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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 5th April, 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.

Live Broadcast

Due to the Local Government elections scheduled for 4 May, the Council has now entered the pre-election period. The pre-election period, previously known as 'purdah', describes the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The term 'heightened sensitivity' is also used. That being the case, the Planning Committee meeting on 5 April 2023 will not be broadcast. Members of the public are still welcome to attend the meeting in-person, and a recording will be uploaded to the website following the election. All other recordings of past meetings will remain on the website as a matter of public record.

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** 7 - 15

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

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 17 - 20

To note the Quality of Major Applications Report.
- 5 S62A Applications** 21 - 22

To note applications which have been submitted direct to the Planning Inspectorate.
- 6 Community Involvement Protocol** 23 - 67

To approve the Community Involvement Protocol for Development Management Purposes.
- 7 UTT/22/2744/FUL - Land Known as 7 Acres, Warish Hall Farm, Parsonage Road, TAKELEY** 68 - 120

To consider application UTT/22/2744/FUL.
- 8 UTT/21/0688/FUL - Land at Cole End Lane, WIMBISH** 121 - 131

To consider application UTT/21/0688/FUL.
- 9 UTT/21/2461/DFO - Land to the West of Isabel Drive and off Stansted Road, ELSENHAM** 132 - 168

To consider application UTT/21/2461/DFO.

- 10 UTT/22/1718/FUL - Land West of Colehills Close, Middle Street, CLAVERING** 169 - 231

To consider application UTT/22/1718/FUL.

- 11 UTT/22/3013/OP - Highwood Farm, Stortford Road, GREAT DUNMOW** 232 - 266

To consider application UTT/22/3013/OP.

PLEASE NOTE THAT AGENDA ITEM 12 WILL NOT BE TAKEN BEFORE 2.00

- 12 UTT/21/3298/FUL - Land South of Cannons Lane, HATFIELD BROAD OAK** 267 - 312

To consider application UTT/21/3298/FUL.

- 13 UTT/22/1014/OP - Land North of Hammonds Road, HATFIELD BROAD OAK** 313 - 357

To consider application UTT/22/1014/OP.

- 14 UTT/22/2977/DFO - Land to the East of Shire Hill, SAFFRON WALDEN** 358 - 378

To consider application UTT/22/2977/DFO.

- 15 UTT/22/1752/FUL - Bluegates Farm, Stortford Road, GREAT DUNMOW** 379 - 399

To consider application UTT/22/1752/FUL.

- 16 UTT/21/3563/FUL - Land East of St Edmunds Lane, St Edmunds Lane, GREAT DUNMOW** 400 - 414

To consider application UTT/21/3563/FUL.

- 17 UTT/22/3321/OP - Land Rear of Woodene, High Street, LITTLE CHESTERFORD** 415 - 439

To consider application UTT/22/3321/OP.

- 18 UTT/23/0308/HHF - 54 Ross Close, SAFFRON WALDEN** 440 - 448

To consider application UTT/23/0308/HHF.

19 UTT/22/3020/FUL - Newport Road, SAFFRON WALDEN 449 - 464

To consider application UTT/22/3020/FUL.

20 Late List 465 - 501

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.

Meetings And The Public

Members of the public are welcome to attend any Council, Cabinet or Committee meeting and listen to the debate.

All live broadcasts and meeting papers can be viewed on the Council's website, through the [Calendar of Meetings](#). Please note that this meeting will not be broadcast live as detailed on the first page of the Agenda.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and guidance on the practicalities of participating in a meeting will be circulated, following the deadline to register to speak. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/460/548. Alternatively, enquiries can be sent in writing to committee@uttlesford.gov.uk.

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

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

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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Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 8
MARCH 2023 at 10.00 am**

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

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Head of
Development Management and Enforcement), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), F Nwanze (Development Management Team Leader),
B O'Brien (Senior Planning Officer) and L Trevillian (Principal
Planning Officer)

Public Speakers: Councillor P Barber (Takeley PC), C Brabin, R Davidson, F
Down, J D'Urso, A Nudd, M Peachey, D Poole, K Rixson (Great
Easton PC) and Councillor M Tayler.

PC286 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

All Committee Members were present.

Councillor Bagnall declared that he was a Ward Member for Takeley and a
Member of Takeley PC (Item 11).

Councillor Sutton declared that she was a Ward Members for Takeley (Item 11).

Councillor Loughlin declared that she was a Ward Member for Stort Valley (Item
6).

Councillor Pavitt declared that he was a Ward Member for Littlebury, Chesterford
and Wenden Lofts (Item 7).

PC287 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 February 2023 were approved as an
accurate record.

PC288 **SPEED AND QUALITY REPORT**

The Head of Development Management and Enforcement presented the
standing Speed and Quality Report. He drew Members' attention to the fact that
appeal decisions were still coming through the system and said that he was
slightly more comfortable with progress made.

The report was noted.

PC289 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report. He said that he was happy to take questions outside of the meeting.

The report was noted.

PC290 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report and updated Members on progress made.

Committee Members agreed that the public had a democratic right to let Members know their feelings ahead of consideration by the Planning Committee.

The report was noted.

PC291 **S62A/22/0011. UTT/22/2624/PINS - LAND NEAR PELHAM SUBSTATION, MAGGOTS END ROAD, MANUDEN**

The Principal Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development including inverter cabins, DNO substation, customer switchgear access, fencing, CCTV cameras and landscaping

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations as detailed in the report.

In response to various questions from Members, officers:

- Confirmed that security lighting could be conditioned.
- Confirmed that temporary access for construction vehicles to cease on completion could be conditioned.
- Said that no information had yet been received relating to de-commissioning.
- Said that the Rochdale Principle was appropriate for renewable energy systems.
- Confirmed that the developer had looked at other possible sites.
- Clarified the position in respect of the Environmental Impact Assessment (EIA) and said that it was for the Inspectors to assess.
- Explained the possible benefits from a 10% reduction in the scheme.

Members discussed:

- The fact that it did not appear that the eight reasons for previous refusal had been addressed and that these should be repeated in any submission to PINS.
- The significant impact that the development would have and that 40 years was hardly a temporary period of time.
- The need for a S106 to be included to cover such as issues as site condition surveys.
- The need for de-commissioning to be conditioned to include a review period.
- The need for a Construction Management Plan (CMP) to be conditioned.
- The historic landscape and Ancient Woodland, together with the loss of agricultural land
- An additional condition in respect of a perimeter boundary management plan that ensures the safety of animals.
- Concerns at the need for maintenance of infrastructure, including the battery storage units and the need for screening.
- The reduction of the developable area set against the possible renewable energy generation of up to 49.99MW.
- Where liability responsibility sat.

Members supported a general notification being sent to PINS by UDC about solar panels applications

The Head of Development Management and Enforcement summarised the concerns that had been raised by Members as detailed above. He referred to making an objection in principle to the proposal to include:

- All recommendations made in Paragraph 1 of the report.
- The previous eight reasons for refusal continuing to be valid having not been addressed.
- Loss of agricultural land.
- The need to strengthen the call for a S106, rather than conditions.
- The 10% reduction in space set against the possible renewable energy generation of up to 49.99MW.
- The need for conditions in respect of ecology, highways, security lighting, a CMP, boundary treatment, perimeter fencing, screening, landscaping and maintenance.
- Recognition that 40 years was not a temporary time period.

Members confirmed that they were content with the above comments being conveyed to PINS.

The meeting adjourned at 11.40 am and reconvened at 11.50 am

The Senior Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout. He confirmed that a late representation had been received from Urban Design who were objecting to the proposal.

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations.

In response to various questions from Members, officers:

- Confirmed that no comments had been seen from Anglian Water in respect of sewage.
- Said that the land was Grade 2 Agricultural Land being used as Paddock Land.
- Said that open space use could be captured in a S106.
- Said that the site was not in a conservation area but was adjacent to a special habitat area.

Members discussed:

- Lack of reference to sustainability. The location being significant distances away from schools, medical facilities, shops, towns and supermarkets.
- The need to pay particular attention to the submission made by the Parish Council.
- The effects on the habitat area.
- The size, design and layout not fitting in with the existing dwellings in a "beautiful, special village", where only 12 houses had been built in the last 30 years. The need for starter homes was recognised. Elmdon had previously been classified as unsustainable.
- The need to drill down on the harms from the proposed development.
- There being no responses seen in respect of ecology, heritage and highways but to note the objections by Urban Design.
- There being real heritage concerns, edge of settlement concerns, GEN 2 concerns, priority habitat, not far from conservation area and impact on the church.
- The development being outside S7 development limits, GEN1 Highways concerns and loss of Grade 2 Agricultural Land.
- Harms on Elm Court, foul water, biodiversity and ecological harm, impact on the landscape and the urban form being a major concern.

The Head of Development Management and Enforcement summarised the concerns that had been raised by Members as detailed above. He referred to making an objection in principle to the proposal to include:

- The location being unsustainable.
- Harms to the setting of the village, in respect of urban design, landscape and character.
- Loss of agricultural land.
- Biodiversity concerns.

- Drainage, elevation and general topography concerns.
- Support for the views expressed by the Parish Council, Natural England and Urban Design.

An issue was raised that work on the site might have already commenced.

Members confirmed that they were content with the above comments being conveyed to PINS.

The meeting adjourned for lunch between 12.30 pm and 1.30 pm.

PC293 **UTT/22/2744/FUL - LAND KNOWN AS 7 ACRES, WARISH HALL FARM, PARSONAGE ROAD, TAKELEY**

The Head of Development Management and Enforcement outlined the reasons for the report being brought back to the Committee, following previous consideration on 8 February 2023.

The Principal Planning Officer presented a planning application for the erection of 4 industrial/ flexible employment (Use Class E) buildings with associated landscaping and parking. Following refusal of the application at the meeting on 8 February 2023, additional information and clarification had been received and brought back to the Committee.

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:

- Said that the NHS Integrated Care Board (ICB) were considering locating a medical centre in the area and that an extension of the option period had been given to 5 years. Possible dimensions of the medical centre were also given. Reference was made to the correspondence with the NHS in the Late List.
- Expressed concern that a possible S106 relating to a medical centre might require NHS commitment to build a surgery which was outside of the control of the developer.
- Said that car parking would be provided of 25 + 101 spaces.
- Said that the Economic Team supported the application which should also provide additional employment.
- Said that Place Services had not objected to the proposal and that what had previously been said by PINS was that a 15 metre buffer zone to the Ancient Woodland of Prior's Wood was adequate.

Members discussed:

- The need for caution in respect of the possible attraction of a new medical centre and whether it would be possible to get more certainty about a facility being guaranteed. Confirmation of the size of the medical centre was requested as to whether the size would be sufficient for the purposes of the NHS Integrated Care Board.

- Whether 25 car parking spaces would be enough in that area.
- The abundance of industrial units already in the area and traffic concerns.
- The CPZ not being protected.
- Whether or not there had really been any significant movement since the Planning Committee meeting in February 2023.
- Possible problems accessing a medical centre through the site; an alternative public right of way alongside the boundary was identified. It was stated that it could possibly be conditioned as a public right of way to the surgery.
- Loss of views and no sympathy for Ancient Woodland.
- The fact that previous appeal decisions needed to be considered.
- The size of the buffer zone.
- The possible re-configuration of the light industrial units.
- The general need for greater certainty over the proposals.

Councillor LeCount proposed that the application be approved with an additional condition relating to the footpath around the boundary being a public right of way.

This proposal was seconded by Councillor Emanuel.

This motion was lost.

Councillor Bagnall proposed that the application be deferred in order to allow for further information on a possible Medical Centre to be gathered and for further work to be undertaken in respect of the boundary footpath being utilised as a public right of way to a Medical Centre.

This proposal was seconded by Councillor Emanuel.

The motion was carried on the casting vote of the Chair.

RESOLVED that the item be deferred in line with the motion.

M Peachey and Councillor P Barber (Takeley PC) spoke against the application.

D Poole (Agent) spoke in support.

The meeting adjourned between 3.10 pm and 3.20 pm, during which Councillor Freeman left the meeting.

PC294 **UTT/22/3013/OP - HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW**

The Chair had announced at the meeting that this item had been withdrawn.

PC295 **UTT/22/1947/FUL - CAMP POULTRY FARM, MILL LANE, HATFIELD HEATH**

(WITHDRAWN)

This item had previously been withdrawn by the Agent.

PC296 **UTT/21/2922/FUL - REAR OF MARSHES, CHERRY STREET, DUTON HILL, TILTY**

The Senior Planning Officer presented a retrospective application for the retention of buildings for domestic storage of the occupants of the dwellinghouse known as Marshes.

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:

- Confirmed that this application related to Units 4 and 5.
- Confirmed this was not for B8 use but for a use of its own as described.
- Said that previous refusal had been given to Unit 6 on the basis that it was a shipping container and was harm to heritage and character and appearance of the site and its surrounds.
- Said that conditions could be made to prevent Units 4 and 5 from being used for any other purposes.

Members discussed:

- Concerns expressed by Place Services as stated in Paragraph 10.3 of the report and on the Portal.
- That it had not been helpful that each application had not been individually assessed by consultees.
- The impact on a listed building.

Councillor Bagnall proposed refusal of the application on the grounds of over-intensification of the site and the impact on listed building ENV2.

This was seconded by Councillor Sutton.

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

Councillor M Tayler, C Brabin, A Nudd, R Davidson and K Rixson (Great Easton Parish Clerk) spoke against the application.

J D'Urso (Agent) spoke in support.

PC297 **UTT/21/2927/FUL - REAR OF MARSHES, CHERRY STREET, DUTON HILL, TILTY**

The Senior Planning Officer presented a retrospective application for the change of use of buildings for B8 use as a commercial self-storage facility.

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 the definition of B8 usage, in that storage could take place but not vehicle repairs or restoration.
- Said that it would be necessary to provide evidence to the contrary that the building had not been used as a lock-up for the previous 10 years in the event of an application for a certificate of lawful use.
- Explained the potential hours of use.

Members discussed:

- Evidence provided by the previous owner.
- Whether a certificate of lawfulness could have been applied for.
- The response by Highways that was now supporting refusal.
- E4 and E5 considerations.

Councillor Pavitt proposed refusal of the application on the grounds of GEN1 (access), GEN (enabling disturbance) and E5 (Re-use of Rural Buildings).

This was seconded by Councillor Bagnall.

RESOLVED that the application be refused as per the motion.

Councillor M Tayler, C Brabin, A Nudd, R Davidson, F Down and K Rixson (Great Easton Parish Clerk) spoke against the application.

J D'Urso (Agent) spoke in support.

There was a brief adjournment between 5.20 pm and 5.25 pm, during which Councillor LeCount left the meeting.

PC298 **UTT/22/2863/DFO - 10 AND 12 THE MEAD, THAXTED**

The Development Management Team Leader presented an application for approval of reserved matters of outline planning permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of development) for the erection of one dwelling.

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

In response to questions from Members, she confirmed that the proposed dwelling would fit in with other properties and that a heat pump would be utilised.

Members were in support of the proposal.

Councillor Fairhurst proposed approval of the application subject to those items set out in section 17 of the report. This was seconded by Councillor Emanuel.

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

Prior to closing the meeting, the Chair announced that Katherine Wilkinson from Essex CC Highways was shortly due to leave her role. Members thanked her for all her contributions to the UDC Planning Committee over a number of years.

The meeting ended at 5:30 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	October 2020 to September 2022	October 2021 to September 2023	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (80.30%)	60% (85.71%**)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.06%)	70% (84.75%**)	P153

*UDC performance in green % greater than the threshold is good - ** data incomplete*

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	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)	April 2020 to March 2022 (appeal decisions to end December 2022)	April 2021 to March 2023 (appeal decisions to end December 2023)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (11.76%)	10% (6.85%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.22%*)	P154

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

Committee: Planning Committee
Date: 5 April 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.

		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%

Any appeal decisions received from 01 Jan 2023 are not included in this designation period.

Criteria: Quality

District matter Majors

		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
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	3	1	18.75%
Quarter 04	Jan - Mar 2022	8	4	2		1	1	12.50%
Quarter 05	Apr - Jun 2022	7	2	1	0	0	1	0.00%
Quarter 06	July - Sept 2022	11	1	0				0.00%
Quarter 07	Oct - Dec 2022	15	5	4			4	0.00%
Quarter 08	Jan - Mar 2023	6	2					0.00%
	total	73	29	15	3	5	7	6.85%

Minimum level required

10.00%

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/Hearing cost may not be held in the same financial year as the application decision.

Recommendation

9. 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

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	Consultee	

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	
30/01/2023	S62A/2023/0015	UTT/23/0246/PINS	Grange Paddock Ickleton Road Elmdon	Consultation on S62A/2023/0015- Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout.	Consultee	

Committee: Planning Committee
Date: 5 April 2023
Title: Community Involvement Protocol.
Author: Nigel Brown
Head of Development Management & Enforcement

Summary

- 1 A Draft Community Involvement Protocol, has been produced, the aim of this Protocol is to provide a template and guidance for developers and Town and Parish Councils for a consistent approach, to encourage effective community involvement in all locally significant emerging proposals at the earliest stages, especially at the pre-application stage.
2. The protocol is designed to compliment the Council's Adopted Statement of Community Involvement.
3. The Protocol has been the subject of a full consultation with Town and Parish Councils and will be relaunched at the Parish Forum on 28 March 2023 in preparation for this report to Planning Committee.

Recommendation

That the Community Involvement Protocol be Approved for Development Management Purposes.

Financial Implication

None

Background Papers

Draft Community Involvement Protocol (Appendix 1)
Consultation Reponses (Appendix 2)
Uttlesford's Adopted Statement of Community Involvement

Impact

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

Situation

4. The protocol is not just for strategic planning applications. Some smaller villages may have smaller proposals but these could have a significant impact and therefore it is essential that we also reflect the smaller villages and what is significant to them.
5. Community involvement is more than just a consultation. The process of community involvement, in this context, is one which communities and other stakeholders are actively encouraged, from an early stage, to contribute their views in shaping development proposals that may affect their area. Developers will be encouraged to make sure that the involvement is also meaningful and this will be agreed by the Local Planning Authority and the Parish / Town Council early on in the process.
6. There is no legal requirement for developers to sign up to the protocol however, officers will be encouraging developers, Ward Members and Parish/Town Councils to sign the document along with Uttlesford planning team.
7. The protocol does not replace the Statement of Community Involvement but it is there to compliment it.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1	1	1	N/A

- 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

Uttlesford District Community Involvement Protocol

DRAFT

For significant
development
Proposals
DRAFT APRIL 2021



www.uttlesford.gov.uk

For any queries relating to this document

Please contact:

Planning Team

planning@uttlesford.gov.uk

If you require this information in large print, audio, Braille, alternative format or in a different language please tel: 01799 510510—we will do our best to help.



Community involvement protocol

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Appendix 1: Methods of Community Involvement

Appendix 2: Glossary of Terms

1

What is the Protocol?

This protocol sets out a series of commitments for Developers, Uttlesford District Council and Parish and Town Councils within Uttlesford District.

These commitments aim to ensure that Parish and Town Councils in the district, are provided with genuine opportunities to shape development proposals that may affect their community before any planning applications are submitted.

The Protocol is aimed at those proposals in the District that could be determined significant to the local community and other stakeholders. This reflects the fact that what feels like a major proposal to a smaller village may not feel so major to a larger community.

The Protocol is supplementary to the Council's Statement of Community Involvement (SCI), which sets out how the Council would expect any developers with major planning proposals or those deemed significant to the local community and other stakeholders, to involve communities in shaping those proposals at an early stage.

The SCI provides the Council's definition of 'major development' but the following three tier framework shall be used to determine whether a development proposal is 'significant', for the purposes of this protocol:

Tier	Description	Example
1	Applications where there are considerable issues of scale and controversy or which are contrary to Development Plan policy. Including applications which may seriously impact on the current provision of infrastructure and services.	Proposal to develop an unallocated greenfield site for houses, at variance with policies in the Development Plan or a proposal, for example, which may overwhelm the capacity of a school without additional resources.
2	Applications broadly in accordance with the Development Plan BUT raising controversial detail and other departures from the Development Plan.	A proposal that is likely to have an effect on the environment due to its nature, size and location.
3	Applications of a scale or development area for which the Council requires wider community involvement; applications that fall within sites that are sensitive to development pressures.	A proposal that involves the Council in seeking the provision of affordable housing.

2 Why have we produced this Protocol?

In addition to producing planning policies to guide future development in the District, Uttlesford District Council is keen to ensure that Town and Parish Councils have genuine opportunities to get involved in shaping any proposals for significant development in their communities. One method of achieving this is to produce a Community Involvement Protocol that sets out a joint working between the Developer, the Council and Town and Parish Councils to meeting the principles for effective community involvement.

Uttlesford District Council will also continue to engage with communities in the district in order to produce Neighbourhood Plans or Design Guides for determining where particular types of growth could or should be located. Although where there is no Neighbourhood Plan or Design Guide the local communities will still be encouraged to help shape the community they live or work in. Through Local Plan there will be the usual processes including 'call for sites' and all of these will go through the relevant and very rigorous processes.

However, there will be likely to be speculative applications (applications which aren't designated in either the Local Plan or in Neighbourhood Plans). If there is an adopted Protocol of what Uttlesford District Council expect with regard to Community Involvement throughout the process, this should ensure that developers can't claim to be unaware of how the community involvement will work.

It should be noted that although agreement can be sought, if developers do not sign up to the agreement then this is out of Uttlesford's control. However, the consequences of not signing up, or at least following the protocol could mean that their proposed development hasn't met the requirements of a quality development.



3

Principles for Effective Community Involvement

Uttlesford District Council's Statement of Community Involvement* (SCI), sets out a series of principles for effective community involvement. These are based on the priorities of communities and stakeholders that were identified through discussions at the time the document (Statement of Community Involvement) was produced.

