The Councils Environmental Health Officer has been consulted with regard to this aspect of the proposal and they have no objections. Due to the current use and potential use of the development it will not negatively impact neighbouring properties.

14.10.6 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.10.7 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2021).

14.11 I) Landscaping

- 14.11.1** A proposed soft landscaping scheme has been submitted with the application. The proposal intends to introduce additional native hedgerow and tree planting within the site along with a wildflower meadow land on both sides. Along the properties frontages a mixed native species of hedgerow is proposed in order to create a soft semi-rural character and definition between the plots and to act as additional screening to the west of the site to help screen the site from the west.
- 14.11.2** Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.
- 14.11.3** Essex County Councils Ecologist has commented on the proposal, they are *“satisfied that there is sufficient ecological information available for determination.”* subject to conditions securing biodiversity mitigation and enhancement measures. They are supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.
- 14.11.4** The proposed mix of planting is considered to be appropriate for this rural site and no objections are therefore raised under Uttlesford Local Plan Policies GEN2, GEN7 and ENV3

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

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

16. CONCLUSION

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

16.2 The principle of the development is acceptable to the Local Planning Authority.

16.3 The Highways Authority are satisfied that the proposal is acceptable, and they have no objections to the proposal subject to conditions.

16.4 On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would secure optimum use of the land whilst minimising the harm to the adjacent heritage asset.

16.5 The proposed design, layout, scale and housing mix is considered to be appropriate for this rural site.

16.6 Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

16.7 No objections have been raised by Environmental Health.

16.8 The proposal would comply with the aims of Part M of the Building Regulations.

16.9 No objections have been raised with regard to the impact on neighbouring dwellings.

16.10 The proposed landscaping scheme is considered to be appropriate for this rural site.

16.11 The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

17. CONDITIONS

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

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

- 2 Prior to commencement of the development hereby approved, a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

REASON: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

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

The CEMP (Biodiversity) shall include the following:

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

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

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

- 4** No development other than that required to be carried out as part of an approved scheme of remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority.

This assessment must be based on findings and recommendations of the Contaminated Land Risk Assessment prepared by SES Ref: CON96-DUNM-008 and shall assess any contamination on the site, including ground gas, whether or not it originates on the site, and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11.

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

- 5** No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the local planning authority.

The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to works above Slab Level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 7** Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8** Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

- 10** Prior to occupation of the proposed 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, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

- 11** Prior to occupation, the dwellings shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

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

- 12** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., June 2022) and Reptile Survey Report (T4 Ecology Ltd., August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 13** If found to be necessary from the findings of the risk assessment, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

- 15** If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination.

Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

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

- 16** No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 7.30am or after 6.00pm on Monday to Friday or before 7.30am or after 1.00pm on Saturdays.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 17** Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 18** All single garages should have a minimum internal measurement of 7m x 3m.
All double garages should have a minimum internal measurement of 7m x 5.5m
All tandem garages should have minimum internal measurements of 12m x 3m.

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 19** All Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 20** The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

- 22** During demolition & construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 23** During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The pond should not become a haven for waterfowl.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 24** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 25** All hard and soft landscape works shall be carried out in accordance with the approved details.

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

All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

- 26** 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

- 27** The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development and to accord with Policies GEN2 and ENV2 of the Uttlesford Local Plan 2005.

- 28** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, E and F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and protect the amenities of the neighbouring dwellings, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Please find recommendation below.

Application No: UTT/22/1764/FUL
Proposal: Demolition of existing dwelling and erection of replacement dwelling. Alterations to existing access to provide a type f minor access road. Demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstandings/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.
Address: Woodside Farm Gallows Green Road Great Easton Essex CM6 3QS

The documents accompanying the planning application have been duly considered. Given that the proposed development is not expected to generate additional trips compared to the existing permitted use of the site when fully operational, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. Prior to commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.
Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres

from the back of carriageway and provided with an appropriate dropped kerb crossing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. All single garages should have a minimum internal measurement of 7m x 3m
All double garages should have a minimum internal measurement of 7m x 5.5m
All tandem garages should have minimum internal measurements of 12m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. All Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

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

9. The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informative

- *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 byway no 5 (Lindsell) 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 temporarily closing 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.