Principles of engagement is a fundamental part of the planning process.

Uttlesford's Corporate Plan 2020—2024 sets a vision of 'Making Uttlesford the best place to live, work and play', and four strategic objectives namely:

Putting residents first,

Active place maker for our towns and villages,

Progressive custodian for our rural environment and

Championing our district.

Our key principles of engagement include:

Integrity, Visibility, Accessibility, Transparency, Worthwhile, Meaningful and Continued (further description can be viewed in the SCI).

The Council will wish to be assured that the engagement events and consultation have been undertaken for example (specifically residential development of 50 or more and commercial developments of 2,000 sqm or more of floor space.:

- advertised widely by a variety of means to reach as many people as possible.
- A wide variety of engagement methods are used to enable all sectors of the community to participate
- That communities are given sufficient notice of engagement events and
- that sufficient time is given to respond to consultations.

These principles should similarly form a basis for community involvement in shaping proposals for development. The various commitments within this Protocol aim to ensure that these principles are embedded in this activity. In addition, involving the Town / Parish Council at an early stage can give advice to developers with regard hard to reach community groups and how best to ensure that they are approached.

**The Statement of Community Involvement can be found <http://uttlesford.gov.uk/sci>*

The Protocol—Developers

- *In signing up to this Protocol, developers with significant proposals affecting an Uttlesford community (or communities) agree to:*
- Undertake the following stages of community involvement in developing proposals - Produce and progress a Community Involvement Plan, to include:
 - 1 Evidence gathering: To identify the key issues to be addressed
 - 2 Masterplanning: To decide the layout and distribution of the
 - 3 Pre-application publicity: To show the public the draft proposals, and take on board any comments, before
 - ◆ *Identification of the relevant stakeholders in the area (eg. Community groups/service providers/organisations working at a district/regional level). To be agreed with the LPA and Parish / Town Council.*
 - ◆ *Details of a single point of contact within the company that any member of the public can contact for more information on the proposal.*
 - ◆ *Guidance on how the outline proposals and community involvement opportunities relating to them will be publicised.*
 - ◆ *Agreed timescales for each of the three community involvement states listed above.*
 - ◆ *How the community and other stakeholders will be consulted/ involved during each of these stages.*
 - ◆ *Clarification of how the community and other stakeholders will be able to influence benefits arising from the development (eg. Through Section 106 agreements* where applicable).*
 - ◆ *Process for reviewing and reporting on the community involvement process.*
- Let the community and other stakeholders know about any changes in the Community Involvement Plan in good time and provide reasons for those changes.
- Establish a clear point of contact at the company that will enable a two-way flow of information regarding the project by way of a Planning Performance Agreement.

**Section 106 Agreement— Planning obligations, also known as Section 106 agreements (based on that section of The 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 Agreement, something any future owners will need to take into account.*

The Protocol—The Council

In signing up to this Protocol, Uttlesford District Council agrees to:

- Support the production of developers' Community Involvement Plans by:
 - ◆ *Establishing a clear point of contact at the Council that will enable a two-way flow of information regarding the project by way of a Planning Performance Agreement.*
 - ◆ *Agreeing timescales for achieving key stages of the planning process and responding to information requests.*
 - ◆ *Helping to identify key stakeholders within the community and further afield, and the methods appropriate for involving them.*
 - ◆ *Contributing to discussions on the approach to securing benefits from the development.*
- Where requested, consider the presence of staff at developers' community involvement events, to answer any technical questions relating to their services.
- Where available, provide objective, reliable information on any disputed issues (eg. Water supply and disposal, health related issues), in order to help resolve those issues.
- Ensure elected members are up-to-date on development proposals affecting their particular ward(s).
- Provide a high quality flow of information within the authority on proposed development.
- Participate in confirming or checking any particular detail about the proposed development(s), as part of any reasonable request for information.
- Acknowledge and respect the rights of the Town and Parish Council to express their views.
- Help the Town and Parish Councils by making it clear that engagement in this process is in no way an indication of support for any application.
- Promote the Community Involvement Protocol in relevant discussions with appropriate Town and Parish Councils that are not already signatories to the document.

NB. By agreeing to the above commitments, Uttlesford District Council is not indicating its support for any particular planning proposals.

The Protocol—Town and Parish Councils

- ***In signing up to this Protocol, Parish and Town Councils within Uttlesford district agree to:***
 - ◆ Be prepared to engage constructively with developers and Uttlesford District Council from an early stage, to consider the issues relating to particular development proposals and present any relevant evidence to support the Parish/Town Council's position.
 - ◆ Assist in identifying and engaging other interested groups / organisations operating within their community.
 - ◆ Help to provide information to the community by identifying local people, places and or means of communication that could be used by developers to publicise their proposals and related community involvement.
 - ◆ Seek to understand the full range of community interests the Parish / Town Council is representing with regard to particular development proposals.
 - ◆ Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Parish / Town Council and the questions that need asking of the developer and Uttlesford District Council.
 - ◆ Help in identifying local opinion about potential benefits from development proposals (eg. Through Section 106 agreements).
 - ◆ Acknowledge and respect the rights of all stakeholders to express their views.

NB. By agreeing to the above commitments, Parish and Town Councils that sign up to the Protocol are not indicating their support for any particular planning proposals.

The Protocol—Ward Councillors

- ***In signing up to this Protocol, Ward Councillors within Uttlesford district agree to:***
 - ◆ Be prepared to engage constructively with developers, Uttlesford District Council and Town and Parish Councils from an early stage, to consider the issues relating to particular development proposals and present any relevant evidence to support the Ward Councillor's position.
 - ◆ Assist in identifying and engaging other interested groups / organisations operating within their community.
 - ◆ Help to provide information to the community by identifying local people, places and or means of communication that could be used by developers to publicise their proposals and related community involvement.
 - ◆ Seek to understand the full range of community interests the Ward Councillors is representing with regard to particular development proposals.
 - ◆ Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Ward Councillors and the questions that need asking of the developer and Uttlesford District Council.
 - ◆ Help in identifying local opinion about potential benefits from development proposals (eg. Through Section 106 agreements).
 - ◆ Acknowledge and respect the rights of all stakeholders to express their views.

NB. By agreeing to the above commitments, Uttlesford District Council Ward Members are not indicating its support for any particular planning proposals.

5 What is Community Involvement?

Community involvement is more than just consultation, whereby communities and other stakeholders are presented with a set of options and asked to comment on them.

The process of community involvement, in this context, is one in which communities and other stakeholders are actively encouraged, from an early stage, to contribute their views in shaping development proposals that may affect their area.

In the context of this Protocol, the term 'community' can be defined as any member of the public living or working within Uttlesford district, as well as any other individual or organisation with an interest in the future development of the area (these may also be known as 'other stakeholders').

Good engagement can build better understanding:

- *Early engagement makes the process more positive and helps to control rumours and replace fiction with fact*
- *Share the complete vision—economic, environmental and social advantages, community benefits, social/affordable housing, business opportunities and employment*
- *Genuine engagement allows local community to have an input in to the future shape of their local area, but it is important to define the scope of this input rather than creating an unrealistic expectation where communities are then less likely to respond positively to proposals*

Planning Portal—https://www.planningportal.co.uk/info/200187/your_responsibilities/39/other_considerations_before_you_start_work/7

6 Making the Protocol work

This Protocol has been coordinated by Uttlesford District Council which will sign up to the Protocol to demonstrate its commitment to community involvement in planning for growth in the District.

Some of the commitments outlined within the Protocol could be adopted regardless of the position taken by other stakeholders within the area. However, certain other commitments can only be applied if developers with development interests in the district, and Uttlesford District Council, in particular, sign up to the Protocol.

The Council therefore believes it to be fundamental to the success of the Protocol for developers who have proposals affecting the district to become signatories to the Protocol. This 'sign-up' can take place at any time following the Council's adoption of the document. Therefore, the Council will encourage any developer that approaches the authority with a significant development proposal, at any future date, to sign up to the Protocol before undertaking any pre-application discussions.

However, in order for this Protocol to be truly effective, Uttlesford District Council is seeking a similar demonstration of commitment from Town and Parish Councils and Ward Members within the District. UDC will also be seeking a commitment from Developers.

7 Pre-application and Planning Performance Agreements (PPA)

Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- providing an understanding of the relevant planning policies and other material considerations associated with a proposed development
- working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development, including, where relevant, the need to deliver improvements in infrastructure and affordable housing
- discussing the possible mitigation of the impact of a proposed development, including any planning conditions identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage.
- putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed and therefore with a proposal for significant development a Planning Performance Agreement will be required.

A planning performance agreement can be a useful tool to focus pre-application discussion on the issues that will need to be addressed throughout the course of preparing and determining a planning application, and the timescales and resources that are likely to be required.

PPA Continued

The PPA will set out the timetable for the progress of the planning application and will include key dates for community involvement for example:

Milestone	Proposed achievement date	Responsible Team Member (s)
Pre-application discussion—initial		
Pre-application discussion to include Town/Parish representative and Ward Member	Within 2 weeks of initial discussion	
Pre-application discussion—technical details		
Pre-application discussion—s106 to include Town/Parish representative and Ward Member (where a s106 is applicable)		
Community Engagement event		
Pre-application discussion following Community Engagement		
Design Panel		
Pre-application discussion to include Town/Parish representative and Ward Member taking into consideration the comments from the Design Panel.		
Submit application		
Application is valid (please allow at least five days between submission and validation)		
Consultation letters/emails sent		
Post-submission meeting—following the expiration of the consultation period or when all responses have been received.		
Post-submission meeting – to finalise Heads of Terms for S106 Agreement		
Planning Committee date – consideration and resolution of the application		
Agree and sign S106 Agreement within two weeks of resolution.		

Please note this is an example—a PPA is bespoke to each type of application and may not follow the same timetable.

Appendix 1

Methods of Community Involvement

The following table will hopefully provide developers with some useful guidance on the different types of community involvement techniques that could be used during each of the three stages outlined within their Community Involvement Plan—evidence gathering, masterplanning and pre-application publicity.

Stage	Method	Description
1. Evidence gathering	Questionnaires	Questionnaires can cover a wide range of issues and topics in a structured way, thereby making results easier to analyse. Responses can be incentivised by providing freepost envelopes or raffle prizes. They can be issued in hard copy and/or available electronically via a website.
	Focus groups/workshops	A small group discussion guided by a facilitator, designed to examine specific issues in more detail and can be held virtually.
	Stakeholder liaison group	This may be a stakeholder or community forum that already exists in the locality and can be held virtually
	Public meeting	An open event where proposals are presented and views obtained. This can be held virtually.
	Private meetings	As part of the process of constructive engagement between all stakeholders, it will be necessary for private discussions to take place between developers, the local authority and other stakeholders from time to time.

Appendix 2

Glossary

Community Involvement Protocol

A joint agreement between developers, Uttlesford District council, key service providers and Parish and Town Councils within Uttlesford to ensure that communities and other stakeholders have genuine opportunities to influence any significant development proposals before planning applications are submitted.

Section 106 Agreements

A legal agreement under section 106 of the 1990 Town and Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.

Service Providers

General term used, in this context, to describe a public, private or voluntary sector organization that delivers a service to the community (eg. NHS, Police, Water Authority). All of these bodies work to create sustainable communities.

Stakeholders

(As used in this context) Any individual or organization that has an interest in the future development of Uttlesford. At an organizational level, this might include local bodies such as a chamber of trade or a parish council, or organisations working at a wider level, such as Essex County Council. At an individual level, this might include existing residents within a community or potential future residents.

Statement of Community Involvement

A statutory document produced by Uttlesford District Council that sets out how the authority will involve local communities and other stakeholders in the development of the various planning policy documents that will make up its Local Development Framework. The SCI also sets out how the authority expects developers with any major proposals to involve local communities and other stakeholders in shaping those proposals at an early stage, before a planning application is submitted.

Appendix 2

Comments received and UDC Response

Comment received from	Comment	UDC response
Cllr Jones	Thank you and no comment	Noted
Strethall Parish Council	<p><u>What is the Protocol?</u></p> <p>Why should Developers commit to the Protocol?</p> <p>What stops them from ignoring the Protocol - instead simply submit a Planning Application, await the outcome, then appeal if it's rejected?</p>	<p><i>A good question as we are unable to 'force' anyone to sign up to the protocol. However, having a document such as this protocol indicates to Developers how committed Uttlesford Council are to working with the Community as a whole. That any proposed development will need to have gone through a process. It can be used as a guide for officers and developers to provide a framework for planning performance agreements.</i></p>
Strethall Parish Council	<p><u>The 3-tier framework</u></p> <p>Suggested addition:</p> <p>'Applications that will seriously impact on the current provision of infrastructure and services.' e.g. A proposal that is likely to overwhelm the capacity of a school, doctors surgery etc. without the provision of more resources (more classrooms, more GPs etc.)</p>	<p><i>With regard the words 'that will seriously' - this may be something perceived locally, however, during the consultation process the consultees will provide the response as to whether there will be any impact etc. Therefore, the suggestion has been added to Tier 1 but with slightly different wording.</i></p>

<p>Strethall Parish Council</p>	<p><u>What is Community Involvement?</u></p> <p>How can 'potential future residents' be identified?</p> <p>There is a risk that Developers will attempt to represent future residents, using adversely favourable analogous comments from unrelated developments elsewhere - thus giving their case for development greater weight than is reasonable or justified.</p>	<p><i>Developers will be encouraged to share the comments received through the pre-app process.</i></p> <p><i>In addition, it is important that when developers are 'consulting' that they make it clear what part of the process this is and that there will be other occasions to make comments.</i></p>
<p>Strethall Parish Council</p>	<p><u>Principles for Effective Community Involvement</u></p> <p>Reference to, 'at the time the 'document' was produced.' What document, the Developers proposal or the Protocol? Should be the former (see next comment).</p> <p>The Priorities of the Community should be embedded in its Neighbourhood Plan. Therefore, a Developer can and should take account of the priorities of the community at the earliest opportunity, even before submitting a proposal and engaging with the 'Protocol'.</p>	<p><i>Noted it isn't clear and have now added (Statement of Community Involvement) to make it clear.</i></p>
<p>Strethall Parish Council</p>	<p><u>Comment in red: "need to talk to Developers"</u></p> <p>How can Developers be identified before they have submitted a proposal? A scheme could be submitted by any national Developer - are all of them going to be approached?</p> <p>What if a Community decides it is too small, under resourced, overwhelmed with previous house building etc to be able to accommodate any (further) development. Will this be accepted as part of a Parish Neighbourhood Plan or Community Involvement Protocol?</p>	<p><i>As developers approach UDC by way of a pre-application we shall be using those discussion to discuss the Protocol. In addition the document will be shared with all known developers who have previously submitted applications.</i></p> <p><i>A planning application and due process will need to be considered in line with policy and legislation. Development is required to go somewhere and the use of a Neighbourhood Plan is to try and steer</i></p>

	<p>It must be recognised that the priorities of a Community – maintaining a sense of space, preserving landscape and history, improving infrastructure and services etc – will be very different, and sometimes contrary, to those of a Developer, which are centred around maximising profit. Talking to Parish Councils, Developers and other stakeholders is unlikely to change this overarching principal.</p>	<p><i>the development (if any) to the most appropriate place not to say 'we don't want any more development'.</i></p>
	<p><u>The Protocol – Developers;</u> <u>Considered alongside Appendix 1</u></p>	
<p>Strethall Parish Council</p>	<p><u>Evidence gathering – Questionnaires</u></p> <p>These must be prepared by an independent market research company or UDC. If Developers are allowed to prepare their own questionnaires they will be skewed towards being favourable to a Developer's proposals.</p>	<p><i>UDC do not have the capacity to provide market research. There does need to be some trust between all parties and the developers will be required to evidence their market research but we are unable to dictate to them how this should be gathered.</i></p>
<p>Strethall Parish Council</p>	<p><u>Remaining 'Methods'</u></p> <p>Must be managed and minuted by an independent facilitator or UDC.</p> <p>Do not agree with 'private meetings' as these are open to allegations of corruption.</p> <p>What action can be taken if a Developer does not engage with the Protocol? Will there be sanctions if a Developer signs up to the Protocol but fails to follow its requirements?</p>	<p><i>'Minutes' can be taken by either party as agreed at the time and before publication of those 'minutes' agreement is sought from each party to ensure that they are an accurate record of the meeting.</i></p> <p><i>Some meetings have to be held between the developer and the LPA /Consultants but these will be minuted and once agreed will be made public.</i></p>

		<p><i>The Protocol is a voluntary agreement and when developers agree to sign the protocol then they are showing that they want to work with the residents of the area but if they do not sign the agreement there are no sanctions. However, if they submit an application without taking the necessary community involvement there is a strong possibility that the development won't meet the requirements of UDC Policies etc.</i></p>
<p>Strethall Parish Council</p>	<p><u>Protocol – Parish Councils</u></p> <p>All P.C. members are part time; meeting the requirements of the Protocol - gathering information, presenting evidence, establishing public opinion, investigating likely impacts of development on landscape and infrastructure etc. will be very expensive. It is unlikely that the stipend a Parish receives from Council Tax will be sufficient to meet the cost of following the Protocol if a number of development schemes, or a single large development scheme, is put forward.</p> <p>For example, in Great Chesterford the proposal for a 'Garden Community' was submitted by a Developer willing to spend £millions on making a case for development. Residents of Great Chesterford had to spend hundreds of hours just to raise tens of thousands of pounds in an attempt to investigate and counter the claims made by the Developer.</p> <p>Certainly not a level playing field! What extra ordinary financial support will be given to Parish Councils to help meet the requirements of the protocol?</p>	<p><i>It is not the intention that hours are spent on any work or that there would be a need for a Parish to spend money because of the Protocol. Generally, the members of the Parish / Town Council are already aware of local issues. The protocol is there for you to be part of the process and help deliver (where necessary) development which is an excellent fit for the community.</i></p> <p><i>Not everything is about 'fighting' development, there is a need for development and this process is to help the local community take a structured part in the process.</i></p>

<p>Strethall Parish Council</p>	<p><u>S106</u></p> <p>How will the Protocol prevent Developers from trying to renegotiate the terms of a S106 agreement during the course of construction, once Planning Approval has been granted, as they habitually do?</p>	<p><i>There is no control over whether the developer needs or wants to apply to vary a S106. However, these applications are registered and made publically available and where necessary, the relevant Stakeholders are consulted.</i></p>
<p>Great Chesterford Parish Council</p>	<p>GCPC has always participated to the fullest extent possible in commenting on any Planning Application, and will continue to do so in the future. It has often been the case in the past, however, that it has only become aware very late in the day that an Application is about to be submitted. As a result, its ability to consult with local residents has at best been curtailed, and in some cases has been all but impossible, ahead of submission of the Application by the developer to the Planning Authority. Its only opportunity to take account of the views of residents, therefore, is usually confined to the Parish Council meeting at which the already submitted Application is considered as part of the District Council's formal consultation procedure.</p> <p>Accordingly, GCPC strongly welcomes any initiative which provides it with a genuine opportunity to shape the development proposals before any Planning Application is submitted.</p> <p>The key to successful achievement of this objective does, however, crucially depend on the willingness of the developer to 'buy-in' to the scheme, and to act in good faith in seeking the envisaged community involvement. There would be nothing worse, for example, than for a developer to go through the motions of the consultation process described in the Community Involvement Plan (Section 5, draft Protocol), but not to provide any effective means for the local community actually</p>	<p><i>Noted. The protocol is a way of encouraging the developer to carry out an informative consultation as early as possible.</i></p> <p><i>Obviously, there will be developers who decide to just submit an application without any pre-discussion.</i></p>

	“to influence benefits arising from the development” via a S106 Agreement.	
	GCPC suggests the following amendments/ improvements to the draft Protocol:	
Great Chesterford Parish Council	Section 1- What is the protocol?. Definition of what constitutes a ‘major’ development is critical in all cases, and the draft rightly identifies that, in reality, the proposed scale of development can be less significant than where there is, for example, local controversy arising as result of unallocated green field development. Parish Councils should be informed of any case in which UDC is minded not to define a development as ‘major’ for the purposes of the Protocol so that the Parish Council concerned can make representations to UDC if appropriate.	<i>All developers of Major applications will be encouraged to sign up and embrace early engagement. However, there is no legal obligation and if they chose not to get involved that is outside of LPA hands.</i>
Great Chesterford Parish Council	Section 5 - Developers. It will be essential, in order to achieve meaningful engagement, that (1) any identified community benefits arising from the proposed development are fully carried through and implemented in the S106 Agreement; (2) the Parish Council concerned is engaged throughout the S106 procedure to ensure full delivery; and (3) once the commitment is enshrined in the S106 Agreement, the developer should be obliged to give full effect regardless of any subsequent variation, waiver or termination of any Panning condition originally imposed.	<i>All developers of Major applications will be encouraged to sign up and embrace early engagement. However, there is no legal obligation and if they chose not to get involved that is outside of LPA hands</i>

<p>Great Chesterford Parish Council</p>	<p>Section 5 - Parish Councils. Developers must not be allowed to put the onus of publicising their proposals on the Parish Council. An excellent example of misuse of the local consultation process has recently arisen in Great Chesterford where, in relation to an Outline Application for the erection of up to 134 dwellings (Planning Application UTT/20/2724/OP), the developer has relied on the Parish Council to feature outline details of its proposals on the Village website shortly ahead of submission of its Application to UDC. In this case the consultation with the local community has been wholly inadequate - at the very least, all households should have received a flier from the developer providing details of what is proposed, with full opportunity for residents to submit comments to the developer before submission of the Application. Access to a community run website does not provide a sufficient means of consultation, as anyone seeking local consultation will know: local presentations (when permitted) in Village halls, fliers, mail shots etc are all required for effective coverage, and developers should not be allowed to get away with paltry, minimal efforts and reliance on Parish Councils regarding delivery of development proposals.</p>	<p><i>Working with the developers gives the Parish / town Councils the opportunity to express to developers the best way to engage.</i></p> <p><i>However, there is no legal obligation and if they chose not to get involved that is outside of LPA hands</i></p>
<p>Great Chesterford Parish Council</p>	<p>Section 6. Third paragraph, final sentence; reference is made to 'a <i>significant</i> development proposal' - is this the same as 'a <i>major</i> development' referred to in paragraph 5, Section 1? If so, the text requires alignment.</p>	<p><i>Noted and no significant for one village / town may not be for another so a decision will need to be made.</i></p>
<p>Arkesden Parish Council:</p>	<p>Arkesden Parish Council agreed that the principle of early community engagement in planning decisions is to be welcomed. On previous substantial (for a small village) planning applications in the village, the Parish Council has always</p>	<p><i>Noted, however, there is no legal obligation and if they chose not to get</i></p>

	maintained that it would have been beneficial for all parties to have discussed the proposals and their impact on the village before the application is submitted. This new protocol seems to address this problem and the Parish Council look forward to receiving the final document and will be looking to "sign up".	<i>involved that is outside of LPA hands and therefore this may not always be possible.</i>
Clavering Parish Council:	The time frame required (2 weeks) was very short notice,	<i>I am sorry that you had a short turn around and then I have taken so long to report the consultation responses although this was a six week consultation.</i>
	that developers would not understand that the PC could still object to the full application when it came forward,	<i>Developers are fully aware that the parish / Town Council may still object when the application is submitted. However, they would have had the opportunity to meet and discuss and take into consideration their comments.</i>
	that developers would think that consulting the PC constituted full consultation with parishioners under the NPPF,	<i>Developers are aware that there is a duty to fully consult with residents as well as the Parish / Town Council who are representing the residents.</i>
	that there was an expectation of councillors being expected to be planning experts,	<i>There is no expectation that councillors should be experts. Councillors would be able to impart their local knowledge to assist the process.</i>
	that UDC officers would not be present at the meeting with parish councillors & developers,	<i>There is an expectation that UDC officers would be present at these meetings.</i>
	that there would be misreporting of the parish council's opinions.	<i>Notes of the meetings will be agreed before being made publically available and therefore this is highly unlikely.</i>

	<p>However, it was also felt that there would be a danger in not engaging as the voice of the parish, which can inform on many 'local knowledge' aspects, would not be heard at these early stages of a pre-application meeting and would then potentially be ignored at a later stage.</p>	<p><i>They would not be ignored at a later stage, however, making comments at an early stage would ensure that these could be taken into consideration prior to the application being submitted.</i></p>
<p>Felsted Parish Council</p>	<p>“Felsted Parish Council is concerned by the direction and themes within the proposed protocol. At its core there needs to be much greater emphasis on the fact that a “Made” Neighbourhood Plan forms an integral part of UDC’s Development Plan. Clearly, with a fully Made NP, there are unlikely to be scenarios where a Parish / Town Council would actively engage with a developer in discussions regarding a “significant development”, that conflicts with the Neighbourhood Plan.</p> <p>Developers when attempting devalue a NP, frequently refer to UDC’s lack of a 5 year or even 3 year HLS and quote NPPF paragraph’s 11 and 14 (which obliges an LPA to have at least a three year supply of deliverable housing sites), but they rarely recognise or take account of paragraph 11 d ii., which states “unless.....any adverse impacts of doing so would significantly and demonstrably as a whole”.</p>	<p><i>Neighbourhood Plans are an integral part of the Development Plan. Unfortunately, it is not in the power of the LPA to tell developers that they can't submit an application where it hasn't been allocated. However, engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i></p>
<p>Felsted Parish Council</p>	<p>Felsted Parish Council accepts that because of UDC’s current inability to demonstrate the obligated 3 year HLS that our Neighbourhood Plan is weakened by the NPPF paragraph’s 11 and 14. However, we will always argue vehemently that the potential “harm” done by dismissing our Made Plan should, in itself, be a material consideration in any planning decision. A Neighbourhood Plan that has taken 5 years to come to fruition, allocates housing in support of the UDC 5 year HLS target and involved comprehensive community engagement with both</p>	<p><i>Noted</i></p>

	residents and numerous other stakeholders must be recognised as a significant material consideration.	
Felsted Parish Council	It will be for UDC Planning Officers, the Planning Committee or the Planning Inspectorate to decide whether the weight of our “Made” Plan is sufficient to refuse / dismiss a planning application that conflicts with the Neighbourhood Plan. Felsted Parish Council is unwilling to contribute to or participate in such a negative process.	<i>Noted however this is giving the Parish / Town Council's to participate and share their local knowledge.</i>
Felsted Parish Council	Hence, we feel that the Community Involvement Protocol needs to recognise that where there is a fully “Made” Neighbourhood Plan, that to imply that there will be a willing Parish / Town Council engagement is disingenuous.	<i>Noted however this is giving the Parish / Town Council's to participate and share their local knowledge.</i>
Felsted Parish Council	In addition, the document appears to assume a base position where developers are altruistic in their applications to build, being open to consideration of community needs at least equal to their business requirements. The reality is that developers are businesses required by their owners/shareholders to make a profit through successful developments. They have little interest in the community in which their developments sit, other than to do enough to achieve planning permission.	<i>Noted however this is giving the Parish / Town Council's to participate and share their local knowledge. In addition, it should be noted that some recent developers have chosen to follow a similar process and have found it to work well, even if the application was refused.</i>
Felsted Parish Council	Under point 3 the protocol states that communities and other stakeholders are encouraged to contribute their views in shaping development proposals. This suggests a base position that a developer has a right to develop their chosen area and communities have only an opportunity to shape it. If they then do not engage with a developer, presumably this will be used against them in the formal planning process. Why does this section not say that a developer is obliged to engage with communities to demonstrate how a development will meet local needs and	<i>Noted. The LPA can encourage and work with developers to engage with local communities. However, the LPA are unable to 'make' it happen. By producing this protocol it is clearly showing the developers that Uttlesford want to involve the communities in any development.</i>

	<p>contribute to the community, delivering more benefit than any harm it causes? The emphasis in the protocol is 180 degrees out.</p>	
Felsted Parish Council	<p>There are many examples where developers, when submitting a planning application, attempt to demonstrate prior “community involvement” in support of the development. Local communities do not all understand the full planning process, leading many to believe that this is the time to submit comments/objections. Developer’s presentations or even their accompanying Websites are often, in effect, just a glossy brochure. They do not, for example, detail that a site might have already been rejected by UDC under call for sites, or by a Neighbourhood Plan Steering Group, nor do they explain that objections received at presentations will generally remain with the developer. Indeed, awareness of any such potentially negative public comments may well even assist the developer in circumnavigating those concerns rather than actually addressing the objection.</p>	<p><i>Noted however, by engaging early on with the developer this can be addressed and developers encouraged to include additional information and share the comments received at consultation stage.</i></p> <p><i>With regard sites previously rejected under call for sites - the most recent call for sites has closed and all sites submitted will now be reviewed. The criteria may or may not have altered which may make more sites suitable/not suitable. The details will be published in due course.</i></p>
Felsted Parish Council	<p>Rarely, do such public presentations suggest a genuine attempt to gather public opinion. In many cases the intention to submit a planning application regardless of community views has already been made driven to some extent by the developer’s financial commitment to get to that stage.</p>	<p><i>Noted however recent proposals are showing a change in this and developers are keen to engage with local communities. Early engagement is key to this process.</i></p>
Felsted Parish Council	<p>Before UDC or any PC is obliged to engage with a developer there should be a number of requirements upon the proposed development to demonstrate that it has passed an initial process of “value and worth”. These should include alignment with the draft UDC Local Plan and any Made Neighbourhood Plan. If the site has previously been considered under a Local</p>	<p><i>Unfortunately, it is not in the power of the LPA to tell developers that they can't submit an application where it hasn't been allocated. However, engaging with the developers early doesn't mean that planning permission will be granted by the</i></p>

	or Neighbourhood Planning process the result of that assessment should also be fully disclosed to the community.	<i>LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>
Felsted Parish Council	Any community engagement communications from developers should be required to carefully explain the planning process, that the engagement stage is NOT the formal UDC planning process and that any objections submitted will not be considered by UDC when the full planning application is submitted, unless they are resubmitted directly to UDC.	<i>Noted however, by engaging early on with the developer this can be addressed and developers encouraged to include additional information and share the comments received at consultation stage or at least make it clear that the comments received at consultation cannot be taken into consideration at the planning application stage.</i>
Felsted Parish Council	We suggest that, with the likely timescale for the new UDC Local Plan, Neighbourhood Plans have an increased role to play in shaping developments. The Protocol should therefore recognise a "Made" Neighbourhood Plan and this should be identified within the Protocol as the overriding and principal Development Plan for that specific community. Where a "Made Plan" exists there cannot be any acceptable "significant development" that does not accord 100% with that Plan.	<i>Unfortunately, it is not in the power of the LPA to tell developers that they can't submit an application where it hasn't been allocated. However, engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>

Felsted Parish Council	Clarity within the Protocol of UDC's clear support for Neighbourhood Plans would undoubtedly encourage those towns or Parishes without a NP to appreciate the significant value of undertaking the process.	<i>Noted - UDC do support Town and Parish Neighbourhood Plans but a NP isn't always suitable and therefore it would be inappropriate to force Parishes to have the expense and time making a NP when there would be no advantage to them.</i>
Felsted Parish Council	In order to pass the rigorous requirements of scrutiny and formal examination, a Neighbourhood Plan has already been the subject of all of the recommendations within UDC's proposed Protocol (community engagement, site assessments, engaging constructively with developers, engaging local businesses and other interested groups / organisations etc.). This is exactly what producing a Neighbourhood Plan entails.	<i>Noted - Unfortunately, it is not in the power of the LPA to tell developers that they can't submit an application where it hasn't been allocated. However, engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>
Felsted Parish Council	To aid clarity, perhaps the second paragraph should read (with the suggested additional text shown in red) "These commitments aim to ensure that Parish and Town Councils in the district, that do not have an up to date Neighbourhood Plan, are provided with genuine opportunities to shape development proposals that may affect their community before any planning applications are submitted.	<i>Noted and some wording has been added.</i>
Felsted Parish Council	In summary, we believe this document needs a considerable rethink to ensure the audience is clear and that the balance of emphasis is with full disclosure of process and information. Neighbourhood Plans must be accorded weight and priority,	<i>Noted</i>

	and there must be a requirement for developers to provide full process and site information, aiding less informed audiences and preventing them from using this protocol as a tool for marketing savvy developers.”	
Stebbing Parish Council	We agree to Uttlesford Council working to a Protocol of Community Involvement.	<i>Noted</i>
Stebbing Parish Council	We feel the principle set out is good, but the document needs to link the range of actions required of developers to the level of impact on the community.	<i>Noted</i>
Stebbing Parish Council	The 3 tier stages need a more tangible status relating to the size of a planned development.	<i>Noted</i>
Stebbing Parish Council	We have met with developers in the past, only to have our conversation misquoted to the public, by saying the council agreed with their plans when it did not. This led to mistrust and a worse relationship. We are prepared to try again but are mindful that Parish Councils are reactive bodies, representing the views of the local people. It is District Councils and higher Authorities who are proactive. Often the two clash.	<i>Notes of the meetings will be agreed before being made publically available and therefore this is highly unlikely.</i>
Stebbing Parish Council	As a small village with limited facilities, we would appreciate a more consistent approach from Uttlesford DC. Repeatedly developers refer to the regular bus service in Stebbing, when it is obvious the service is useless throughout most of the day and serves the school-run only. We have no bus service to Dunmow but that is where the nearest GP services are found. One developer said it was possible to walk to Dunmow. Such statements are clearly nonsense but appear not to be taken into consideration by the Planning Officers. Other villages have expressed similar frustrations to us.	<i>Noted</i>
Stebbing Parish Council	We feel a true look should be taken by Uttlesford DC at the impact on infrastructure when new developments are proposed	<i>Noted</i>

	i.e. roads, parking, waste, water supply, utilities, school places, health provision, and wi-fi.	
Stebbing Parish Council	Uttlesford DC already has several thousand permissions granted for development. How is the impact of these houses/people/needs taken into account when new applications are submitted?	<i>Officers consider the cumulative impact during the process.</i>
Stebbing Parish Council	We are puzzled by involving future residents. Surely, they will want the same as current residents; a nice place to live. A sound community to live in. Health and education readily accessible. Good standard roads to walk, cycle and drive on. Parking. Countryside which they can appreciate with safer walking, cycling, horse riding etc. Local sports clubs in which they are invited to participate etc	<i>Noted</i>
Stebbing Parish Council	What enforcement will be applied to developers who do not adhere to the protocol?	<i>There is no legal requirement to sign up to the protocol. However, having a document such as this protocol indicates to Developers how committed Uttlesford Council are to working with the Community as a whole. That any proposed development will need to have gone through a process. It can be used as a guide for officers and developers to provide a framework for planning performance agreements.</i>
Stebbing Parish Council	How will changes be communicated and agreed?	<i>Meetings / correspondence and any amendments will be shared and agreed or objections noted.</i>
Stebbing Parish Council	Stebbing is in the closing stages of producing a robust Neighbourhood Plan where residents were regularly consulted,	<i>Noted - Unfortunately, it is not in the power of the LPA to tell developers that</i>

	and lifetime experiences bear witness as to what is and is not possible regarding growth in this village. It should form the basis for future development in the village.	<i>they can't submit an application where it hasn't been allocated. However, engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>
Debden Parish Council:	The development of a Protocol for procedures on Planning Applications and the involvement of the community at an early stage, is welcomed by Debden Parish Council, which takes a great interest in planning matters.	<i>Noted.</i>
Debden Parish Council:	Debden is a small community with a village hub and a considerable number of dwellings in hamlets or set on their own. The Parish Council is certainly not averse to growth, so that the community can remain diverse, with a mixture smaller dwellings, for older people downsizing, who would not qualify for "affordable" homes and "affordable" dwellings to assist those, young and older, to live in a place where the housing cost is above the national average, but on a scale conducive to encouraging immediate acceptance by the existing population, rather than a large development imposed on it.	<i>Noted.</i>
Debden Parish Council:	It is noted that the Protocol will support a Tier System of applications, whereby it will be used not only with large applications but also where developments may not be on a	<i>Noted.</i>

	large scale, but may have a large impact on the community. It is intended to enable the Planning Authority and Developers to gauge the feelings of the community. They may be surprised at the strength of support or opposition the application may engender, and it seems the aim of the Protocol is to bring parties together, at the early stages with a view to overcoming any difficulties.	
Debden Parish Council:	It is noted that there will be key time stages, which is beneficial to all concerned, removing uncertainty for long periods.	<i>Noted.</i>
Debden Parish Council:	Although the commitments to which the Town and Parish Councils are requested to sign up appear innocuous enough, despite the disclaimer in the “NB” sentence at the end, they do seem to be geared towards assisting the developer in overcoming any objections to the development taking place at all.	<i>Noted - Engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>
Debden Parish Council:	The commitments of the developers are on the whole to communicate with the community, with named individuals.	<i>Noted.</i>
Debden Parish Council:	The Council's commitments appear to be to assist the development in coming to fruition, and to encourage developers to enhance the community, by agreeing benefits under s106 Agreements	<i>Noted however, the protocol is not aimed at assisting the development come to fruition. The protocol is to encourage developers to start an early discussion with local communities.</i>

		<i>Engaging with the developers early doesn't mean that planning permission will be granted by the LPA. Developers are aware of this and may decide that they will engage with the LPA and stakeholders and if the application is refused, take the application to appeal. Therefore, engaging at the early stage will still enable Parish and Town Council's to have some input in case the appeal is overturned.</i>
Debden Parish Council:	One of the main objections to a development is usually lack of infrastructure. It is noted that the County Council is not involved in this Protocol. It is appreciated that this is out of the council's hands, but will the County Council be encouraged to participate?	<i>Stakeholders include County and therefore yes it is anticipated that County will also be encouraged to be involved.</i>
Debden Parish Council:	What are the proposals to encourage developers to sign up to the Protocol?	<i>Developers will asked to sign up to the protocol and once they can see the benefits then this will encourage others to do the same.</i>
Debden Parish Council:	What are the consequences for any party not complying with the Protocol, once they have agreed to it?	<i>There is no legal requirement to sign up. The Parish / Town Council would probably find that by not engaging early or breaking off could see a development which is not as they would have hoped.</i>
Debden Parish Council:	How will the Government's White Paper on Planning for the Future affect the Protocol? It is understood there are to be planning permissions granted on an automatic meeting of criteria, and s106 Agreements will be discontinued?	<i>Noted and unable to comment at this time.</i>

<p>Saffron Walden Town Council</p>	<p>Description of tiers</p> <p>This is helpful and whilst not a definitive description, this seeks to broadly identify scenarios</p> <p>Who will determine the tiers? What is the process to resolve disagreement between the parties on what is and is not a major development?</p>	<p><i>UDC will determine the tiers which will take into account things like cumulative impact.</i></p>
	<p>Description of tiers</p> <p>Good description but why does this protocol only apply to significant developments. What about insignificant development?</p> <p>Need to clarify process for other planning matters or developments.</p>	<p><i>Noted</i></p>
	<p>Para in red</p> <p>Suggest retention of para</p> <p>You could make this happen by ensuring involvement of the younger generation, the future residents and occupants of property in the district. Failure to engage this this demographic may lead to an increased migration of younger people.</p>	<p><i>Noted and will review other respondents' comments before recommendation is made.</i></p>
	<p>1st para</p> <p>Confusing, sentence is too long</p> <p>Reword to shorten and therefore make more meaningful and effective.</p>	<p><i>Noted and has been reworded.</i></p>
	<p>1st para</p> <p>Reference to the SCI – include a link here to the document</p>	<p><i>Noted, agreed and link added.</i></p>

	Link to SCI	
	Red text Presume this is a note to self for an action to be taken? Please clarify	<i>Noted</i>
	The Protocol - Developers	
	Under “produce and progress a Community Involvement Plan” Sentence appears unfinished: “ <i>Process for reviewing and reporting on the community involvement process</i> ”. Complete text	<i>Noted</i>
	Under “produce and progress a Community Involvement Plan” No reference given to comments or recommendations made by 3 rd parties which will not be progressed, there should be an agreed mechanism for identifying items not being progressed with the developer providing rationale for their decision. Include feedback on items raised which the developer is not progressing.	<i>Noted and recommend that we include reference to a statement of common ground which would include items which are raised but all parties but aren't agreed by all.</i>
	Pre app publicity No reference given to comments or recommendations made by 3 rd parties which will not be progressed, there should be an agreed mechanism for identifying items not being progressed with the developer providing rationale for their decision. Include feedback on items raised which the developer is not progressing	<i>Noted</i>
	Under “produce and progress a Community Involvement Plan”	<i>Noted</i>

	<p>UDC should hold this list and provide an indicative list of stakeholders to the developer.</p> <p>Refer to other strategies for guidance but importantly ensure that any single significant development includes consultation with the relevant people at the relevant time.</p>	
	<p>Under “produce and progress a Community Involvement Plan”</p> <p>The steer and direction of community involvement and engagement should not be led by the developer but by UDC and the community</p> <p>UDC must adopt a stronger and more robust position; it should mandate the minimum process to be followed by developers</p>	<p><i>There is no legal requirement to sign up to the protocol. However, having a document such as this protocol indicates to Developers how committed Uttlesford Council are to working with the Community as a whole. That any proposed development will need to have gone through a process. It can be used as a guide for officers and developers to provide a framework for planning performance agreements.</i></p>
	<p>Under “produce and progress a Community Involvement Plan”</p> <p>With reference to S106 “clarification of how the community and other stakeholders will be able to influence benefits ... S106</p> <p>The developer should not take the lead on this – it must be the planning authority.</p> <p>UDC must adopt a stronger and more robust position for S106 and inform the stakeholders on what is and is not possible.</p>	<p><i>Noted this is already being reflected in day to day work and the dialect will be altered to reflect this.</i></p>
	<p>Under “produce and progress a Community Involvement Plan”</p> <p>If including reference to S106 agreements, a brief definition of S106 should be included in footnotes.</p>	<p><i>Noted</i></p>

	Include definition of S106. I see it is in the glossary but a footnote advising of this would be helpful.	
	The Protocol – The Council	
	Some bullet points are in the wrong context. So “establishing” should be “establish”, “Agreeing” should be “agree” “Helping” should be “help” etc Amend	<i>Noted</i>
	Protocol advises UDC will ensure elected members are up to date on proposals in their wards How will this be communicated? Through Members’ briefings? Can this same process be used for town and parish councils?	<i>Ward Members are informed of applications by way of email notification on validation of the application and they will be invited along to the meetings as part of the process - as will Parish / Town Councils.</i>
	Contributing to discussions ... S106 As noted above, this is backwards. The LPA should take the lead, not the developers UDC must adopt a stronger and more robust position for S106 and inform the stakeholders on what is and is not possible.	<i>Noted.</i>
	“Town and Parish Councils” “Acknowledge and respect the rights of all stakeholders to express their views” This should also apply to the commitment of the developer and UDC (it is also in the requirements of the Ward Councillor)	<i>Noted and will be amended.</i>
	Making the protocol work The protocol is voluntary and there appears to be little incentive for the developer to enter into the protocol. What are the rewards for doing it or ramifications of not?	<i>Noted although the incentive is that they are following a process which is transparent and gives them the opportunity to listen before submitting an</i>