- *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

- *On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.*
- *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.*

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.



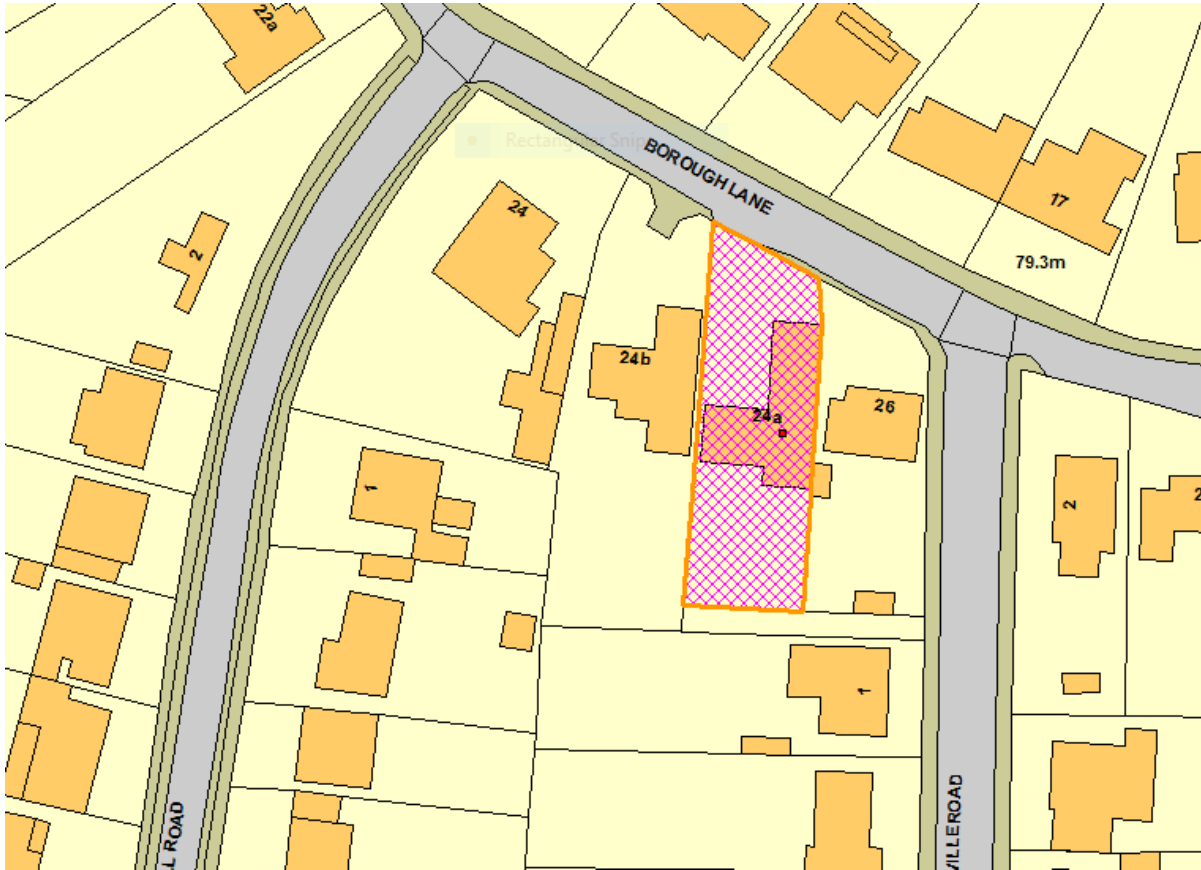
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 11 January 2023

REFERENCE NUMBER: UTT/2491/HHF

LOCATION: 24A BOROUGH LANE SAFFRON WALDEN

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19.12.22

PROPOSAL: Proposed front and rear extension, alterations to facing materials, windows and external landscaping, including new entrance gates.