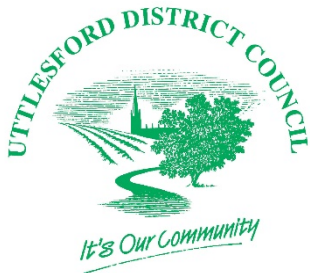
	Could a financial reward be offered to any developer who subscribes to the protocol? I.e. 5% reduction in planning fee?	<i>application which of course may not be approved but has a much greater chance.</i>
	Pre-app meetings Thank you to UDC for inclusion of District and Town/Parish Councils to pre-app discussions. This will be an excellent way forward and will help to identify problems, issues or concerns at an early stage of the process. None – thanks to UDC for inclusion	<i>Noted</i>
	General comments	
	No reference given to record keeping. How will records of meetings be kept and how will UDC ensure openness and transparency of process? Clarify process for record keeping Clarify if minutes from meetings will be public	<i>Noted and to be discussed as on occasions there may be a need for confidentiality.</i>
	The community engagement process appears to be very linear whereas community engagement is cyclical and continuous. Reference should be made to best practice for examples Incorporate ideas from the community planning tool kit: Communityplanningtoolkit.org Or utilise ideas from Planning for Real: Planningforreal.org.uk	<i>Noted and will be reviewed.</i>
	Avoid splitting of words as this makes text difficult to read Do not split words at the end of a line – this applies to all of the document	<i>Noted</i>
	No page numbering	<i>Noted</i>

	Number the pages so that the document is easier to navigate and reference	
Thaxted Parish Council	Description of tiers	
	<p>This is helpful and whilst not a definitive description, this seeks to broadly identify scenarios</p> <p>Who will determine the tiers? What is the process to resolve disagreement between the parties on what is and is not a major development?</p>	<i>UDC will determine the tiers which will take into account things like cumulative impact.</i>
	<p>Good description but why does this protocol only apply to significant developments. What about insignificant development?</p> <p>Need to clarify process for other planning matters or developments.</p>	<i>Noted</i>
	<p>1st para</p> <p>Reference to the SCI – include a link here to the document</p> <p>Link to SCI</p>	<i>Noted and agreed</i>
	The Developers	
	<p>Under “produce and progress a Community Involvement Plan”</p> <p>No reference given to comments or recommendations made by 3rd parties which will not be progressed, there should be an agreed mechanism for identifying items not being progressed with the developer providing rationale for their decision</p> <p>Include feedback on items raised which the developer is not progressing</p>	<i>Noted and recommend that we include reference to a statement of common ground which would include items which are raised but all parties but aren't agreed by all.</i>

	<p>Under “produce and progress a Community Involvement Plan”</p> <p>UDC should hold this list and provide an indicative list of stakeholders to the developer</p> <p>Refer to other strategies for guidance but importantly ensure that any single significant development includes consultation with the relevant people at the relevant time</p>	<p><i>Noted however this list would need to be continually reviewed and updated. Therefore time consuming and potentially out of date before it is finished. However, added 'to be agreed with the LPA and Parish / Town Council' thus ensuring the relevant stakeholders have been identified.</i></p>
	<p>Under "produce and progress a Community Involvement Plan"</p> <p>The steer and direction of community involvement and engagement should not be led by the developer but by UDC and the community</p> <p>UDC must adopt a stronger and more robust position; it should mandate the <i>minimum</i> process to be followed by developers</p>	<p><i>Noted. The LPA can encourage and work with developers to engage with local communities. However, the LPA are unable to 'make' it happen. By producing this protocol it is clearly showing the developers that Uttlesford want to involve the communities in any development.</i></p>
	<p>Under "produce and progress a Community Involvement Plan"</p> <p>The developer should not take the lead on this – it must be the planning authority in collaboration with the local parish or Town authority.</p> <p>Land Trusts should also be engaged to ensure longevity of all available S106/CIL benefits.</p>	<p><i>Noted. Now added 'to be agreed with the LPA and Parish / Town Council' thus ensuring the relevant stakeholders have been identified.</i></p>
	<p>Under "produce and progress a Community Involvement Plan"</p> <p>If including reference to S106 agreements, a brief definition of S106 should be included in footnotes.</p>	<p><i>Noted and added a footnote.</i></p>

	<p>Might this be replaced By CIL (which UDC have discussed in the past), exploration of the differences and if both are used, by UDC, why?</p> <p>Include definition of S106. I see it is in the glossary but a footnote advising of this would be helpful.</p>	
	<p>The Council</p> <p>Protocol advises UDC will ensure elected members are up to date on proposals in their wards How will this be communicated? Through Members' briefings? Can this same process be used for town and parish councils?</p>	<p><i>Ward Members are informed of applications by way of email notification on validation of the application and they will be invited along to the meetings as part of the process - as will Parish / Town Councils.</i></p>
	<p>Making the protocol work</p> <p>Our concerns are around the protocol being 'voluntary' ' What provisions are being considered to encourage development engagement? Could a reduction in planning fee's be suggested to those who engage with the protocol?</p>	<p><i>Noted although the incentive is that they are following a process which is transparent and gives them the opportunity to listen before submitting an application which of course may not be approved but has a much greater chance.</i></p>
	<p>Pre-app meetings</p> <p>Thank you to UDC for inclusion of District and Town/Parish Councils to pre-app discussions. Will however parish councils be able to participate at the formal pre-app stage? Specific inclusion reference participation.</p>	<p><i>This protocol is for the process of the application from pre-app - where there is a pre-app.</i></p>

Agenda Item 7



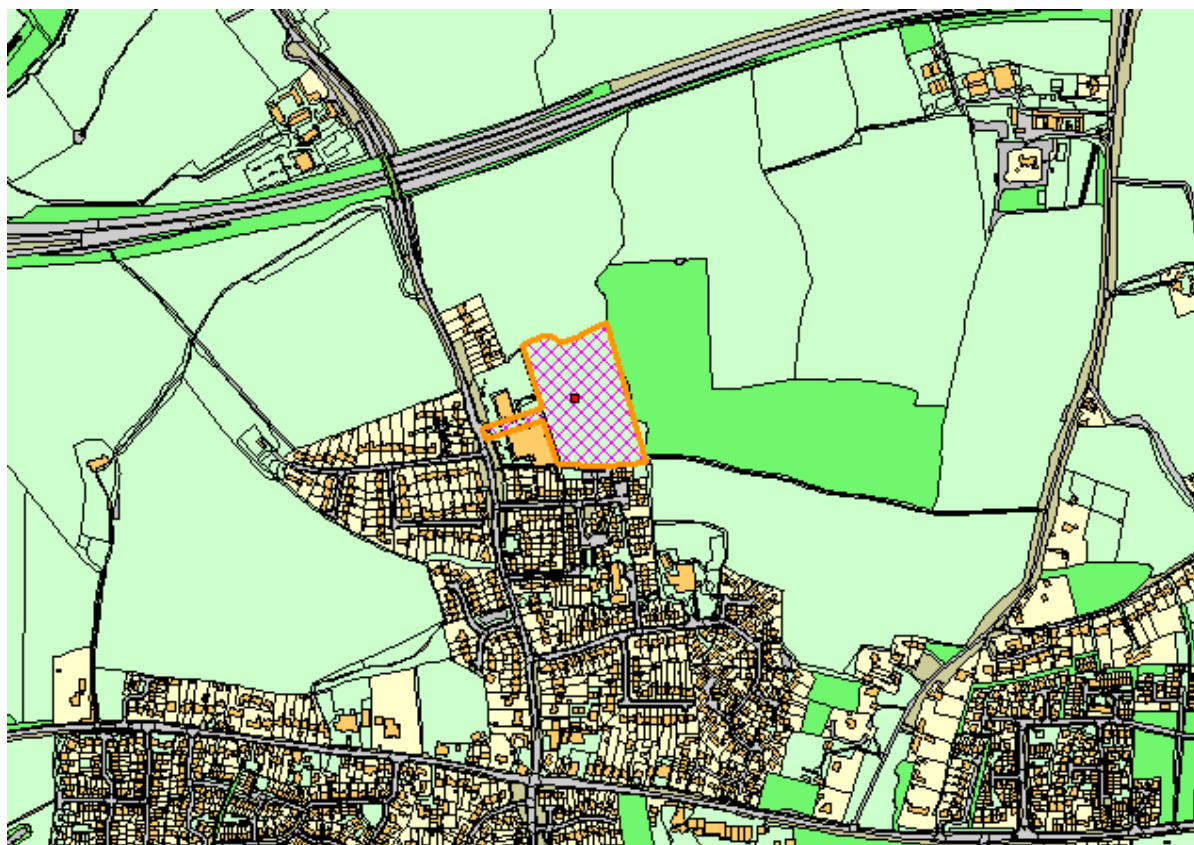
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/2744/FUL

LOCATION: Land Known As 7 Acres, Warish Hall Farm, Parsonage Road, Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2023

PROPOSAL: **Erection of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.**

APPLICANT: **Weston Homes PLC**

AGENT: **Mr Jarrod Spencer**

EXPIRY DATE: **10 January 2023**

EOT Expiry Date

CASE OFFICER: **Laurence Ackrill**

NOTATION: **Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood); Contaminated Land Historic Land Use; Within 6km of Stansted Airport; Within 2KM of SSSI; County and Local Wildlife site (Priors Wood).**

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

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought for the construction of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.

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. The site is located outside development limits and is also located within the Countryside Protection Zone (CPZ).

1.3 As the proposals cannot be tested against a fully up-to-date Development Plan, 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 application was reviewed at the Planning Committee meeting on 8th of February 2023. Members resolved to refuse the application. However,

the reasons for doing were unclear. A planning authority should only refuse a planning application on the basis of good planning reasons, where this serves a sound and clear planning purpose. As such, this matter required clarification and a decision notice was not issued on this matter.

1.5 Following the committee meeting on the 8 February, additional information and clarification had been sought on matters raised by members namely:

- An extension of the option period offered by the applicant to for NHS Hertfordshire & West Essex ICB to take up the site of the health centre, and clarification of the likelihood of that option being taken up.
- Reconsideration of the layout, including clarification of the proposed development with the adjacent Ancient Woodland.
- Further clarification from ECC Highways on the infrastructure impacts of the proposal.

It was considered that the additional information being gathered by officers and provided by the applicant was material to the application and as such the application was reported back to the Committee for consideration in light of this information.

1.6 The application was subsequently deferred at the Planning Committee meeting on 8th of March 2023 to enable further discussions and clarification to be undertaken with the CCG/NHS regarding the potential of local General Practitioners taking up the option of the site and whether the length of time provided this option is to be provided (5 years) would be a reasonable timeframe. Discussion also took place regarding the provision of a link footpath from the Public Right of Way that traverses across the southern boundary of the site to the medical centre to improve connectivity.

1.7 As such, the proposal has been amended following the deferral of the application from the 8th of March 2023 Planning Committee, with a footpath link now being provided as part of the scheme. Further discussions have also taken place the NHS/CCG, who continue to be in support of the proposal.

1.8 The proposals would bring public benefits by the longer-term employment provision from the business park extension and the provision of a medical facility. Furthermore, weight has been given to biodiversity net gain, improvements to transport infrastructure and on-site energy generation from low-carbon sources. The development would provide social and economic benefits in terms of the construction of the buildings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.

1.9 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 development.

1.10 It should be noted that on 17 March 2023; the applicant gave notice to PINS of its intention to appeal against non-determination of this matter. The applicant has agreed to hold in abeyance this intention until the conclusion of this Committee's consideration of this application at this meeting.

2. **RECOMMENDATION**

2.1 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) 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 proposals cannot be tested against a fully up-to-date Development Plan 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 of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located to the north-east of Takeley and comprises predominantly agricultural land, known as '7 Acres'. The site area measures approximately 2.3ha and has a largely flat gradient.

3.2 There is commercial development immediately to the west of the site, with vehicular access onto Parsonage Road. This adjacent site is designated as a Key Employment Area within the Local Plan. To the east of the site is Ancient Woodland (Priors Wood), which is also designated an important woodland and county wildlife site within the Local Plan. South of this is residential development and a public right of way runs along the southern boundary of the site.

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 and is also located within the Countryside Protection Zone.

4. PROPOSAL

4.1 Full planning permission is sought for the erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking. The proposed buildings would provide 3568sqm of flexible employment space, including a 581sqm building dedicated for use as a Medical Centre.

4.2 Access to the site would be through the adjoining employment site to the west, through an extended estate road, with on-site parking provision.

4.3 The development site would feature a 15m buffer zone to the Ancient Woodland of Prior's Wood and an outdoor amenity space for employees within the estate.

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

- UTT/21/1987/FUL - 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 employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane,

east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.

- UTT/22/2134/FUL - Proposed change of use of land to create extension to the existing car park serving the Weston Group Business Hub and Weston Innovation Centre, including 124no. car parking spaces with associated access and landscaping. - Weston Business Centre Parsonage Road Takeley Bishops Stortford, CM22 6PU. – Approve with conditions – 13/10/2022.

Adjoining Sites

- 6.2
- UTT/0761/01/OP - Erection of a two storey building for class B1 (business) - Factory Building On Part Of Zellweger Site - Former Neotronics Building Parsonage Road Takeley - Approve with Conditions – 11/10/2001.
 - UTT/17/1854/FUL - Demolition of Skyway House and erection of a two storey office building for use within Class B1a, provision and reconfiguration of car parking, and alterations to vehicular accesses - Skyways House Parsonage Road Takeley - Approve with Conditions – 17/01/2018.
 - UTT/21/2488/OP - Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure - Land East Of Parsonage Road Takeley - Approve with Conditions – 09/11/2022.

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. No prior discussion has taken place with the Local Planning Authority prior to the submission of this current application. However, the site formed part of a previous application where commercial and community uses were provided on the same parcel of land. As such, it can be considered that the following consultation events have been held by the applicants:

- UTT/20/2531/PA: Re-development of the following land parcels at Warish Hall Farm; Jacks - 2 Hectares Bull Field - 4 Hectares 7 Acres - 2.2 Hectares Initial proposal of up to 100 dwellings and 400 sqm of light industrial / commercial development.

- Distribution of leaflets to local residents, online public consultation, follow-up online public consultation, consolidation and application of public comments, notices erected around the site and a public exhibition.

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 Highways Agency – No Objection.

8.2.1 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.

8.3 Local Flood Authority – No Objection.

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

8.4 Natural England – No Objection.

8.4.1 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

9. Takeley Parish Council Comments - Object

9.1 Resolved to object on the following grounds:

- Harm caused to the CPZ and countryside.
- Harm to the adjacent Woodland.
- Concerns regarding design.
- Drainage issues.
- Highways impact and access concerns.

10.1 CONSULTEE RESPONSES

10.2 UDC Environmental Health – No Objection.

10.2.1 This service has reviewed this application and whilst there is no objection in principle, subject to a condition relating to a further noise assessment should be carried out to assess the likely impact of noise from plant, machinery, and general noise from the use of the site.

- 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 Conservation Officer – No Objection.**
 - 10.4.1** It is considered that the proposals would result in no harm to the significance of any heritage assets
- 10.5 Archaeology Place Services – No Objection.**
 - 10.5.1** No objection, subject to conditions, including an Archaeological Programme of Trial Trenching followed by Open Area Excavation.
- 10.6 ECC Infrastructure – No Objection.**
 - 10.6.1** No contributions are sought from commercial development.
- 10.7 Place Services (Ecology) – No Objection**
 - 10.7.1** No objection subject to securing biodiversity mitigation and enhancement measures.
- 10.8 Minerals and Waste Planning – No Objection.**
 - 10.8.1** Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.
- 10.9 Aerodrome Safeguarding – No Objection.**
 - 10.9.1** No aerodrome safeguarding objections to the proposal subject to conditions.
- 10.10 NATS – No Objection.**
 - 10.10.1** NATS have no safeguarding objections to the proposal.
- 10.11 Thames Water – No Objection.**
 - 10.11.1** Thames Water have no objection to this application subject to the inclusion of informatives.
- 10.12 Woodland Trust – No Comments Received.**
- 10.13 UDC Economic Development Manager – Support.**

10.13.1 In 2016 The Council's Economic Development Team commissioned a report which highlighted the shortage of commercial land and premises across the district. In 2021 the Council's Local Plan Team commissioned the Employment Needs and Economic Development Study which similarly highlighted the shortage of commercial land and premises and also the unmet demand in the area surrounding the airport for industrial units. I would strongly support an increase in commercial / industrial units in the area surrounding the airport.

10.14 NHS Hertfordshire and West Essex – Support.

10.14.1 I have met with a couple of the General Practice managers now and reviewed the local situation which indicates we do require more space to deliver to the population, we therefore do not want to pass up an opportunity if the application is approved. As Takeley is in the middle of our current surgeries there is potential that we have this as a joint venture for the South Uttlesford PCN (Primary Care Network) as opposed to a whole practice take over in the area.

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.

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

11.2 Summary of Objections

- Impact on the countryside character and policy S7
- Impact on the Countryside Protection Zone and policy S8
- Impact upon highway congestion and highway safety
- Reduction of green spaces
- Impact on heritage assets
- Lack of infrastructure
- Loss of agricultural land
- Inaccurate info within transport survey
- Lack of parking
- Impact on drainage and flooding
- There is no need for employment space
- Impact on property values (Officer comment: this is a purely private matter and not a material planning consideration).

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.5 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)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local 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
E1 – Distribution of Employment Land
E2 – Safeguarding Employment Land
E3 – Access to Workplaces
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

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Countryside Impact**
 - D) Design & Neighbouring Amenity**
 - E) Heritage impacts and Archaeology.**
 - F) Access and Parking**
 - G) Nature Conservation & Trees**
 - H) Climate Change**
 - I) Contamination**

- J) Flooding**
- K) Air Quality**
- L) Planning Obligations**

14.3 A) Background

14.3.1 This application follows on from an application under reference UTT/21/1987/FUL that included this part of the site. That proposal involved a 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 employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes. The application was refused permission for the following grounds:

1. The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development.
2. The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development.

3. The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.
4. The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development.

14.3.2 The proposal was subsequently dismissed at appeal, with the Planning Inspector concluding that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, that it would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits.

14.3.3 In order to overcome the concerns in respect of this refused / dismissed scheme the site area has been reduced, with this scheme now including only the '7 Acres' part of the site, involving the commercial extension to the business park. As such, the scheme is materially different to that of the previous proposal.

14.4 B) Principle of Development

Provision of Employment Space

14.4.1 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 help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

14.4.2 Policies within Chapter 4 'Economic Activity' of the Local Plan 2005, seek to ensure that provision is made for enough land to meet the structure plan requirement and enable the expansion of existing firms and the introduction of new employment; to ensure that a range of employment opportunities is available at key locations across the district and that alternative employment exists other than in the concentration on the airport at Stansted; to enable opportunities for local employment close to where people live, which may potentially reduce travel to work and to ensure that development is accessible to all.

14.4.3 The proposed development will provide 3 new units for flexible Class E purposes, totalling 3568 sqm (GIA). The proposal has been developed to

meet the needs of various types and sizes of occupiers and will secure the development of this vacant site and contribute to the delivery of high-quality employment floorspace in Uttlesford.

- 14.4.4** The Council's Economic Development Team have been consulted as part of the application and are supportive of the provision of such employment space in this location and do not consider that such provision would undermine the use of the existing Key Employment Area. As also noted by the Planning Inspector as part of the previous appeal *'the longer-term employment provision from the business park extension are significant public benefits and attract significant weight.'* As such, the proposal would be in line with the overarching objectives of adopted policy in supporting economic growth in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Healthcare Facilities

- 14.4.5** Of the total floor space provision, a 581sqm building dedicated for use as a new Medical Centre that would to serve existing and new patients, allowing for improved care and treatment. One of the overarching objectives of the Uttlesford Local Plan is 'to improve the health of the community.'

- 14.4.6** A Medical Centre was included as part of the previous application and whilst the current application does not involve additional residential units, the need for the Medical Centre was not raised as a concern by the Clinical Commissioning Group (CCG) who were consulted as part of that application, nor the Inspector who considered the 2022 appeal.

- 14.4.7** The Medical Centre would be offered to CCG for their use. At the time of writing the CCG was not able to confirm if a provider that would be willing to take up the space. However, they did advise that forecasted growth will significantly increase pressure on local health services. As such, it is not considered that the inclusion of the Medical Centre would undermine the delivery of health facilities within Takeley or the wider area. In addition, it is noted that this was not raised as a going concern by the CCG as part of the previous application, nor raised as an issue by the Planning Inspector as part of the appeal. Therefore, the delivery of the Medical Centre would be in accordance with the overarching objectives of the Local Plan in supporting improved healthcare facilities for the community and would be a significant benefit of the proposed development.

Development Limits

- 14.4.8** 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.

- 14.4.9** 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.
- 14.4.10** 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.
- 14.4.11** Although outside the 'development limits' of Takeley as designated by the Local Plan, the new built form would be constructed towards the north-eastern edge of the settlement and adjoining an existing 'Key Employment Area', therefore the proposals provide a logical relationship with the existing settlement and employment uses. 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.

Countryside Protection Zone

- 14.4.12** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside
 - b) It would adversely affect the open characteristics of the zone.
- 14.4.13** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the 'protection' afforded to the CPZ in Policy S8 is not the same as the Framework's 'recognition'.
- 14.4.14** The application site is currently agricultural land with planting around the boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors

Wood and the A120 creates a barrier between the proposed development and Stansted Airport.

- 14.4.15** As noted above, a material consideration is the appeal decision, as highlighted within planning history section of this report (APP/C1570/W/22/3291524), which relates to development at the site being within the Countryside Protection Zone.
- 14.4.16** The Planning Inspector as part of that appeal noted that *‘7 Acres has planting around the boundaries... While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield. (Para 30).*
- 14.4.17** Furthermore, at para 32, the Inspector considered that *‘in terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.’*
- 14.4.18** *‘While the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.’ (Para 33).*
- 14.4.19** Given the proposal in relation to the 7 Acres has not changed significantly since the previous application, it is considered that the proposal would result in in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

Loss of Agricultural Land

- 14.4.20** 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”.
- 14.4.21** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.4.22** 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.

- 14.4.23** 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.
- 14.4.24** 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.
- 14.4.25** No assessment of alternative sites of a poorer quality of agricultural category has been undertaken, as required by Policy ENV5. However, it is also noted that this lack of assessment of alternative sites was not included as a reason for refusal as part of the previous application in relation to the site; neither was it highlighted as a concern by the Planning Inspector when the appeal was determined. Accordingly, 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.

Policy Position

- 14.4.26** As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.4.27** 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.
- 14.4.28** The introduction of built form in this location would result in some harm to the openness and character of the rural area and therefore would be contrary to the aims of policy S7 and S8. However, as noted by the Planning Inspector as part of the previous appeal relating to the site, *7 Acres 7 Acres 'is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the*

appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.’ In addition, given ‘the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.’ Therefore, the proposal would not be considered to result in significant coalescence between the airport and existing development in the surrounding countryside.

- 14.4.29** As the proposals cannot be tested against a fully up-to-date Development Plan and that policies ENV5, S7 & S8 are not fully consistent with the NPPF, conflict with such policies should be given moderate weight. The proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and, therefore, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5 C) Countryside Impact

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.5.4** 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.
- 14.5.5** 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 respond to the historic settlement pattern, especially scale and density, and that the use of materials, and especially colour, should be appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

14.5.6 As noted by the Planning Inspector's comments in relation to the site as part of the previous appeal, *'the site which comprises 7 Acres... is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.'* (Para 22).

14.5.7 Given that the proposed scheme has not changed significantly in relation to the proposed development on the site of 7 Acres, and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be 'minimal', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

14.6 D) Design & Neighbouring Amenity

Design

14.6.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.6.2 The proposed development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.

14.6.3 The buildings would be 2no. commercial storeys, ranging from 7.75m to 9.32m in height, which will facilitate a variety of potential tenants and meet the servicing needs.

14.6.4 The units are laid out logically and functionally, with clearly demarcated entrances, delivery and service areas and separate, safe pedestrian approaches, with areas for soft landscaping. The employment units would

be finished predominantly in profiled metal cladding, whilst the medical centre would be largely finished in brick, the final details of which would be secured by way of condition.

- 14.6.5** The proposal also involves the creation of an outdoor amenity space for employees within the estate southern part of the site. The amenity area will be spacious and a predominantly green landscaped area that would provide both benefits to the scheme in terms of its visual appearance and also to the well-being of employees, along with a 15m buffer being maintained between the edge of the development and the Ancient Woodland.
- 14.6.6** Overall, the proposed development would have a high quality multi-functional employment space, providing an appropriate extension to the existing employment site to the west of the site. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

Neighbouring Amenity

- 14.6.7** 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.
- 14.6.8** As noted above, the proposal would be up to two storeys in scale, ranging from 7.75m to 9.32m in height. The proposed site would be located due north of the 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. The closest building to the residential units to the south would be over 25m away from the medical centre building.
- 14.6.9** The proposed commercial buildings would be separated from the closest residential properties to the north, approved as part of application UTT/21/2488/OP, by at least 10m to the common boundary between the 2 sites and would also be screened by east by existing strong planting that borders the two sites.
- 14.6.10** In terms of noise, the Council's Environmental Health Team have been consulted as part of the application and consider that a further noise assessment would be required to be carried out to assess the likely impact of noise from plant, machinery and general noise from the use of the site, to determine the likely noise impact of the proposal, whether the proposals are acceptable and what level of noise from plant and machinery would be acceptable. The Environmental Health Team consider that this could be adequately restricted by way of condition and relevant assessments provided prior to the occupation of the units.

14.6.11 The hours of use of the site would be restricted by way of condition to reasonable times, similar to those approved in relation to the existing employment area that adjoins the site, to ensure that the use of the site would not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

14.6.12 Given the generous spacings between the proposed buildings within the development to that of the closest neighbouring residential developments and the restrictions on potential noise emanating from the site by conditions, 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.

14.7 E) Heritage impacts and Archaeology

14.7.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve, and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.2 There are no designated or scheduled heritage assets within or immediately adjacent to the proposed development site that would be impacted upon. It is noted that a reason for refusal as part of the previous application involving the site included the harm caused setting of several designated and non-designated heritage assets. However, this was in relation to a separate parcel of land that is not included within this application. The ECC Historic Environment Team have been consulted as part of the application and have confirmed that the proposals would result in no harm to the significance of any heritage assets. As such, the proposal overcomes the previous reason for refusal in relation to harm to heritage assets and the proposal would therefore comply with policy ENV2 of the Local Plan.

14.7.3 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.

14.7.4 The site is not located within or adjacent to an archaeological site. An Archaeological Evaluation Report has been submitted as part of the application, where no features of archaeological interest were encountered. Despite the potential for the site to contain archaeological remains, as highlighted by the archaeological desk-based assessment that identified many known archaeological sites in the surrounding area,

the evaluation demonstrated that the site has been peripheral to areas of human settlement and has largely been used for farming since at least the post-medieval period.

14.7.5 The ECC Place Services Archaeology Team have reviewed the submitted detail and do not consider that any further information is required, and the proposed development is acceptable with regards potential archaeological impacts. As such, the proposal would comply with policy ENV4 of the Local 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 Policy GEN8 also states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards". This states a maximum of 1 space per 35m². Moreover, the ECC also provides maximum vehicle parking standards in relation to office use development, of 1 space per 30m².

14.8.3 The primary access serving the site is from Parsonage Road to the west. In order to facilitate this access, the existing Weston Homes car park is to be modified, so that vehicles are afforded access to the proposed site.

14.8.4 The ECC Highways Authority have been consulted as part of the application and advise that the impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA (Microprocessor Optimised Vehicle Actuation) which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.

14.8.5 Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.

14.8.6 Moreover, the National Highways Team have also been consulted as part of the application and have advised that, due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

14.8.7 Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

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 Prior's 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). However, given the proposal does not involve the provision of residential units, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

14.9.4 The ECC Place Services Ecology Team have been consulted as part of the application and support the proposed reasonable biodiversity compensation and enhancement measures including the planting of a native hedgerow on the western boundary, installation of bird and bat boxes as well as new tree and shrub planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

14.9.5 It is noted that The Woodland Trust have been consulted as part of the application but have not provided any comments. Nevertheless, it is noted that objections were raised by the Trust in relation to previous application involving the site. As part of the objection to the proposed development, a request was made for there to be 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 Prior's Wood in respect of any resulting loss or deterioration.

14.9.6 As part of the previous application involving the site, it is noted that there was a reason for refusal as part of that application relating to the lack of mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. However, this element was assessed by the Planning Inspector as part of the subsequent appeal, who considered that as *'there would be no incursion into the root protection area and no harm to trees would result.'*

14.9.7 The Inspector then went on to state that they were *'content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior's Wood Management Plan.'* Whilst a Management Plan has not been provided as part of this application, the proposed road and cycleway as referred to above do not form part of this application. There would be a footpath within the 15m buffer zone. However, this would only comprise a narrow gravel path. In any case, the proposal would be subject to the submission of a landscape and ecological management plan to ensure there would be no adverse effects upon the Ancient Woodland.

14.9.8 Given the above, refusal of the application on the grounds of harm caused to the Ancient Woodland could not be sustained as there would be no conflict with Policy ENV8 or the Standing Advice issued by Natural England and The Forestry Commission, therefore the proposal is acceptable in this regard.

Trees

14.9.9 No individual trees, tree groups, or woodland will require removal to implement the proposed development. Approximately 80m of hedgerow H5, a low quality (Category C) that is dominated by blackthorn, will require removal to allow the proposed development to be implemented. However, it is noted that the same hedgerow was proposed to be removed as part of the previous application at the site and that the ECC Place Services Ecology Team noted that such losses would be mitigated by proposed new tree and hedge planting, as shown on the submitted Landscape Masterplan. The finer details of which would be secured by way of condition.

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.

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 applicant would be committed to meeting the requirements of Part G of building regulations, as well as installing a number of renewable energy measures such as through the use of PV Panels. However, the full extent of the sustainable measures would become clearer prior to the fit out of the proposal. As such, a condition relating to the installation of sustainable energy measures is to be attached.
- 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** The applicant has provided a The Phase 1 investigation that does not identify any pollutant linkages. No remediation of the site is expected to be required to make the site suitable for use. The Council's Environmental Health Officer has been consulted on the application and notes that there is no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, a condition is to be attached to ensure that if any land contamination identified, the site shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.
- 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 Council's 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 developments need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.12.4** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.
- 14.12.5** The proposals, for this reason is 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 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 a mitigation scheme to ensure dust from demolition and construction is controlled in accordance with IAQM's Guidance.
- 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.

- A financial contribution of £280,000 towards improvements to enhanced bus services.
- A financial contribution of £50,000 (index linked) to fund design and implementation of improvements to the signalised junction of the B1256/B183.
- A financial contribution of £6,132 (plus the relevant sustainable travel indexation) for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.
- Healthcare Facility Land Option to CCG.

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 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.

- 16.2** In respect to addressing the benefits of the development, the proposal for a large-scale employment use and the employment opportunities that would be created as a consequence carries significant weight and the socioeconomic benefits which carry moderate weight.
- 16.3** The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment, as well as education and training. It would not undermine the delivery of health facilities within Takeley and the wider district, and the benefits of the healthcare facilities proposed would also carry significant weight.
- 16.4** The development would provide economic and social benefits in terms of the construction of the development.
- 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 minimal effect in terms of landscape character and visual impact. However, it would result in a minor adverse effect on the open characteristics of the CPZ.
- 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. Financial contribution towards improvements to enhanced bus services.
 - ii. Financial contribution to fund design and implementation of improvements to the signalised junction of the B1256/B183.
 - iii. Financial contribution for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.

- iv. Healthcare Facility Land Option to CCG.
- v. Monitoring cost.
- vi. 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** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

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

- p. protection of any public rights of way within or adjacent to the site; and
- q. before and after condition survey to identify any defects to highway in vicinity of the access to the site and where necessary ensure repair are undertaken at the developer expense, where caused by the developer.

REASON: In the interests of the amenity of surrounding locality residential/business premises and highway safety in accordance with Policies GEN1, GEN2, GEN4 & ENV13 of the Uttlesford Local Plan (adopted 2005).

- 4** Prior to the commencement of any 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.

- 5** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Update and Walkover (Ecology Solutions, September 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

- 6** If the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).

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

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

- 7** Notwithstanding the works agreed as part of the programme of archaeological trial trenching (JAC28542 Evaluation Report Version 2, dated February 2023), no development shall take place until the programme of archaeological evaluation has been fully carried out and completed.

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** No development in connection with the construction of the development hereby approved shall take place until an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development. The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the units.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

- 9** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

- 10** Prior to the commencement of any works above slab level, a Biodiversity Compensation and 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 Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensation and enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the compensation and 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.

- 11** Prior to the commencement of the development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure flood risk is not increased elsewhere by development, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 12** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of climate change.

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 and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 14** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the adjacent development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter.

REASON: To enable future or existing development to be linked to the pedestrian cycle network in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policies 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.

- 15** 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.

- 16** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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.

- 17** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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.

- 18** The development 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 area and associated turning area 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, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 19** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.

REASON: To ensure appropriate cycle 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, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 20** The development hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, have 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.

- 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** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter. A crossing of the access

road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works.

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

- 23** 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.

- 24** Prior to the first occupation of the development, a lighting design scheme, providing for biodiversity and amenity impacts, 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. And to protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 25** Prior to the first occupation of the 'Medical Centre', the proposed details for the extended footpath, as shown on drawing WH202.WST.P2.ZZ.DR.PL10.00 Rev A shall be submitted to, and approved in writing by, the local planning authority. The 'Medical Centre' shall not be occupied unless it has been carried out in accordance with the approved details and retained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 26** Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. The noise of all vehicles and equipment required for the operation proposed industrial site shall not exceed a rating level above the daytime and evening background noise level when measured be in accordance with BS4142: 2014 when measured at any boundary of the nearest sensitive receptor.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

- 27** In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the

boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with GEN4 of the Uttlesford Local Plan (adopted 2005).

- 28** Prior to the first occupation of the development, a scheme for the treatment of the proposed development site including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority, in consultation with the safeguarding authority for Stansted Airport. The development hereby permitted shall be implemented in accordance with the approved details.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005 and Flight Safety.

- 29** No landscaping development to take place until the species details of the planting proposals for shrubs, trees and hedgerows are submitted to the Local Planning Authority for approval in consultation with the safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike avoidance; the planting has the potential to attract and support arboreal and flocking bird species, depending on the species and varieties to be planted.

- 30** 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. Flat plate LED luminaires that are downward focused are requested.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport. The proposed development is 2600 meters from the airfield boundary. Due to the proximity of the airfield visual circuit (night) the LED technology has very little upward dispersal of light and the light emitted is more directional (downwards).

- 31** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express

consent of the local planning authority. If solar pv is added, a full Glint & Glare assessment will be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN and in accordance with Policy GEN5 of the Adopted Local Plan and the National Planning Policy Framework.

- 32** The use of the buildings hereby permitted shall not be operated before 07:00 hours or after 21:00 hours Monday to Sunday, including Bank Holidays.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 33** Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the use of the premises shall be restricted to any industrial processes (Use Class E(g); and/or Use Class E(e) purposes only and shall not be used for any other purpose including any purpose within Class E of within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may replace it), unless approval is obtained to a variation of this condition through the submission of a planning application. No more than 600m² of floorspace shall be allocated to Class E(e) as part of the development.

REASON: In order to protect employment floorspace, given the employment demand in the district and to enable the Local Planning Authority to properly consider and control the uses to protect the amenity of nearby residents.

Appendix 1 –Statutory Consultee Reponses

Your Ref: UTT/22/2744/FUL
Our Ref:HT/TPD /SD/KW/48518/4B
Date:- 23/12/2022



CC: Essex Highways DM
Cllr Susan Barker
Travel Plan Team

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/22/2744/FUL
Applicant Weston Homes PLC
Site Location Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley
Proposal Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking

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 transport assessment relied heavily on the previous application and transport assessment and assessed the site in conjunction with a separate application (Jacks Lane). While this has been noted as possible cumulative impact it has not been assumed that this will be approved. It should be noted any future applications in this area should use the most up to date traffic data and not rely on growing pre-covid data.

The impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.

Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. the parking of vehicles of site operatives and visitors,
 - II. loading and unloading of plant and materials,
 - III. storage of plant and materials used in constructing the development,
 - IV. wheel and underbody washing facilities.
 - V. Routing strategy for construction vehicles
 - VI. Protection of any public rights of way within or adjacent to the site
 - VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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

2. **Access:** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £280,000 (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. **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
4. **B1256/B183 Junction:** Prior to any occupation payment of a financial contribution of £50,000 (indexed from the date of this recommendation) shall be paid to fund design and implementation of improvements to the signalised junction of the B1256/B183 (known as the Four Ashes) including any necessary enhancement, refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, contribution may be used to fund work already carried out or funded, at the time of payment, by the highway authority at

this junction. **Reason:** to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists.

5. **Permeability:** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the a development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter. **Reason:** To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary.
6. **Vehicular Parking:** Development 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 area and associated turning area 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.
7. **Cycle Parking:** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections. **Reason:** To ensure appropriate cycle 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. **Workplace Travel Plan:** Prior to first occupation of the proposed commercial development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Informatives:

- (i) 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 at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vi) 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 40 (Takeley) 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.



pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk



**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@highwaysengland.co.uk

To: Uttlesford District Council FAO, Laurence Ackrill

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

Council's Reference: UTT/22/2744/FUL **National Highways Ref:** 96941

Location: Land Known as 7 Acres Warish Hall Farm Parsonage Road, Takeley

Proposal: Erection of 4 no. industrial/flexible employment (Use Class E) buildings (c.3568sqm) associated landscaping and parking.

Referring to the consultation on a planning application dated 06 December 2022, 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);~~
- ~~e) 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/is not relevant to this application.¹

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

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

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: S. H.	Date: 22 December 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways 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 regard UTT/22/2744/FUL and has been prepared by Shamsul Hoque.

We have completed our review of the details and information provided. The current proposals under planning application UTT/22/2744/FUL now comprise only the employment component of the proposed development, from an earlier application (21/1987/FUL) on this site. There are slight differences in the quantity of employment floor space assessed previously and with the current proposal. The impact of the employment floor space would have been considered to have fallen below the threshold at which National Highways would require junction capacity assessments at nearby SRN junctions.

Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

National Highways raises no objections.

Date: 03 November 2022
Our ref: 410169
Your ref: UTT/22/2744/FUL



planning@uttlesford.gov.uk

BY EMAIL ONLY

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

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking
Location: Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your consultation on the above dated 13 October 2022 which was received by Natural England on 13 October 2022

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Teena Lawrence
Consultations Team

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



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 25th January 2023
Our Ref: SUDS-006323
Your Ref: UTT/22/2744/FUL

Dear Laurence Ackrill,

Consultation Response – UTT/22/2744/FUL– Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your email received on 16/01/2023 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 wish to issue a **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 (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

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 treatment of surface water runoff to prevent pollution.

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 has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

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.

Condition 3

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

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- 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 sincerely,

Georgie Tuttle, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

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.

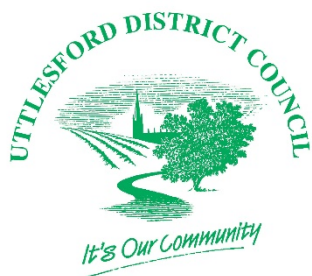
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if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

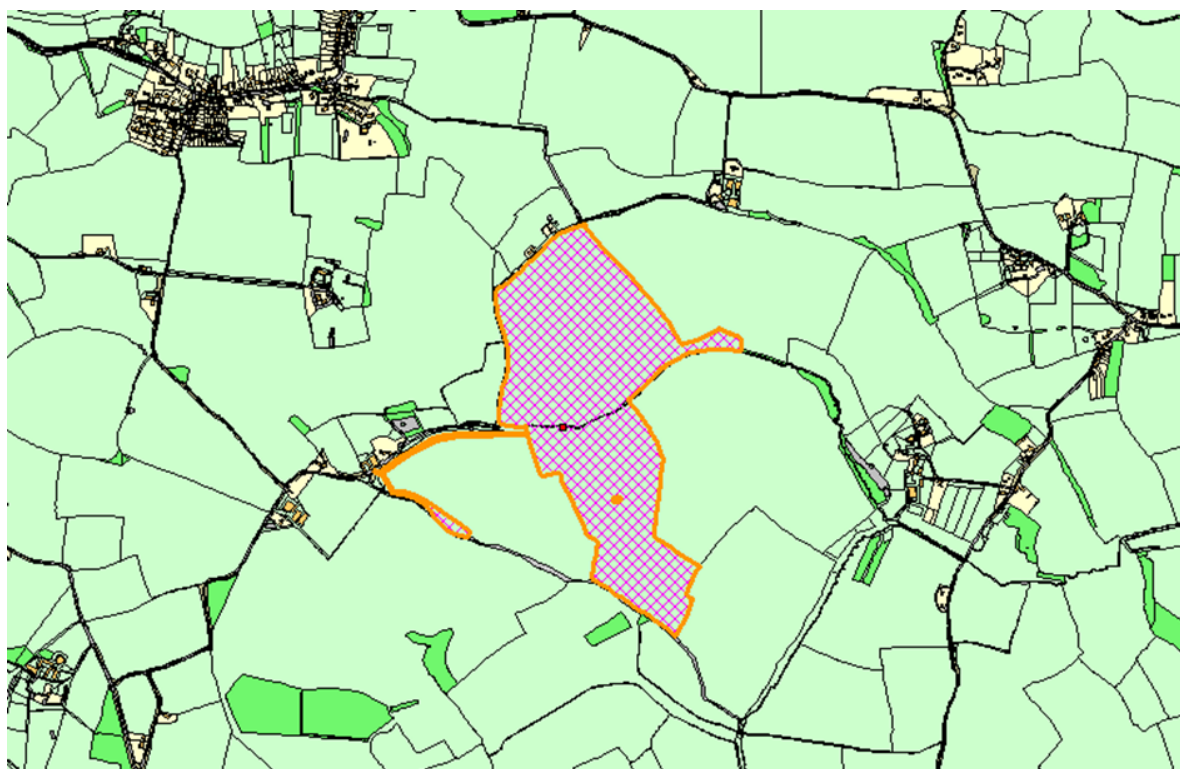
The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising 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.

Agenda Item 8



ITEM NUMBER:	8
PLANNING COMMITTEE DATE:	5 April 2023
REFERENCE NUMBER:	UTT/21/0688/FUL
LOCATION:	Land At Cole End Lane, Wimbish

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17/03/2023

PROPOSAL: Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

APPLICANT: Long Meadow Solar Farm Ltd

AGENT: Mr Jack Ellis (Pegasus Planning Group Ltd)

EXPIRY DATE: 08/06/2021

EOT Expiry Date 7/4/2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits, Adjacent Listed Buildings, Public Right of way, Archaeology Site, Scheduled Monument

REASON THIS APPLICATION IS ON THE AGENDA : Major Application

1. EXECUTIVE SUMMARY

1.1 This planning application was approved by the Planning Committee on the 6 July 2022, subject to a S106 agreement for the decommissioning of the solar farm.

1.2 A S106 agreement has been completed and as per requested this has been brought back to the Planning Committee to be ratified.