APPLICANT: Mrs Bev Chapman

AGENT: Mr John Cressey, E + M Design Partnership

EXPIRY DATE: 20 December 2022

EOT Expiry Date: 16 January 2023

CASE OFFICER: Rosemary Clark

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Member Call-In

1. EXECUTIVE SUMMARY

- 1.1** This report relates to planning permission for the construction of a first-floor extension over the existing garage element to the front and a two-storey rear extension.
- 1.2** It is also proposed to modernise and update the property by way of new windows/doors and facing materials.
- 1.3** It is proposed to install solar panels and rooflight and new entrance gates.
- 1.4** The application was considered against local and national policies, and it is considered to comply. The case officer recommends that the application be approved.

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 application site comprises a two-storey detached dwelling situated on a residential road, Borough Lane, to the south/west of the Town Centre of Saffron Walden. The properties in this location vary in size, style and design.
- 3.2 The property at 24A is a typical example of an early 1970's property. It is set back from the road and is L-shaped with a part two storey/part single storey element featuring a double garage to the front.

4. PROPOSAL

- 4.1 This application relates to the proposed first floor extension over the existing garage element and a two-storey rear extension.
- 4.2 The application also includes proposal for modernisation and updating of the property by way of new windows/doors and facing materials. It is also proposed to install new entrance gates.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
SWB/0029/68	Erection of a dwellinghouse and garage	5.4.68

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 None

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 Request for confirmation that gates be set 6m back from carriageway – revised plans submitted

9. TOWN COUNCIL COMMENTS

- 9.1 No comments received

10. CONSULTEE RESPONSES

10.1 Place Services (Ecology)

10.1.2.1 No objections – subject to conditions

11. REPRESENTATIONS

11.1 7 Neighbours consulted and reconsulted on revisions

11.2 Support - 1

11.2.1 No objections – good design

11.3 Object - 3

11.3.1 Loss of privacy, overlooking, loss of daylight

11.4 Comment

11.4.1 The comments from neighbours have been considered and dealt with in paragraph

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 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)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

Policy S1 – Development within development limits
GEN1- Access Policy
GEN2 – Design Policy
H8 – Home Extensions
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy

13.3 Saffron Walden Neighbourhood Plan

Policy SW3 Design

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Home Extensions
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) Development within development limits**
 - B) Design**
 - C) Residential Amenity**
 - D) Other matters (Access, parking, ecology)**

14.3 **A) Development within development limits**

14.3.1 The dwelling is situated within the development limits of Saffron Walden therefore the principle of modest extensions and alterations is acceptable in accordance with ULP Policy.

14.3.2 The Saffron Walden Neighbourhood Plan has recently been made. It is considered that the proposals comply with the aims of the plan.

14.4 B) Design

14.4.1 Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) - Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance, in addition the SPD requires that all development should respect the scale, height and proportions of the original house.

14.4.2 The proposal consists of a first-floor addition over the existing footprint of the garage. Whilst it is acknowledged that this will increase the amount of floorspace available within the dwelling the first-floor addition will not result in an increase in actual footprint of the property.

14.4.3 The extension will result in additional built form to the front of the property. However, given that the ground floor garage element is already in situ, in this instance it is not considered that the first-floor extension would be significantly harmful to the size, scale and appearance of the original dwelling. The property immediate to the west is of a similar L-shaped design and this proposal would not extend any further forward than the existing single storey structure or the neighbouring property.

14.4.4 The proposed rear extension features a modest two storey addition that will extend by 3.1m and infill the area between the existing lounge and kitchen and increase the size of the bedrooms on the first floor.

14.4.5 Solar panels are proposed to the rear facing roof slope(south) and rooflights to the front and west facing rooflights. The windows are to be changed with a more contemporary design and all external walls finished in render. This will result in a change to the character and appearance of the original dwelling, however, in this instance, given the variety of styles and materials used within the immediate vicinity it is not considered that the proposed changes would amount to sufficient harm to warrant refusal. The proposal will clearly show the updating of this property with a more contemporary design and features.