1.3 The S106 provides sufficient detailing to secure the decommissioning of the development and secure the costs of decommissioning through bond or deposit.

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

And

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site comprises two large scale geometrical and irregular fields located east of Cole End Lane and 2.7km to the south-east of Saffron Walden. The land is split in to two large agricultural fields and are well screened by existing vegetation, including hedgerows, trees and significant areas of woodland. The size of the application site is 54.92 hectares.
- 3.2** The fields are generally separated by mature hedgerow and tree planting. The land within the site gently undulates with a discernible dip in the central part of the site due to changes in levels with a small watercourse draining the site.
- 3.3** The nearest residential properties to the site abuts the northern edge of the northern land parcel, Frogsgreen Cottage and Frogsgreen Farm. A small number of dwellings are located in Wimbish, a hamlet c.0.8km to the east of the site. C. 0.9km to the north of the site boundary is Swards End. Saffron Walden is the largest settlement in the vicinity, located c. 2.7km to the west of the development site.
- 3.4** There are no sensitive landscape features either within or immediately adjacent to the site. Six Acre Wood, Harrison's Wood and Crowney Wood located to the west and south west of the site. There are no statutory environmental designations within the site's boundaries or within a 3km radius of the site, including SSSIs.
- 3.5** The site can only be accessed via two routes, Cole End Lane runs to the site from Swards End and the B184. There is also an unnamed access track that runs to the northern field from Walden Road. Site access is currently taken via an access point to the west of the southern parcel on Cole End Lane. This access currently serves the agricultural vehicles that farm the land. A number of public right of ways are located around the inside and outside of the application site.

4. PROPOSAL

- 4.1** This application is for the construction and operation of a ground mounted solar farm together with associated infrastructure including:

- Approximately 18 Inverters,
- Customer switchgear,
- Substation,
- Medium voltage power station,
- Security cameras,
- Perimeter fence,
- Access tracks,
- Landscaping,
- New woodland approximately 7.5ha equating to some 12,000 trees being planted.

4.2 The design principle of the layout of the solar farm are:

- The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures,
- There will be a gap of approximately 3-4m between each row of arrays,
- The maximum height of the solar panels would be 2.8m,
- The proposal includes the retention and enhancement of existing public right of way and legacy tree planting,
- The buffer area would be used for ecological enhancement measures and the trimming and maintenance of existing and proposed vegetation.

4.3 The components of the solar farm include:

- The solar panel modules are made from photovoltaics which are blue, grey, or black in colour and constructed of anodized aluminium alloy,
- A galvanised steel frame mounting system will support the solar array.
- Inverters cabins will be situated across the site towards the centre of each solar compound to reduce visual impact,
- Customer Switchgear and DNO Substation,
- Temporary construction and main site access tracks of permeable construction,
- Internal access tracks of permeable construction,
- The scheme does not propose battery storage.

4.4 In terms of the dimensions of the physical structures to be found within the application site, the following provides details:

- Distribution Network Operator (DNO) substation – 8m x 6m x 4.1m
- Customer Substation – 10.0m x 4.0m x 3.0m
- Inverter Building – 12.2m x 2.5m x 2.9m
- Security Fence – 2.0 metres in height
- CCTV Camera – 2.3m pole with camera on top
- The development would have an operational lifespan of 40 years.

4.5 It is estimated that the proposed development would generate approximately 30 MW of renewable energy, which could provide

approximately enough energy to power up to 9,090 homes and displace approximately up to 12,900 tonnes of CO2 per annum.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 6 of the stated Regulations, was submitted under application UTT/20/3024/SCO.

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

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

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

6. RELEVANT SITE HISTORY

6.1 There are no planning applications linked to this proposal on this site.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre application discussion took place prior to the submission of the planning application. A statement of community Involvement has been included with the application setting out the consultation of the local community.

7.2 The consultation strategy was undertaken, the responses from the public were constructive and very helpful and influenced a number of changes made to the design prior to submission, such as setting panels away from the public footpath.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

No further responses have been received following the approval of the planning application on the 6/7/2022.

9. PARISH COUNCIL COMMENTS

9.1 No further comments have been received following the approval of the planning application on the 6/7/2022.

10. CONSULTEE RESPONSES

10.1 No further responses have been received following the approval of the planning application on the 6/7/2022.

11. REPRESENTATIONS

11.1 No further comments have been received following the approval of the planning application on the 6/7/2022.

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 July 2022)
- Saffron Walden neighbourhood plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great and Little Chesterford neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- Policy S7 – The countryside Policy
- Policy GEN1- Access Policy
- Policy GEN2 – Design Policy
- Policy GEN3 -Flood Protection Policy
- Policy GEN4 - Good Neighbourliness Policy
- Policy GEN6 - Infrastructure Provision Policy
- Policy GEN7 - Nature Conservation Policy
- Policy GEN8 - Vehicle Parking Standards Policy
- Policy ENV2 - Development affecting Listed Buildings Policy
- Policy ENV3 - Open Space and Trees, Policy
- Policy ENV4 - Ancient monuments and Sites of Archaeological Importance
- Policy ENV5 - Protection of Agricultural Land Policy
- Policy E4 – Farm Diversification

13.3 State name of relevant Neighbourhood Plan in this title

There are no relevant adopted neighbourhood plan policies.

13.4 Supplementary Planning Document or Guidance

- Uttlesford Interim Climate Change Policy (2021)
- Landscape Character Assessment of Uttlesford District (2006)

14. DETAILS OF S106

- 14.1** **Schedule 1** - Developers Obligation, include the following:

The development shall not be Implement the Development until the Decommissioning Plan has been submitted to and approved in writing by the Council (such approval not to be unreasonably withheld or delayed) and details of the Decommissioning Bond or the Deposit are provided.

The Decommissioning Plan shall include:

- Reference to the anticipated life of the Development;
- An overview of how the Development will physically be Decommissioned,
- Evidence of the anticipated cost of Decommissioning the Development at the date of submission of the Decommissioning Plan,
- Evidence of the Decommissioning Cost projections for the 5th, 10th, 15th, 20th, 25th, 30th and 35th anniversaries of the Date of Final Commissioning,
- The Salvage Value of the Development at the date of submission of the Decommissioning Plan, and Salvage Value projections for the Anniversary Dates,
- An assessment of the market for securing decommissioning of developments similar in nature and size to the Development as at the date of the Decommissioning Plan.

14.2 Decommissioning Amount- means the Decommissioning Cost minus the Salvage Value

Decommissioning Bond- means the bond to underwrite the Decommissioning Amount

Decommissioning Plan- means the Decommissioning Plan to be provided by a licensed and appropriately qualified civil engineer

14.3 The Decommissioning Plan, the Decommissioning Amount, and the Decommissioning Bond or Deposit (as appropriate) shall be reviewed and updated at every 5-year anniversary date for the lifetime of the development until the date of decommissioning, this shall be submitted to the Council for approval in writing.

14.4 If the decommissioning amount is nil or a net receipt to the developer, then no decommissioning bond or deposit shall be required for that period (and the Council shall be notified accordingly in writing.

14.5 If the decommissioning amount would result in a net loss to the Developer then a decommissioning bond or deposit would be provided to the council.

14.6 Schedule 2 - Council's Obligations

14.7 In the event of a material breach of the planning condition (contained within the Planning Permission), the Council shall:

- Call in the Decommissioning Bond to the value of the Decommissioning Amount and arrange for the Decommissioning of the Development in accordance with the Decommission Plan.
- Call in the Decommissioning Bond to the value of the Decommissioning Amount and arrange for the Decommissioning of the Development in accordance with the Decommission Plan.

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 S106 provides sufficient detailing to secure the decommissioning of the development and secure the costs of decommissioning through bond or deposit.

16.2 The decommissioning cost will be provided prior to the commencement of the development and then every 5 years, if the cost to decommissioning

the development would result in net loss to the developer then a decommissioning bond or deposit would be secured.

16.3 The S106 provides sufficient details for the Council to decommission the development if there is a material breach of the developers obligations.

16.4 It is therefore recommended the application is approved subject to the completion of the S106 agreement and conditions set out in the committee report (approved 6th July 2022).

17. RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO COMPLETION OF S106 LEGAL OBLIGATION

Agenda Item 9



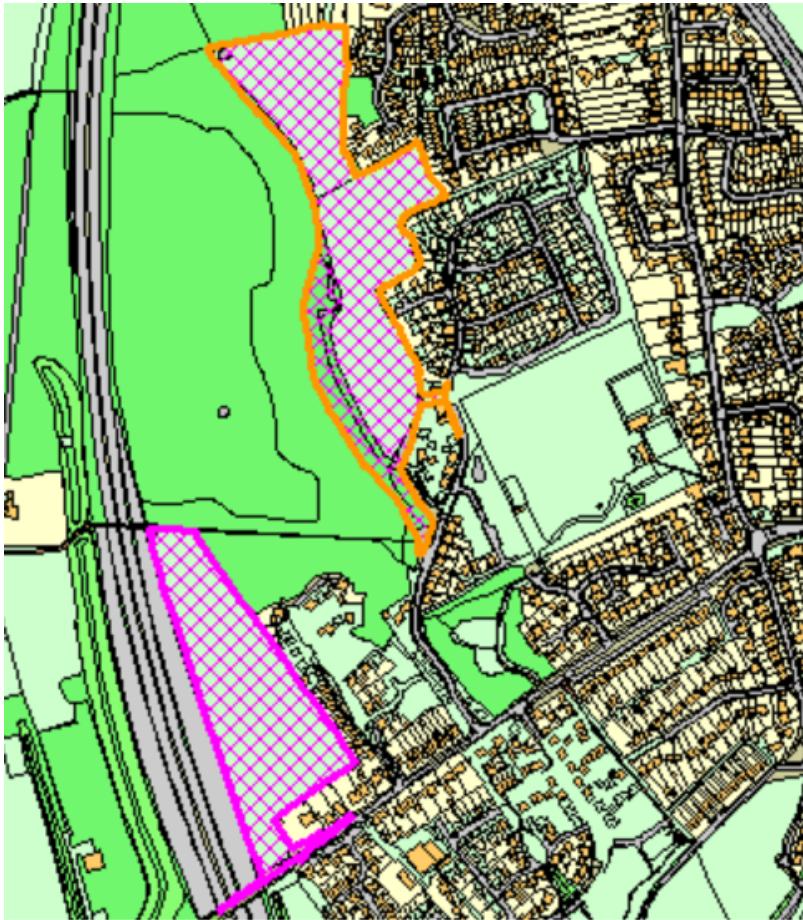
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/21/2461/DFO

LOCATION: Land to the West of Isabel Drive and off Stansted Road, Elsenham.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 23rd March 2023

PROPOSAL: Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP.

APPLICANT: Dandara Eastern (Miss Amy Atkins)

AGENT: N/A

EXPIRY DATE: 9 November 2021

EOT Expiry Date 7 April 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside development limits, adjacent ancient woodland & local wildlife site, public right of way (PROW), part poor air quality zone, part archaeological site, tree preservation orders, flood zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. BACKGROUND

1.1 This application was presented to members of the planning committee on 8th February 2023 with a recommendation for approval subjected to suggested conditions.

1.2 Members of the Planning Committee raised come concerns in respect to the design and layout of the proposals with particular reference to:

- a) Concerns over the relationship of Plots 1 & 2 and particular about the proposed 3.2m high brick walls and timber fences to rear gardens as these will be a highly incongruous form when once view this from the public open space and new footpaths.
- b) Concerns over the proposed external materials palette.

- c) A request for the acoustic fence to the northern part of Parcel B to be a bund and fence combination to reflect the treatment along the western boundary.
- d) Queries over the purpose of the ditch behind properties on Parcel A and concerns over it's the misuse of this space.

1.3 Subsequently a resolution was made by Members to defer making a decision to allow for officers of the Local Planning Authority to liaise with the Applicant to address and provide further clarification in relation to the points above.

1.4 Following the deferral of the application, the Urban Design Officer and the Planning Officer held a meeting on 16th February 2023 with the Applicant to discuss how to improve the design and layout of the scheme. Following this meeting, revisions were submitted to the Council on 2nd March 2023 for the Local Planning Authority to assess and consider.

1.5 A) Relationship of Open Space with Plots 1 & 2.

1.6 Concerns were previously raised to the general place making and design standards with the inclusion of a 3.2m high brick and timber wall to the rear gardens of Plot 1 & 2 on Parcel A. It was initially designed this way to provide appropriate noise mitigation to these properties and others within the development. It was suggested by Members that the Applicant should re-address this concern to allow for better place making.

1.7 To resolve the design and layout concerns, the Applicant has revised the siting and orientation of Plots 1 & 2 as seen in Figure 1 below. In addition, the house types have been slightly amended, but both contain 4 bedrooms as previously, and the proposed boundary treatments have been reduced from 3.2m to 1.8m. Both dwellings would contain in excessive of 100sq.m of private garden areas and provide appropriate off-street parking provision in accordance with the relevant standards.



Figure1: Extract taken from original site plan previously presented to Members on 8th February on the left and the proposed new revised

drawing on the right showing the proposed changes to the layout of Plots 1 & 2.

- 1.8** In addition to the physical changes of the buildings, the Applicant has also amended the location of the proposed footpath so that is located further to the west and proposes addition soft landscaping in the open space area to help soften the development.
- 1.9** As a result of the proposed revisions highlighted above, the Applicant has provided an up-to-date noise assessment. This has been reviewed by the Council's Environmental Health Officer who has confirmed that when an application is submitted to discharge Condition 17 attached to the outline permission, the proposed revisions would ensure that the proposals could satisfy the details of the condition.
- 1.10** Furthermore, the proposed revisions have been reviewed by the Council's urban design officer who confirms that they now have no objections to the proposals from a design and layout perspective.
- 1.11** **B) External Materials**
- 1.12** It was previously reported to members that although the proposed external finishing materials and detailing of the proposed buildings were appropriate, it would have been preferable if they could be more inspired by house types that respond to the Essex vernacular rather than standard designs.
- 1.13** It was discussed between officers of the Council and the Applicant post resolution to defer the application that the main point of contention was the extensive use of yellow brickwork throughout the development and that this material should be removed to reflect the local character.
- 1.14** The Applicant has now submitted revised drawings removing all yellow stoke brickwork from the house types and replaced these with a red and buff brick alongside render and weatherboarding.
- 1.15** These revisions have been reviewed by the Council's urban designer who have confirmed that the proposed revisions would result in the development as a whole to more reflective of the house types found within Essex and particular the local area.
- 1.16** **C) Acoustic Fence**
- 1.17** The Applicant has revised the proposals and has provided a boundary treatment along the northern boundary of Parcel B to reflect that along the western boundary as shown on drawing re: TRE.21.1112-B-PL06 G. The boundary treatment will consist of a 4m high earth bund with a 2m acoustic fence atop of the bund to provide appropriate noise mitigation as shown in the Figure 2 below.



Figure 2: Extract of northern Part of Parcel B showing position of proposed bund.

1.18 These revisions have been checked by the Council's urban design officer and the environmental health officer who has confirmed the details are appropriate from both a design perspective whilst at the same time helping to minimise noise and disturbance to the public open space area.

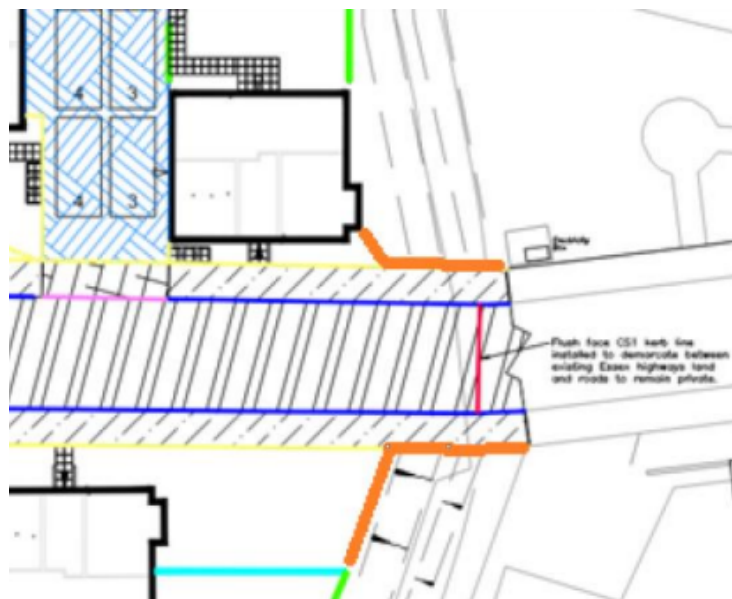
1.19 However, it should be acknowledged that the proposed bund along the northern boundary would fall within the 20m buffer zone whereby development should be avoided. Though, it is accepted that these works are limited to natural materials in the form of soil/earth and thus does not include hard paving, driveways, highways, associated infrastructure or buildings and thereby on balance this is deemed to be acceptable. The Council's landscape officer was informed of the position of the bund who confirmed that although some harm may arise from the position of the bund, the amount of harm upon the adjoining woodland would not be significant to warrant a reason of refusal. Nevertheless, the landscape officer also stipulated that more harm would occur from the existing agricultural use with large heavy vehicles and tractors ploughing the field close to the woodland than that of the proposed bund.

1.20 **D) Open Space/Ditch**

1.21 It was previously acknowledged the new rear gardens did not connect to existing rear gardens of the adjoining properties which resulted in a narrow un-useable strip of open space between properties. Thus, there is no clear public or private use and no maintenance access or regime and the concern being that this would result in an unmanaged space that could suffer from fly tipping and poses a security risk due to an un-overlooked accessible space to the rear of dwellings.

1.22 The existing ditch to the rear of the proposed properties associated with Parcel A is a ditch that currently takes surface water runoff in the locality. The Applicant has confirmed that this ditch falls within the application site and will form part of the drainage strategy in the event of storm events. Post Construction, it will be maintained by the estate management company to ensure it does not become misused and to ensure it remains clean, tidy and free flowing.

1.23 There are two areas within the layout where there is the possibility of the public to gain access to the ditch, to the north and south of the connection point onto Isabel Drive. The Applicant has confirmed that a knee rail will be installed at these locations to prevent unauthorised access to this area as shown in orange in the below figure.



1.24 The knee rail fencing will be installed to the top of the banks of the ditch to tie into the garden wall of the properties. The same prevention measures have been provided on the adjacent completed development on Dellows Close as per the image below image below.



- 1.25** It is acknowledged that the boundary treatment will not completely prevent those from entering into this area, however, it is more of a deterrent. A larger/higher fence or boundary treatment would not be appropriate as it would need to be erected over the ditch and will prevent access for the management company and may lead to blocking the ditch of its natural flow.
- 1.26** It is also acknowledged that it would be unreasonable for the ditch to be included in the rear gardens of those new properties.
- 1.27** For the ease of reference for Members of the Planning Committee, this Background Summary has been provided in addition to the main body of the original report presented below at the Committee.

ORIGINAL COMMITTEE REPORT PRESENTED TO MEMBERS AT THE 8 February 2023 PLANNING COMMITTEE MEETING.

1. EXECUTIVE SUMMARY

- 1.1** This application seeks approval of details following the granting of outline planning under reference UTT/19/2470/OP whereby permission was approved for the erection of up to 99 dwellings along with associated open space and play areas, and other ancillary works across two separate parcels of land.
- 1.2** The principle of the development along with the details of Access have been approved at outline stage by an Inspector under appeal, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.
- 1.3** The applicant has undertaken pre-application discussions prior to this submission of the application with officers of Uttlesford Council and revised the final layout throughout the application assessment which has

helped to enhance the quality of the scheme in complying with the standards and guidance as per local policy and in order to achieve a sense of better place making whilst ensuring that future occupants have a quality development that provides reasonable enjoyment to all.

- 1.4** The proposals generally comply with the indicative illustrative masterplan that formed part of the outline consent in respect to layout, number of units and housing mix. The design and appearance of the buildings generally conform with the required standards with each residential unit provided with appropriate parking and amenity provision to meet the needs of future occupants. Appropriate areas of informal and formal of public open space are provided throughout the site.
- 1.5** The proposals comply with the guidance and standards as set out within the Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It has thereby been recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/2470/OP.

2.

RECOMMENDATION

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this planning application relates to the land known as ‘Land To The West Of Isabel Drive And Off Stansted Road, Elsenham. Essex.’ The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site comprise two parcels of undeveloped land located to the west of village of Elsenham totalling approximately 8.1 hectares in size. The two Parcels are defined as ‘Land off Isabel Drive’ (Parcel A) and ‘Land off Stansted Road’ (Parcel B).
- 3.3** Parcel A would be accessed from Isabel Drive. It is bounded by residential development to the east, with woodland to the west. A Public Right of Way (PROW) 31 crosses the southern boundary of Parcel A. Parcel B is accessed directly from Stansted Road, with ancient woodland bounding the northern boundary, woodland to the east, residential development to the south and to the east, and the M11 to the west. Presently, both Parcels A and B generally comprise of overgrown grassland.

3.4 In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The nearest statutory designated site is Hall's Quarry SSSI (geological) located approximately 1.2km to the north. Alsa Wood abuts both Parcels A and B and part of this woodland is listed as Ancient Woodland and is designated as a Local Wildlife Site. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. There are no designated heritage assets either adjoining or within close proximity of the site.

4. PROPOSAL

4.1 This application relates to the reserved matters following a decision made by an Inspector on the 31 December 2020 to allow outline planning permission which was for the erection of up to 99 dwellings along with associated works under application ref: UTT/19/2470/OP.

4.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), providing access and egress for the whole site.

4.3 The reserve matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of 99 dwellings.

4.4 The supporting documentation submitted in support of the outline application indicated that the dwellings will be split between Parcel A and Parcel B which amounts to 61 and 38 retrospectively. However, this reserve matters application shows the final layout of the proposals consisting of 51 dwellings for Parcel A and 48 dwellings for Parcel B to provide a better balance and place making.

4.5 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. Affordable housing makes up 40% of the overall residential development for the scheme, as set out by the requirements of the S106 agreement. The proposal incorporates a range of housing types including one-bedroom flats, two, three, four and five bedroom houses. The proposed residential mix is set out below.

4.6

Unit Type	Affordable	Market	Total
1 - bed dwelling	6	0	6
2 - bed dwelling	15	3	18
3 - bed dwelling	17	28	45
4 - bed dwelling	2	23	25
5 - bed dwelling	0	5	5
Total	40 (40.4%)	59 (59.6%)	100 (100%)

4.7 The dwellings would be predominantly 2 storeys in height although there would also be a limited amount of single storey dwellings. Building styles within the development would range from semi-detached and detached

buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of 4 bungalows is proposed and a single apartment building containing 4 flats are proposed across both Parcels. Each of the dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

- 4.8** In addition to the proposed housing, the provision of approximately 1.2 hectares of informal and formal areas of open space which amounts to 15% of the total site. A children's equipped play areas have been provided on Parcel B.
- 4.9** As required by the outline and appeal decision, the proposals are to retain the existing public rights of way through the site and a 20m buffer adjacent to the existing woodland.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1** As part of the outline application, the Council issued a screening opinion under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal constituted EIA development due to the significant effects and cumulative effects on the local highway network, air quality and on recreational disturbance. The outline application was accompanied by an Environmental Statement.
- 5.2** This reserve matters application does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

- 6.1** The application site contains the following relevant recorded planning history:
- 6.2** UTT/19/2470/OP - 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 associated infrastructure works.
- 6.3** The applicant submitted an appeal for 'non determination' because of the Council failing to make a decision within the statutory time period. Following submission of the appeal, The Council submitted four putative reasons for refusal. The second putative reason, relating to air quality, was withdrawn by the Council following publication of its Air Quality Annual Status Report. Furthermore, the day before the inquiry opens, the Council also confirmed that there was no reason for the proposal to be refused on highway grounds which related to the third putative reason of refusal. The fourth putative reason, relating to affordable housing and

infrastructure was addressed by means of a completed planning obligation by deed of agreement which was submitted after the inquiry.

6.4 Three of the four putative reasons were thereby addressed and as such on that basis, the main issue for the Inspector was to consider the effect of the location of the proposal on the character and appearance of the surrounding area, with particular regard to the size, scale, siting in relation to Elsenham and Alsa Wood.

6.5 The Inspector summarised that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Inspector concluded that outline planning permission should be granted subject to conditions and permission was granted on 31 December 2020.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A request for pre-application advice was submitted to the Council in April 2021 and a meeting took place with officers in May 2021 to discuss the key points and considerations associated to the submission of a reserve matters application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 The Highway Authority has reviewed the reserved matters application and provided two sets of comments on visibility spays, turning heads, footways and general highway layout which, the applicant has responded to. The layout is now acceptable subject to conditions.

8.2 Highways England – No Objections

8.2.1 Referring to the planning application reference UTT/21/2461 dated 19th August 2021, notice is hereby given that Highways England's formal recommendation is that we offer no objection.

8.3 Local Flood Authority – No Objection

8.3.1 Thank you for your email of 14/03/22, consulting on the updated information for the application. On reviewing the information, it does not affect the validity of the approved SuDs drainage strategy and therefore our position does not change from our letter dated 25th January 2022 which stated:

8.3.2 Having reviewed the Flood Risk Assessment and the associated documents which have accompanied the planning application, we do not object to the granting of planning permission based on the new information received.

8.4 Natural England – No Objections

8.4.1 Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until such time as these ‘on-site’ and ‘off-site’ mitigation measures have been assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.

8.4.2 These obligations have already been secured within Schedule 5 of the Legal agreement attached to the outline planning permission.

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council in their latest formal response (23rd January 2023) stipulated that they have strong concerns with this application due to the number of concerns as follows:

1. Noise

The proposed public open space and communal street areas are in clear breach of the Condition. Noise levels in gardens would be unacceptable, and the necessity to keep windows closed would not make for a viable environment.

2. Housing Mix, bungalows

The applicants have failed to adopt the Housing Officer’s advice concerning the provision of bungalows.

3. Housing Mix, affordable homes

Affordable dwellings are not sufficiently dispersed across the site.

4. Housing Mix, distribution

Dwellings generally are unequally distributed across the site.

5. Diversion between sites

The two sites should be considered together.

6. Surface Water disposal

The applicants have not heeded previous response pointing to the severe shortcomings in the SUDS Design Statement.

7. Community Hall

The request is renewed for a contribution, bearing in mind the proximity of the site to the area scheduled for the Community Hall.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 Confirms that the tenure and dwelling mix was agreed with housing officers as part of the application process and meets the identified need. The dwelling mix includes three M4(3) affordable rented bungalows as requested. The affordable homes also meet the National Described

Space Standards. The proposed affordable housing provision meets the 40% policy requirement and equates to 40 new affordable homes across both parcels.

10.2 UDC Environmental Health – No Objection

10.2.1 The Environmental Health Officer confirmed that they have reviewed all revised documentation including amended drawings and the updated noise assessment (December 2022) and concluded that the proposals are appropriate in that no significant harm would occur to the amenities of future occupiers in relation to noise and disturbance and that the scheme would fulfil the requirements of condition 17 attached to the outline decision.

10.3 UDC Urban Designer – No Objection

10.3.1 When considered against the available policy GEN2, taking into account positive and negative aspects of the scheme, and on balance, an overall objection is not raised. Although, aspects of the scheme such as the quality of the design of the house types could have been improved to reflect the Essex vernacular.

10.4 Place Services (Ecology) – No Objection

10.4.1 We have reviewed the documents supplied by the applicant. As ecology is not a matter being considered under this Reserve Matters application, there are no additional conditions to add to those attached to the appeal decision notice.

10.5 Crime Prevention Officer – No Objection

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

10.6 Thames Water – No Objection

Waste Comments – Thank you for consulting Thames Water for discharge of matters relating to surface water. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted. With regard to water Supply, this comes within the area covered by Affinity Water.

10.7 Anglian Water – No Objection

10.7.1 We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction, and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek advice of the Lead Local Flood Authority or the Internal Drainage Board.

10.8 London Stansted Airport – Concerns

10.8.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Concerns are raised of the potential SuDs and would like to see the applicant provide details of planting dense, marginal vegetation around the periphery of the pond and installing goose proof fencing to deter hazardous waterfowl from the site. This can be mitigated by way of imposing a planning condition for these details to be provided prior to construction of the development.

10.9 NATS Safeguarding – No Objection

10.9.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

11.2 Object

- 11.2.1**
- Highway & Traffic
The local roads are awful, both in condition and levels of traffic.
The air is more polluted.
 - Biodiversity
The wildlife is being evicted, and our beautiful woods are being slowly suffocated.
 - Infrastructure:
Local schools, doctors are already overrun, and this new development will add to the existing problems.
The S106 agreement was made by UDC without reference to Elsenham Parish Council.
 - Flooding
More buildings will cause major flooding in the area.

- Noise:
The new development would be too close to the M11 for road noise.
- Amenity:
The proposals would result in a loss of light/overshadow and visual blight thereby resulting in harm to adjoining occupiers.
- Housing Mix
A Lack of bungalow provision is proposed.
- Sustainability:
Solar panels should be provided on every roof. No mention in paperwork of how the houses will be heated.

11.3 Comment

11.3.1 The above concerns have been addressed in detail in the main assessment of this report.

12. MATERIAL CONSIDERATIONS

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

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

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

12.2 The Development Plan

12.2.1 Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made Feb 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made 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 Relevant development plan policies and material considerations:

Uttlesford Local Plan (2005):

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV11 – Noise Generators

ENV12 – Groundwater Protection

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

ENV15 – Renewable Energy

H9 – Affordable Housing

H10 – Housing Mix

13.3 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Whether the layout, design and appearance of the proposal is acceptable**
 - B) Dwelling mix and Affordable Housing provisions**

- C) Access to the site and highway issues
- D) Landscaping and open space
- E) Biodiversity and Protection of Natural Environment
- F) Noise
- G) Drainage
- H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

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

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

14.3.2 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout, and appearance of the development and to safeguarding important environmental features in 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 because of loss of privacy, loss of daylight, overbearing or overshadowing.

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

14.3.4 Layout:

14.3.5 Parcel A

14.3.6 The site is characterised by a single spine road linked with the existing Isabel Drive. The built form of the development is set to the eastern side of the spine road with a large landscape area to the west to provide a 20m buffer zone to Alsa Wood separating the ancient woodland from the housing. Dwellings are set in a linear row along the spine road with some small clusters of housing leading off two cul-de-sacs centrally within the site.

14.3.7 Parcel B.

14.3.8 Parcel B will also be accessed by a single point via Station Road with a main spine road leading into the site with smaller roads diverting off it. Housing is proposed to front onto the internal highways. A landscape

bund and acoustic fence is proposed to protect the development from any potential noise created from the M11 motorway traffic to the eastern boundary of the site, running from north to south. To the north of Parcel B, a public open space area has been proposed and encompasses a public footpath in a natural finish. This public open space is positioned in this location to protect and provide a buffer zone between the ancient woodland of Alas wood and the proposed housing.

- 14.3.9** In terms of unit numbers across the two parcels, although indicative site plans were submitted, the outline didn't specify/require a certain number on each so it was determined through the pre-app discussions, particularly in reference to housing mix and a balanced community, that the sites should look to provide a good mix of housing on each parcel.
- 14.3.10** The applicant advised that they did initially work up a scheme along the same lines of the outline but felt that it made Parcel B clearly more "exclusive" with larger detached units and a lower affordable provision and thereby didn't see it being as socially inclusive or provide the right mixed community approach. As such the applicant worked looked to work the parcels up with a more balanced product mix and affordable housing provision which the Housing Officer has supported.
- 14.3.11** Upon review of both parcels, the frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of properties which is not ideal, however, these hard standing areas are broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. It is noted however that frontage parking would benefit from street trees every 4 parking bays, but trees not shown.
- 14.3.12** Parcel A has generally poor connectivity to the existing street network. This will discourage walking and cycling. There are opportunities for connections to Alsa Leys, Isable Drive via Claydon Drive, and Dellows Close that would drastically reduce walking times to the station for residents and it is unfortunate that these options have not been explored further by the applicant. Furthermore, Parcel A has some instances of rear garden timber fences jutting out into public open space which is generally found to be unacceptable. The awkward leftover public spaces caused by these gardens could attract anti-social behaviour and fly tipping. The cul-de-sacs on the east of Parcel A again are poorly planned and result in awkward left-over portions of space which is technically public but has no clear use.
- 14.3.13** As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance

of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary. This standard is achieved throughout the site.

14.3.14 Scale:

14.3.15 The Applicant has applied careful consideration in the design rationale behind the scale of the development taking into account the constraints of the site, the surrounding buildings and the natural environment. In terms of height, the applicant has taken the opportunity to provide predominantly 2 storey dwelling houses along with 4 single storey bungalows.

14.3.16 The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.

14.3.17 Appearance:

14.3.18 The house-types generally seem a little uninspired and generic, without high quality materials, and no indication of how the homes and places have been designed to be specific to Uttlesford (other than material palette) or reflect the particular local character.

14.3.19 However, although the dwellings are not strictly in accordance with the Essex Design Guide in terms of preferred elements and features, the buildings will still provide a reasonable sense of place and are of an appropriate quality to provide a street scene that is visually pleasing and provides a sense of character.

14.3.20 Overall, a simple palette of materials that includes variation in facing bricks, roof tiles, weatherboard cladding, and render is proposed. In addition, selected variations in house design respond to the constraints of the site, ensuring that a neighbourly relationship is created and that a strong frontage is created along the internal highways. Key landmark buildings on corners are proposed across the two parcels to help enhance and reinforce the local character.

14.3.21 The proposals seek to respond to the location of the site on the edge of the village and provide a good quality development.

14.3.22 Quality of Accommodation:

- 14.3.23** All of the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.24** The new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new home will function, be adaptable and cater to changing lifestyles that meet the needs of families, children and older people.
- 14.3.25** For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For a 1-bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 14.3.26** All residential units within the scheme have been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.3.27** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes.
- 14.3.28** However, there is no commitment or no meaningful references to any passive design measures, renewable energy, building fabric specifications, or any other measures that would meaningfully reduce carbon emissions, none of which is in accordance with the Interim Climate Change policy. A suitable worded planning condition should be imposed if permission is granted for the applicant to provide details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy.

14.4. B) Dwelling mix and Affordable Housing provisions

- 14.4.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Paragraph 62 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

- 14.4.2** The S106 agreement attached to the outline planning permission specifies that no less than 40% of all housing units are to be affordable housing units and that the applicant should identify the location of affordable housing on the land including the size of the affordable housing units. Importantly, it does not specify that the affordable units need to be spread across the two Parcels of land that makes up the application site or limit the number of units in a cluster. 28 of these units across both Parcels are to be rented affordable units and 12 are to be shared ownership affordable units which amounts to a 70%-30% split. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 14.4.3** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.
- 14.4.4** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 75 of the 99 dwellings proposed comprise of 3 bedrooms or more which equates to 75%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide some additional 1- and 2-bedroom dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.
- 14.4.5** Condition 20 attached to the outline permission requires that 5% of the total dwellings shall be built in accordance with the requirements of M4(3) (wheelchair user dwellings) and the remaining dwellings shall be built out in accordance with requirements M4(2) (accessible and adoptable dwellings) of the Building Regulations.
- 14.4.6** It is acknowledged that wheelchair user dwellings don't necessarily have to consist of bungalows and can consist of ground floors either in apartment buildings or maisonettes.
- 14.4.7** In respect to wheelchair user dwellings, 5% of the total amount of units are proposed. These are located on Plots 31, 32, & 35 on Parcel A, and Plot 56, 71 & 72 on Parcel B. The applicant stipulates that all remaining dwellings will be built to M4(2).
- 14.4.8** Contrary to Parish Council suggestions that 5% of the total amount of dwellings should be bungalows, it is noted that there is currently no local policy, nor is there an obligation contained in the 106 agreement or imposed conditions attached to the outline consent that requires this.

14.4.9 Although there is no requirement to provide bungalows across the site, the applicant has provided the provision of four. These bungalows are located on Plots 31, 32 & 35 for Parcel A and Plot 56 for Parcel B. Plot 35 will be a market dwelling whilst the remaining bungalows would be affordable units.

14.5 C) Access to the site and highway issues

14.5.1 Access:

14.5.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), provides the main point of access and egress for the whole site.

14.5.3 Parking:

14.5.4 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

14.5.5 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition, each dwelling should also be provided with at least 1 secure cycle covered space.

14.5.6 All parking spaces are a minimum of 2.9m x 5.5m with detached garages having internal dimensions of 3m x 7m. 1 bedroom homes have 1 parking space, 2 and 3 bedroom homes have 2 spaces and 4 bedroom or more homes have 3 spaces.

14.5.7 On the basis of the accommodation mix provided, a minimum of 222 off street parking spaces would be required across the development. A total of 261 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. There is also the allowance for 27 additional visitor parking spaces which amounts to a ratio of 1 in 4 spaces for each dwelling. In addition, secure cycling would be provided for each residential unit within the site.

14.5.8 Each residential unit has also been provided with vehicle electric charging points. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

14.5.9 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

14.6 D) Landscaping and open space

14.6.1 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

14.6.2 Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

14.6.3 The proposals would not result in harm to those trees that are covered by tree preservation orders (TPO's).

14.6.4 The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

14.6.5 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

14.6.6 The indicative master plan submitted as part of the outline permission showed most of the open space areas sited to the west of Parcel A and to the north of Parcel B.

14.6.7 In total, 1.2 hectares of informal and formal public open space is proposed throughout the two Parcels of land that make up the site. This is easily accessible on foot or bicycle.

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

- 14.6.9** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 14.6.10** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.
- 14.6.11** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 14.6.12** The purpose of this zone is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.
- 14.6.13** A natural landscape area to the west of Parcel A has been created to protect Alsa Wood through means of a 20m buffer separating the ancient woodland and the proposed built area of development. To the north of Parcel B, a public open space area has been created and encompasses a public footpath and Local Equipped Area of Play. This area also contributes to the protection and acts a buffer zone between the proposed built development and the ancient woodland of Alsa Wood.
- 14.6.14** A Local Equipped Area of Play is proposed to the north of Parcel B and will include trees and amenity grassland planting, timber equipment for play and benches. Specifically, the size and amount of play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.
- 14.6.15** The proposed landscaping of open spaces including street frontages is appropriate.

14.7 E) Biodiversity and Protection of Natural Environment

- 14.7.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.7.2** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.
- 14.7.3** The application site itself is not the subject of any statutory nature conservation designation being largely undeveloped Parcels of arable fields with some mature trees and hedgerows scattered throughout and along its boundaries including woodland.

14.7.4 It is therefore clear that the proposals would not result in adverse impacts in relation to ecology and that in fact a net biodiversity gain is achievable on the site through the implementation of the mitigation measures suggested in the accompanying ecology report. The proposals therefore comply with all policies relating to the conservation and enhancement of biodiversity. Furthermore, no objections were raised by Place Services ecologist.

14.8 F) Noise

14.8.1 It should firstly be advised that the applicant as part of the details of this application is not seeking to discharge the details of Condition 17 imposed on the outline planning permission in relation to noise but is merely showing as part of this application measure of mitigation of noise between the M11 and the housing as part of the layout of the proposals. The details of Condition 17 would be assessed under a 'Discharge of Condition' application at a future date.

14.8.2 The Inspector as part of their assessment of the outline application took into consideration external noise generators and in particular the proximity of the M11 motorway in relation to the built form proposed and how this may potentially harm the amenities of future occupiers in respect to noise and disturbance.

14.8.3 As confirmed within the applicants supporting noise assessment, the Inspector acknowledged that due to the proximity of the proposal to the M11 corridor, a number of dwellings would be subject to moderate adverse impacts and as such the highest noise levels would exceed guidance levels for some plots within Parcel B.

14.8.4 The Inspector concluded in respect to noise and disturbance that subject to additional mitigation measures being secured by way of a planning condition, that on that basis, the proposal would result in permanent adverse impacts being negligible at Parcel A and minor at Parcel B, with moderate impacts remaining in some gardens.

14.8.5 The application was consulted to Council's Environmental Health Officer to consider the proposed noise mitigation measures forming the proposals.

14.8.6 Concerns were initially made that although the mitigation methods to achieve the required internal noise levels demonstrated and complied with the British Standards, approximately one third of the dwellings did not meet the required external noise levels. As such, the applicant during the assessment of the scheme submitted revised drawings slightly amending the layout and design of the proposals and provided an updated noise assessment to reflect the revisions.

14.8.7 Following the review of all revised documentation including the relevant noise assessments and drawings, the environmental health officer confirmed that the reconfigured design to optimise the acoustic environment has resulted in almost all the external garden amenity spaces being under 55db as per the British Standards. The officer confirms that there are a few exceptions to this where there are 5 dwellings within 1db of the standard which in practice would be imperceptible.

14.8.8 The environmental health officer concludes that the internal and external amenity spaces provided throughout the development are acceptable in that there would be no excessive harm upon the amenities of future occupiers from nearby noise sources such as the M11 Motorway. It is also stipulated that the scheme would comply with the requirements of condition 17 imposed on the approved outline permission, however, this would be fully assessed under a future DOC application.

14.9 G) Drainage

14.9.1 The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.

14.9.2 The applicant has submitted a SUDs Design Statement, a SUDs Management and Maintenance Plan, Phase A & B Surface Water Network Documentation and a SUD's Checklist in support of the proposals and to allow for the details of the above condition to be discharged.

14.9.3 The application was consulted to Essex County Council SuD's team who are the lead local flooding authority who confirmed that having reviewed the supporting Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of the planning permission.

14.9.4 The development at the site will not increase flood risk elsewhere and neither direct surface water runoff off site. The proposals will therefore not result in adverse impacts in respect either flood risk or drainage and thereby in accordance with policy GEN3 and GEN6 of the adopted local plan and the NPPF.

14.10 H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

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

14.10.2 Although a large proportion of the new dwellings within the development would have the pleasure of views overlooking public spaces or woodland, other new dwellings would back onto existing. Parcel A is bounded by

residential development to the east and Parcel B is bounded by residential development to the south.

- 14.10.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties.
- 14.10.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.10.5** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

15.2 Human Rights

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

issues have been taken into account in the determination of this application

16.1 CONCLUSION

16.1.1 The proposed layout of the site generally accords with the approved indicative masterplan that was granted outline permission under appeal by the Inspector. The layout, size and scale of the proposals is considered appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time providing a sense of well-being for future occupiers. The proposed landscaping and open space including street frontage is appropriate.

16.1.2 The proposed affordable housing meets the requirements of the S106 agreement and is therefore acceptable and on balance it is considered that the mix of one, two, three four and five bedroom homes across the development is appropriate.

16.1.3 It is concluded that the proposed development would cause no harm in relation to highway safety. In addition, appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers including visitor parking.

16.1.4 It is acknowledged that some dwellings will just fall short of the required standards to mitigate against noise in relation to outdoor amenity, however, on balance the living conditions of future occupiers of the new dwellings would be appropriate and the proposals would not lead to excessive harm upon the amenities of adjoining property occupier surrounding the site.

16.1.5 The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It is thereby recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/2470/OP subject to the conditions outline below.