14.4.6 Revised plans were submitted which introduced into the design two false windows on the eastern flank elevation of the first-floor extension. This breaks up the solid appearance of the extension without raising concerns regarding neighbouring residential amenity.

14.5 C) Residential Amenity

- 14.5.1** Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.5.2** There have been concerns raised by neighbouring occupiers regarding this scheme.
- 14..3** It is acknowledged that there will be changes to the overall appearance of the property and this is dealt with in paragraph 14.1.5.
- 14.2.4** The occupiers of the properties on the opposite side of the road have raised concerns regarding loss of privacy/overlooking as a result of the proposed alterations. The property at no 13 Borough Lane is approximately 27m away from the new window and no 15 approximately 24m away. It will result in an increase in fenestration to the front of the property being brought closer to the front elevation of the properties opposite, however, it is not considered that there would result in a significant potential for loss of privacy given the orientation of the buildings and the distance and screening already in place.
- 14.2.5** Concerns have also been raised by the neighbouring occupiers/owners of Mandeville House, 26 Borough Lane. The comments have been noted and considered as part of the determination process. The main concern is the impact of the first-floor addition on the reasonable enjoyment of that property at no 26. It is acknowledged that there will result in an increase in built form adjacent to the shared boundary. However, the 45-degree rule has been applied and it is not considered that there would be a significant increase in loss of daylight to any habitable rooms associated with that property. The kitchen is the nearest window to the shared boundary which is set back from the main front elevation. This window would be impacted with the potential for loss of daylight, however in planning terms a kitchen is not considered to be a habitable room. In this instance, given the orientation of the dwelling and the daylight/sunlight trajectory from east to west it is not considered that there would result in significant harm to warrant refusal of the scheme.
- 14.6** **D) Other matters – Access/Parking/Ecology**
- 14.6.1** The access will remain the same and revisions have been submitted to address the concerns of the Highway Authority. The gates will be set 6m back from the carriageway thus allowing room for vehicles to be clear of the main carriageway when entering the site and the gates are closed. The piers and gates will have a height 1.8m and consist of a brick wall with railings above and a sliding solid gate.

14.6.2 The garage will be retained as a garage and there will result in sufficient parking provision to serve a property of this size.

14.6.3 Ecology originally raised concerns and a bat survey was submitted. On re-consultation the ecologists have raised no objections to the proposal subject to conditions.

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 development accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

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 any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives.
- c) locations, orientations, and heights 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 (where appropriate)

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 221 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7.

APPENDICES

Highways comments

From: Eirini Spyratou - Strategic Development Officer <Eirini.Spyratou@essex.gov.uk>
Sent: 22 November 2022 18:25
To: Rosemary Clark <rclark@uttlesford.gov.uk>
Cc: Eirini Spyratou - Strategic Development Officer <Eirini.Spyratou@essex.gov.uk>
Subject: [External] RE: UTT/22/2491/HHF - 24 Borough Lane, Saffron Walden, Essex CB11 4AG

Dear Rosemary, Rectangular Snip

Having looked at the above application, the introduction of gates to the site is a new feature so we would condition this to be at a 6 metres setback to avoid any vehicle entering or exiting the access to overhang the footway and/or carriageway. We would therefore need to ask the applicant to make the necessary amendments to accommodate this.

Kind regards

Eirini Spyratou | Strategic Development Officer



SAFER GREENER HEALTHIER

T: 07720097206
E: eirini.spyratou@essex.gov.uk
W: www.essex.gov.uk/highways

Late List –Planning Committee 11 January 2023

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/22/3258/PINS	The following paragraph within the committee report includes a typo which is corrected below.
		<p>13.3.1 (Original) The application site is located outside the town of saffron of the village of Elsenham wherein the principle of development would not generally supported as outlined in Policy S7 of the Uttlesford Local Plan.</p>
		<p>13.3.1 (Revised) The application site is located outside the town of Saffron Walden where the principle of development would not generally supported as outlined in Policy S7 of the Uttlesford Local Plan.</p>
		<p>UDC Environmental Health Received 28/12/2022 No objection subject to conditions, these include:</p> <p>Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority.</p> <p>The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority.</p> <p>The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority.</p>

		<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.</p> <p>The glazing, ventilation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application [Noise Solutions Ltd, 4th November 2022, reference 90582/PNA/Rev2].</p> <p>Submission and approval of Construction Management Plan</p> <p>If air source heat pumps to be installed these shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.</p> <p>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.</p> <p>Submission and approval of an Air Quality Assessment prior to commencement of the development.</p>
		<p>Saffron Walden Town Council</p> <p>It is noted the full consultation response including a number of additional documents which are available to view on the Council's website.</p> <ul style="list-style-type: none"> • This include S106 proposed contributions, • SWTC response to UTT/22/3002/SCO, • Table referring to specific document submitted

		<p>Saffron Walden Town Council objects to application S62A/2022/0014 Land west of Thaxted Road, Saffron Walden for 170 dwellings as agreed at the Planning and Transport committee meeting held on 15 December 2022. SWTC objects to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposed public open space is on a small scale with limited benefit for community uses and is poorly situated. Neither its location nor scale complies with the provisions of the SWNP. The proposed development does not provide other community facilities required by the SWNP. 2. Location / Land use – the development would result in a loss of open space not compensated for by the benefits of the proposed development. 3. The affordable housing locations need to be thoroughly dispersed within the development and do not comply with the SWNP. 4. The Housing Mix must meet local needs, which it does not as currently proposed. 5. The development would result in an increase in traffic creating a need for sustainable transport provision to mitigate it under the SWNP, and adequate provision is not proposed.
		<p>Poor Quality and Limited Public Open Space (POS)</p> <p>The proposal does not provide public open space that passes the litmus test and policy requirements set out in the SNWP (11.3.8, the litmus test question for whether a site is suitable for consideration as an open space for informal recreation is “Can several people use it at once for activities such as flying a kite and throwing a ball for a dog?”. If the answer is no, then it is likely to be too small to be useful for and counted as recreational space.) The illustrated POS all either neighbour the primary road or have attenuation bowls situated within the space and are therefore unsuitable for community use. SWNP policy SW17 clearly states POS must be usable; any area which is unusable, sloping or by a road should not be counted towards the greenspace requirements.</p> <p>None of the POS satisfies the requirements of Policy SW17. Section 11 of the SWNP details the shortfall in sports and playing field provision in Saffron Walden and provides that any new development must provide appropriate provision in line with the Sports England Playing Field Calculator (see in particular paragraphs 11.2.15 and 11.2.16 and Policy SW16).</p>

		<p>The proposal therefore is contrary to the SWNP and as a result SWTC objects. The proposal must provide viable POS in order for it to be included within the POS calculation. Currently the POS illustrated is too small and not fit for purpose due to being adjacent to the SUDs and/or the primary road. ULP GEN6 notes that development will not be permitted unless it makes provision for community facilities and this proposal does not appear to do so. No play areas or community contributions are detailed within the proposals, failing therefore to also meet the NPPF.</p> <p>NPPF Paragraph 98 details the importance of access to high quality open spaces and sports opportunities for the importance of health and wellbeing. This proposal does not demonstrate to SWTC that the POS provided is appropriate for 170 homes and, together with the lack of sports facilities, means that therefore the proposal is also contrary to NPPF paragraph 98. Whilst it is possible for appropriate sports provisions to be either on-site or off-site, it is important in this case that the appropriate provision be on site since under the terms of Planning Application UTT/13/3467/OP.</p> <p>The developer of that site is obliged to contribute £220,000 for community facilities on the Applicant site. This s.106 contribution was negotiated by Uttlesford District Council when the owner of the Applicant site was proposing that it would all be used for sports provision, and the Applicant is therefore fully aware of this provision. This contribution would be lost if the Applicant fails to provide adequate space. In the opinion of SWTC, the site is too small for 170 new homes and provision of proper facilities as required by the SWNP, the ULP and the NPPF. The proposed lack of POS and Sports facilities is in breach of SWNP Policies SW16 and SW17 and NPPF paragraph 98 and ULP GEN6; the failure to make adequate community contributions is further contrary to ULP GEN6.</p>
		<p>Location / Land Use</p> <p>This site is currently enjoyed by the community both visually and as an area in which to walk and enjoy the views of both it and the surrounding beautiful countryside. The proposed development is contrary to ULP Policy ENV3 – ‘Open Spaces and Trees’ on the basis that the site proposed for the housing development is a visually important space within the landscape, on the edge of the town, and no evidence has been presented to demonstrate that the proposed development outweighs the site’s amenity value. The proposals also breach ULP Policy S1, the site sits outside of the development limit and any proposed extensions for Saffron Walden. The SWNP states (5.2.12) Saffron Walden has a lack of public parks, with many housing developments being further away from public open space than the Fields in Trust guidelines. In the absence of the ready availability of public parks and gardens, private gardens gain extra importance for the health and well-being of residents. (11.3.3) Saffron Walden has a deficit of public open spaces estimated to be around 107ha. Should the proposal be approved the neighbouring field known as ‘the green mile’ would have a substantial increase in</p>

		<p>usage from the new residents at the development and Saffron Walden already has a deficit in open spaces. Should the application be approved the usage and maintenance of the green mile will increase and therefore a provision should be provided for the open space maintenance of the green mile, which is managed by SWTC.</p> <p>To note, the Transport Assessment 3.4 incorrectly states the “north of the site is an area of public open space that is owned and maintained by UBC” this field is managed by Saffron Walden Town Council, not Uttlesford District Council (UDC). This is the field commonly known as the ‘green mile’. The design and access statement (4.3) describes section 2 of the below map as Landscaped strategic open space forming arrival space into development, opportunities for play, SUDs and flood mitigation, and permeability with the existing public open space to the north and leisure facilities for pedestrians and cyclists.</p> <p>The opportunities for play and SUDS are contradictory and the area should be designed as a play area OR SUDs. SWNP SW17 states amenity green space must also be usable; any area which is unusable, sloping or by a road should not be counted towards the greenspace requirements. Should the land be utilised as SUDS it can NOT also be included as a leisure facility for residents.</p> <p>The proposal neighbours the existing skate park. NPPF 130(c) states planning decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The development would increase footfall and usage on the green mile and the skate park. The proposal therefore breaches NPPF 130(c) because it is not sympathetic to the existing facilities. In fact, the proposal is suggesting installation of a SUDS next to the skate park which would not be suitable or safe for children. It would be better that the land is safeguarded as a future extension to the skate park, SWTC has the monies aside from a separate S106 to provide this facility should the land become available.</p> <p>The proposal does not comply with SWNP SW3 which requests developments must Evidence a positive response to the landscape, local and longer views and the natural and historic environments and integrate well with existing neighbourhoods while seeking, where appropriate, to improve the aesthetic of the immediate area. The proposals would have a negative visual impact on the existing residents as their current views of the fields would be removed.</p>
		<p>Affordable Housing Location Whilst the affordable dwellings are somewhat spread within the development the affordable houses do still sit in clusters together, rather than being dispersed throughout. The entrance to the site includes four buildings all</p>

		of which are affordable dwellings, facing the road and sit in the highest flood risk area. SWNP SW2 states affordable housing units will be distributed through the development in appropriately sized, non-contiguous clusters. This proposal does not meet the SWNP as the proposal sits the affordable houses together in different areas. SWTC believes the affordable housing locations should be properly dispersed and not all front facing the main road.
		Housing Mix The design and access statement illustrates that the development will mostly provide threebedroom dwellings. SWNP Policy SW1 requires that the mix of housing on new developments reflects local requirements and the Uttlesford Housing Strategy 2021-2026 states 83% of applicants upon the housing register are seeking one- or two-bedroom properties. This development does not provide dwelling sizes reflecting local needs, it is providing mostly 3-bedroom homes whereas 1 and 2 bedrooms are being sought the most.
		Sustainable Transport Provision These proposals would exacerbate the already excessive and unacceptable levels of traffic congestion in the town, which will add to the existing AQMA. The SWNP (10.1.2) confirms Traffic congestion in Saffron Walden is of great concern, particularly in relation to transport in the east of the town, as businesses find it less appealing to use sites in the east because access is difficult. The Uttlesford Highway Impact Assessment 2013 recommends “demand management methods are investigated in order to reduce overall traffic flows in the town. Activities such as travel planning [...] would help to improve awareness of alternative travel modes and encourage a shift towards non-car modes of travel and reduce traffic congestion in town”. Well suited sustainable transport links are therefore a must and should be considered from the earliest stage of development (this conforms with NPPF 104). Considering the sustainable transport links at the earliest stages allows an easier transfer of adoption, which should be Essex County Council. SWNP Policy SW12 states all new paths must be built to ECC’s standard for future adoption – this then relieves residents of a management charge.
		Heads of Terms The proposed heads of terms have no reference to:

		<ul style="list-style-type: none"> • Secondary education – confirmation on this requirement is required from ECC. Within the public consultation responses, a local primary school headteacher has commented noting “Our school is full/oversubscribed as all the schools in Saffron Walden are. We are concerned as to how the children who potentially may move into these would be schooled.” To this due concern should be taken into account as to whether there is enough capacity for all the school and all infrastructure. • Community facilities or provision – the UDC Open Space Standards 2019 paper illustrates (4.3.3) there is a deficit in Saffron Walden of community parks, gardens, natural and seminatural spaces and play spaces (4.3.4). • Sporting and recreational facilities – there is no provision for sporting or play areas. The UDC Playing Pitch Strategy and Action Plan 2019 explains there is a shortfall in sporting facilities. (Should the proposal be approved the additional 150 homes this will add to pressure to the existing deficits of open spaces and sports facilities therefore a provision should be provided.) Saffron Walden Town Council Response to Section 62A Planning Application: S62A/2022/0014 Land west of Thaxted Road, Saffron Walden 6th January 2023 6 of 12 • Existing infrastructure maintenance. (Should the proposal be approved the demand on the existing skate park and green mile will increase. This will be due to the loss of the development land and additional residents.
7	UTT/22/1802/FUL	None
8	UTT/22/1508/DOV	The following correspondence to be included:

Myriad House
33 Springfield Lyons Approach
Chelmsford, Essex, CM2 5LB

T 0300 555 0500
E enquiries@chp.org.uk
W chp.org.uk



Creating homes
shaping places

Our Ref: Woodlands Meadow – Sector 4
Direct Line [REDACTED]
Email: [REDACTED]
Date: 2 December 2022

Mr D Hermitage
Director of Planning
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

BY EMAIL ONLY

Dear Mr Hermitage

Re Affordable Housing Land at Woodland Park Sector 4, Gt Dunmow

I am writing to confirm CHP Ltd interest in acquiring the affordable housing land at Woodlands Park, Sector 4. CHP has been discussing the acquisition of the land with Wickford Development Company and subject to Board approval, would agree to purchase the land for £1.

It would be CHP's responsibility as land owners to secure a contractor to build the affordable homes required on the development. We have undertaken some initial scheme feasibility and are confident that we will be able to successfully negotiate a build contract. Due to their previous involvement with the development and to ensure continuity of build quality our preference would be for EJ Taylor and Sons Ltd to be the contractor.

Uttlesford is one of CHP's core development areas and we already have almost 500 affordable homes in the District. The range of house types proposed at Woodlands Park, will help meet the varied housing needs of the district. The proposed layout is thoughtful and well designed and will assist in the effect management of the homes and will enable service charges to be kept to a minimum. CHP manages the affordable housing on schemes of varying sizes, from development where only a few homes are required to be affordable to schemes where over 100 homes are required. Earlier this year we completed a development in Braintree for 74 homes, all of which were affordable, providing a mixture of flats and house for rent and shared ownership.

The acquisition of these homes is in line with CHP's Growth Strategy and Corporate Objective to provide 'More Great New Homes'.

Yours sincerely

[REDACTED]

Helen Shackleton
Head of Growth

cc. Mr L Ackrill

[External] RE: UTT/22/1508/DOV - Sector 4 Woodlands Park Great Dunmow



James Pinnock - Principal Development and Viability Officer

To Laurence Ackrill

Reply

Reply All

Forward



Tue 08/11/2022 10:12

Good morning Laurence,

Thank you for your time this morning,

As discussed having reviewed the previous work and in light of the current economy and the ongoing effects on the industry which has resulted in extremely fine margins and increased lending criteria (rates & risk) I would support the counter offer the applicant has made and agree with Altair's assumptions that this is fair.

Kindest regards

James Pinnock
Principal Development & Viability Officer
Planning Service
Place and Public Health

Essex County Council
Email: | www.essex.gov.uk
Essex County Council, County Hall, Chelmsford, Essex, CM1 1QH



Uttlesford District Council
 London Rd
 Saffron Walden
 Essex
 CB11 4ER

Date: 12 December 2022

Your ref: UTT/22/1508/DOV

Our ref: PL/29/2022

Please ask for Peter Lock
 email: plock@uttlesford.gov.uk

Dear Planning team,

Re: Sector 4, Woodlands Park, Dunmow: UTT/22/1508/DOV

I am providing a revised consultation response following the applicant clarifying that they are seeking approval to dispose of the land for the affordable housing provision to a Registered Provider for the sum of £1 rather than delivering any on-site affordable housing provision themselves. All 28 affordable homes would therefore have to be constructed by the Registered Provider upon the land transferred to them for £1.


This proposal raises concerns and I therefore object to the application for the following reasons: -

1. Total segregation of the affordable housing from the market housing in a single cluster of 28 properties.
2. On site delivery of the affordable homes directly by the developer is expected and is the norm for a site totalling 118 properties and there is no valid reason to make an exception in this case.
3. The mix of the proposed 28 affordable homes upon the land for transfer to a Registered Provider does not correspond with the identified affordable housing need in the SHMA 2017.

The affordable housing provision previously approved for the site via application UTT/13/1663/DFO consisted of three separate clusters of affordable housing including a cluster with lower density semi-detached properties with in-curtilage parking provision. The three separate clusters when considered together provided a good mix of affordable properties which met the identified housing need at the time.

The cluster of 28 affordable homes proposed via the transfer of land to an RP would be totally segregated from the market housing, be higher density and the proposed mix does not meet the identified housing need.

Affordable Rented housing identified need: SHMA 2017	%	Proposed affordable housing mix upon the land to be sold to an RP for £1	Number	%
1-bedroom flat	16.5%	1-bedroom flat	6	21%
2-bedroom flat	12%	2-bedroom flat	10	36%
2-bedroom house	30%	2-bedroom house	7	25%
3-bedroom house	32%	3-bedroom house	3	11%
4-bedroom house	9.5%	4-bedroom house	0	0%
		1-bedroom bungalow	2	7%
Total	100%	Total	28	100%

		<p>The SHMA 2017 states that the combined need for affordable rented 1- and 2- bedroom flats equate to 28.5% whereas the applicant is proposing that 16 of the 28 affordable properties upon this site be 1- and 2- bedroom flats which equates to 57% of the proposed affordable housing provision. This is double the percentage of flats which the SHMA 2017 identifies as being required.</p> <p>The proposal to include two 1-bedroom bungalows is welcomed but more 3-bedroom houses need to be included within the proposed affordable housing mix.</p> <p>Yours sincerely</p>  <p>Peter Lock (FCIH) Housing strategy, Enabling & Development Officer</p>
9	UTT/22/2763/DFO	No further comments received
10	UTT/22/1764/FUL	None
11	UTT/22/2491/HHF	Further comments received from occupier – 15 Borough Lane – revisions do not change original comments – see report. Additional photos from occupier – 26 Borough Lane – Photos from inside the property – see report

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.