17. CONDITIONS

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

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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

- 3** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed, and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose other than the parking of vehicles that related to the use of the development unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that on street parking of vehicle in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 4** Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 5** Prior to the construction of the development hereby approved, details shall be submitted and approved by the Local Planning Authority demonstrating appropriate mitigation measures to prevent birds being attracted to the site. The attenuation or infiltration features will need to be designed to be as unattractive to hazardous birds as possible. Planting around these areas should not include fruit or berry bearing plants, trees and shrubs that are attractive to birds hazardous to aircraft.

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 NPPF.

Appendix 1

Lead Local Highway Authority

Essex County Council

CC: Cllr Gooding
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/21/2461/DFO

Applicant Dandara Eastern

Site Location Land To The West Of Isabel Drive And Off Stansted Road Eisenham

Proposal Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP

Note

The highway authority has reviewed the reserved matters application and provided two sets of comments on visibility splays, turning heads, footways and general highway layout which the applicant has responded to, the layout is now acceptable.

From a highway and transportation perspective the impact of the proposal as shown in drawing numbers TRE.21.1112-A-B-PL100 rev D, 6478-MJA-SW-XX-DR-C009 rev P2, BT2202-MJA-1810 rev P2, TRE.21.1112-A-PL105 rev D, 6478-MJA-SW-XX-DR-C-500 rev P4, 6478-MJA-SW-XX-DR-C-501 rev P4 is acceptable to the Highway Authority subject to the following mitigation and conditions:

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.

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless

otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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 principle of the traffic calming is accepted, the details will be finalised during the S38 technical approval. This will include an assessment of the need for buildouts at plots 72 and 65 and the additional feature near the entrance of parcel B.
 - (ii) The roads in parcel A are unlikely to be adopted due to the drainage arrangements.
 - (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
 - (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
 - (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
 - (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be
-

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 13/32 and 13/31 and the Fitch Way (48/47) 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.



pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk
Email: Katherine.wilkinson@essex.gov.uk

Natural England

Dear Sir or Madam,

Our ref: 386834

Your ref: **UTT/21/2461/DFO**

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 August 2021 Reference 364363

The advice provided in our previous response applies equally to this **amendment**

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours faithfully

Julian Clarke

Consultations

Natural England

Hornbeam House, Electra Way

Crewe Business Park

Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email consultations@naturalengland.org.uk

Lead Local Flooding Authority

From: [Suds](#)
To: [Planning](#)
Subject: [External] RE: Planning Application Consultation - UTT/21/2461/DFO CT
Date: 21 March 2022 09:55:38

Hi Clive

Thank you for your e-mail of 14/03/22, consulting on the updated information for the above application. On reviewing the information, it does not affect the validity of the approved SuDS drainage strategy and therefore our position does not change from our letter of 25th January 2022.

Regards

Richard Atkins

Development and Flood Risk Office

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>

Sent: 14 March 2022 12:48

To: [Suds](mailto:Suds@essex.gov.uk) <Suds@essex.gov.uk>

Subject: Planning Application Consultation - UTT/21/2461/DFO CT

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



Utters field District Council
Planning Services

Date: 25th January 2022
Our Ref: SUDS-005470
Your Ref: UTT/21/2461/DFO

Dear Sir/Madam,

Consultation Response –Land to the West of Isabel Drive and off Stansted Road, Elsenham

Ref: SUDS-005470
LPA Ref: UTT/21/2461/DFO

Thank you for your email received on 06/12/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above-mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

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>



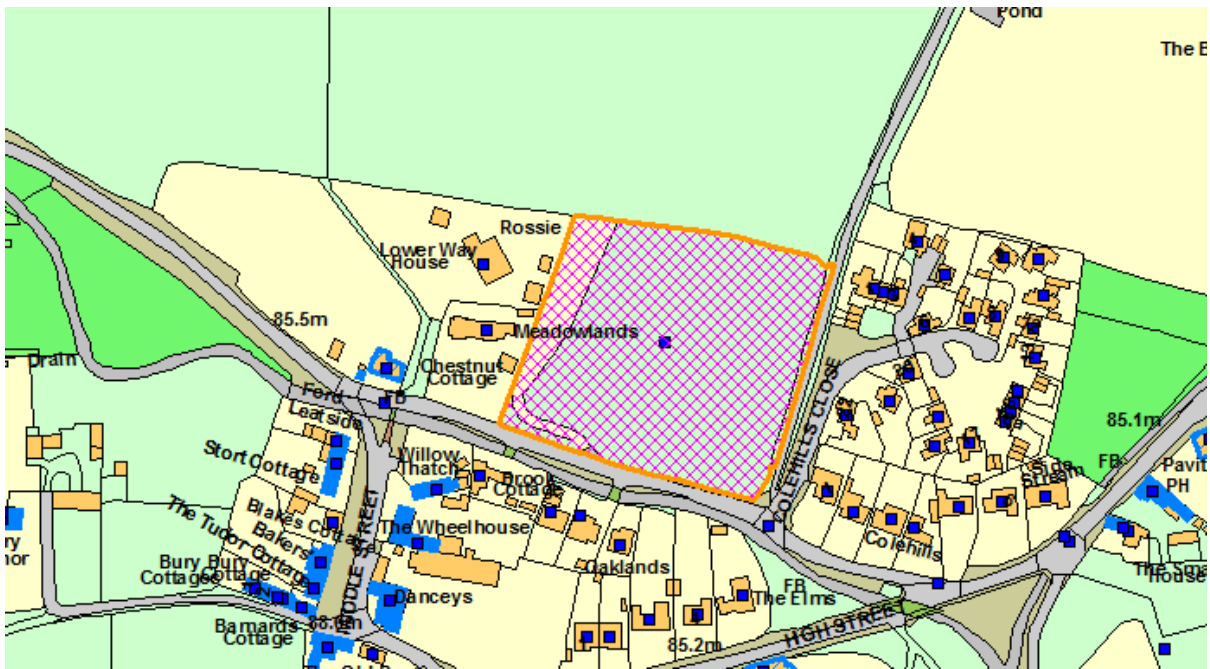
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/1718/FUL

LOCATION: Land West of Colehills Close, Middle Street, Clavering.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2023

PROPOSAL: Full planning application for the erection of 10 no. dwellings, with associated landscaping, access, and parking.

APPLICANT: Artisan (UK) Developments Limited And Turnwood Heritage Limited

AGENT: Armstrong Rigg Planning

EXPIRY DATE: 16 September 2022

EOT Expiry Date: 7 April 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Flood Zones 1, 2 & 3, Adjacent Heritage Assets including listed buildings & Conservation Area, Close to Ancient Monument, Adjacent Public Right of Way (PRoW 10_75), Adjacent Protected Lane.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. BACKGROUND

1.1 This application was presented to members of the planning committee on 8th February 2023 with a recommendation for approval subject to suggested conditions and the completion of a s106 obligation agreement.

1.2 Members of the Planning Committee raised several issues in which they felt further clarification was required or the submission of further revised drawings were necessary prior to a decision being able to be made. The points raised by members include:

- a) Confirmation as to whether Lower Way is a Protected Lane
- b) Conservation Area concerns / Palettes of materials
- c) Clarification regarding drainage/flood risk and potential betterment to the scheme.
- d) Whether solar panels could form part of the proposals.

1.3 Subsequently a resolution was made by Members to defer deciding on the application to allow for officers of the Local Planning Authority to liaise

with the Applicant to address and provide further clarification in relation to the points above.

A) Confirmation as to whether Lower Way is a Protected Lane

1.4 Officers had presented to Members of the Planning Committee that the section of 'Lower Way' in which the application site fronted onto was not a Protected Lane as defined by the latest Uttlesford District Local Plan Policy Maps. However, during the previous committee meeting there was some confusion as to whether 'Lower Way' was a protected lane due to concerns/representations made by the public

1.5 Figure 1 below is an extract of the latest up-to-date Planning Policy Map that forms part of the Uttlesford District Local Plan as Adopted (2005) showing that the frontage of the site does not abut onto a Protected Lane. The Lane does not come a Protected Lane until it passes Middle Street which thereafter extends into Cock Lane.

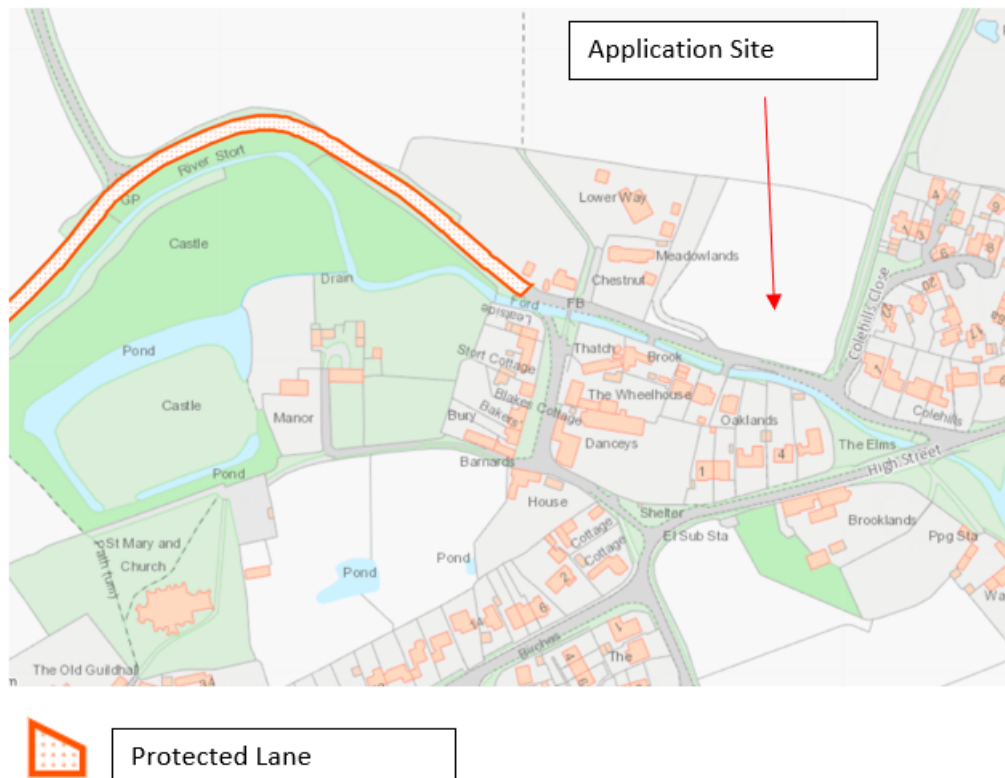


Figure 1: Extract of Uttlesford District Councils Local Plan as Adopted (2005)

1.6 Following the committee meeting, Officers of the LPA sought further clarification from the Historic Environment Consultant at Essex County Council. They confirmed as per Figure 2 below which is an extract of the Protected Lanes in and around Clavering that 'Lower Way' along the frontage of the application site is not a designated Protected Lane.

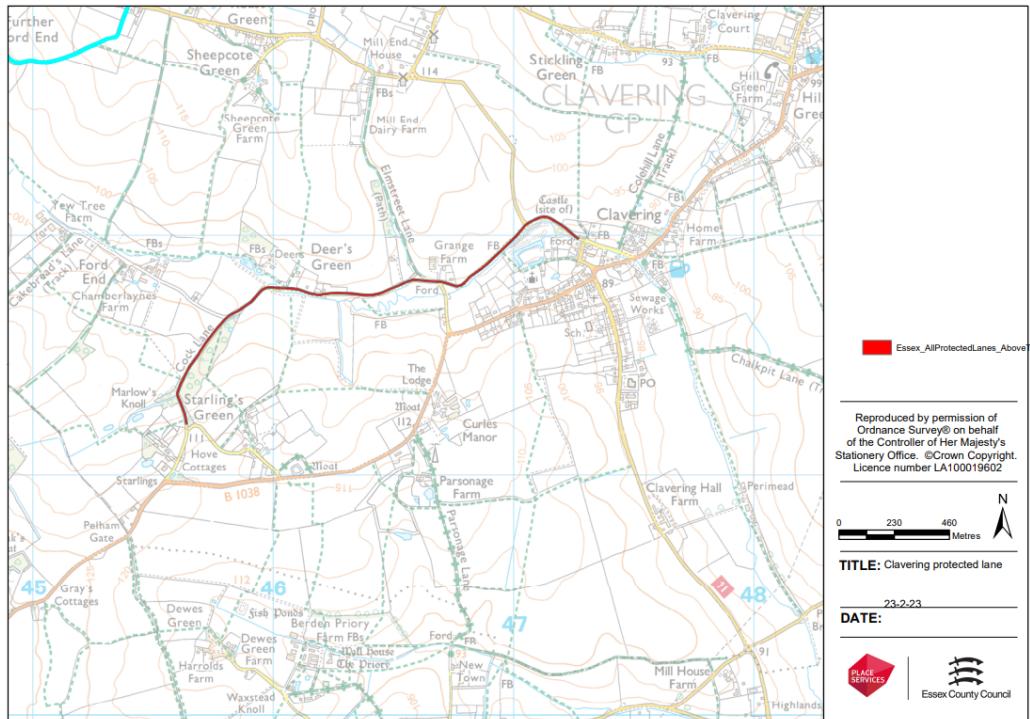


Figure 2: Extract from ECC confirming that Lower Way is not a Protected Lane.

1.7 Additionally, the document ‘Uttlesford Protected Lane Assessment’ (March 2012) confirms which highways in and around the village of Clavering are Protected Lanes. Figure 3: below is an extract of this document confirming that ‘Lower Way’ is not a Protected Lane.

LANE ID	LOCATION	Diversity	Integrity	Potential	Aesthetic	Biodiversity	Group Value	Archaeol Association	TOTAL
UTTLANE18	Wenden Lofts - School Lane, Upper Pond Street.	3	4	3	3	3	3	3	22
UTTLANE19	Wenden Lofts - Cogmore, Upper Pond Street.	3	2	2	2	3	2	3	17
UTTLANE20	Langley - Park Lane, Lower Green.	4	4	3	3	4	2	2	22
UTTLANE21	Langley - Bull Lane.	2	1	2	2	2	2	3	14
UTTLANE22	Elmdon/Arkesden - Beards Lane.	3	2	2	2	4	3	3	19
UTTLANE23	Arkesden - Newland End.	3	4	2	2	4	3	3	21
UTTLANE24	Arkesden - Long Lane.	2	4	2	2	2	1	1	14
UTTLANE25	Langley - Butts Green to Upper Green.	3	4	2	2	3	2	2	18
UTTLANE26	Clavering/Langley - Roast Green to Lower Green.	4	1	3	2	3	4	2	19
UTTLANE27	Clavering - Valance Road.	2	4	2	2	2	2	2	16
UTTLANE28	Clavering - Meesden Road.	4	4	3	3	3	3	2	22
UTTLANE29	Clavering - Cock Lane.	4	4	3	3	4	4	4	26
UTTLANE30	Clavering - Waterystones.	2	2	1	2	3	1	2	13
UTTLANE31	Clendon & Rickling - Church End to Rickling Hall.	2	4	2	3	2	2	2	17
UTTLANE32	Berden - Little London.	3	4	3	3	3	3	1	20
UTTLANE33	Manuden - Mallows Green Road.	4	4	3	3	3	3	2	22
UTTLANE34	Manuden - Watery Lane.	4	4	3	3	3	3	2	22
UTTLANE35	Manuden - Butt Lane.	3	4	2	2	3	2	2	18
UTTLANE36	Manuden - Dogden Lane	3	4	2	2	2	2	2	17
UTTLANE37	Manuden/Ugley - Pinchpools Road/Brixton Lane.	4	4	2	3	3	3	3	22

Figure 3: Extract from ‘Uttlesford Protected Lane Assessment’

1.8 Officers thereby confirm that the frontage of the Application site does not abut onto a Protected Lane.

1.9 B) Conservation Area concerns / Palettes of materials

1.10 Members inquired regarding the use of the proposed external finishing materials of the new dwelling houses and requested the Applicant to review and whether different materials could be provided to allow for the design and appearance of the development to be more reflective of surrounding buildings and to preserve the character of the adjoining Conservation Area.

1.11 In response to the comments made by Members, the Applicant has submitted an updated materials palette for the proposed development to correspond with the colours along Lower Way and particular in Middle Street. These revisions include:

- Timber windows, bargeboards and soffits are now proposed (replacing UPVC).
- Off-white render throughout has been replaced with a mixture of white, cream and pink render and the painted timber weatherboarding is now proposed in white only (replacing soft green and grey).
- Roofing materials have also been amended to remove the previously proposed clay pantiles and focus instead on natural slate and red/brown clay plain tiles

1.12 Figure 4 below provides an extract of the proposed updated materials palette for each of the new dwelling houses.

Plot	Roof		Cladding Painted Timber Weatherboarding	Render			Brick Plinth	Windows painted timber
	natural slate	clay plain tile red/brown		'White'	White	Cream		
Plot 1	✓			✓			✓ 04/D-01	✓
Plot 2		✓		✓			✓ 04/D-01	✓
Plot 3		✓		✓			✓ 04/D-01	✓
Plot 4		✓		✓			✓ 04/D-01	✓
Plot 5	✓					✓	✓ 01/D-01	✓
Plot 5 garage	✓		✓					
Plot 6		✓	✓				✓ 01/D-01	✓
Plot 6 garage	✓		✓					
Plot 7		✓	✓		✓		✓ 01/D-01	✓
Plot 7 garage	✓		✓					
Plot 8		✓	✓	✓			✓ 01/D-01	✓
Plot 8 garage	✓		✓					
Plot 9		✓	✓		✓		✓ 01/D-01	✓
Plot 9 garage	✓		✓					
Plot 10		✓	✓	✓			✓ 01/D-01	✓
Plot 10 garage	✓		✓					

Figure 4: Extract from updated Materials Palette.

1.13 **C) Clarification regarding drainage/flood risk and potential betterment to the scheme.**

1.14 Members expressed that they would like further insurance that the proposed SuD's system will not increase the risk of flooding on the site or elsewhere, and whether the development could provide a betterment by means of on site-fluvial flood storage. In addition, Members also seek confirmation that future occupiers and the dwellings themselves would be protected.

- 1.15** The Applicants drainage consultant in response to the Members points have submitted a letter providing a summary of the flooding and draining issues in relation to the application site and the surrounding area to provide further clarification.
- 1.16** With regards to the development benefits to the wider surrounding area, the Applicant submits that the proposals would provide a benefit by means of additional on-site fluvial flood storage, and by providing on-site Sustainable Drainage Systems.
- 1.17** With regards to additional on-site fluvial flood storage, the Applicant summarises in their letter:
- 1.18** *When a flood event occurs on Lower Way, additional water which would currently be present on Lower Way in a flood event will be taken into the additional storage volume provided at a low level in the development site. As this water will be taken off Lower Way, it will reduce the volume of water present on Lower Way downstream of the site, thereby reducing water levels off site and providing a benefit in terms of flood risk to downstream areas.*
- 1.19** The Applicant continues to summarise that rainfall landing on the site currently runs off quickly into the watercourse and along Lower Way during extreme rainfall events and particularly if the ground is already waterlogged.
- 1.20** It is further submitted by the Applicant that as a result of providing sustainable urban drainage system *“the run off volume from rainfall landing on the site will be reduced during extreme events as this water will instead be taken to soakaway systems and discharged into the ground. This will again reduce the peak volume of water flowing along Main Street and will therefore reduce water levels downstream of the site providing a further benefit in terms of flood risk to downstream areas”*.
- 1.21** It is acknowledged that no information has been provided as to how much water in a flood event could be taken into the additional storage provided on-site, or how much water would be taken by the proposed soakaway systems, and how much water levels would be reduced downstream as a result. However, these calculations may be difficult to be obtained.
- 1.22** During the meeting, Members raised concerns and sought further clarification to the safety of future occupiers during large storm events.
- 1.23** The Applicant has provided a revised Flood Action and Safe Access Route Plan following the comments made by Members as a means to provide clarity that the dwellings would be a safe place of refuge for occupants and that safe access for pedestrians will remain possible during extreme flood events via the adjacent bridleway.

- 1.24** The submitted Flood Action and Safe Access Route Plan explains that as a result of the minimum finished floor level of any dwelling set at least 960mm above the modelled water level in a 1:1000 storm event the dwellings will therefore provide a safe place of refuge for all occupants at the development during any flood event and ensure that there is no risk to possessions.
- 1.25** The Flood Action and Safe Access Route Plan, however, does acknowledged that the sole flood related risk in this area relates to the potential for Lower Way to become flooded due to capacity issues associated with the River Stort. As such, the Applicant has provided a Flood Alert and Action Plan. This is to encourage future occupants to sign up for the Environment Agency's free Flood Warning Service to ensure that advance notice of any potential flood event, measures of safety, and provides a means of pedestrian access in the event that Lower Road has become flooded in an extreme event. The report stipulates that in the worst-case situation whereby Lower Way is impassable by vehicles, evacuation to and from the site can be achieved by utilising existing Public Rights of Way in the locality which are outside of any flood risk areas.
- 1.26** The Applicant suggests that they are willing to agree to a condition being imposed that a copy of this plan will be provided to the owner of each of the dwellings at occupation/purchase of a dwelling, that any occupant or future owner is made aware of the potential flood risk on Lower Way, Clavering, and issued with a copy of the Flood Action and Safe Access Route Plan prior to any occupation or sale of the property.
- 1.27** **D) Whether Solar Panels could form part of the proposals.**
- 1.28** Members acknowledged at the previous Committee Meeting that as part of the proposals, the Applicant intended to introduce several technologies and strategies to comply with the standards as set out within the Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)'. This included the installation of on-plot electric vehicle charging infrastructure, air source heat pumps, high levels of insulation and water efficient fittings.
- 1.29** In addition to the above strategy, Members requested if the Applicant could also install Solar Panels on the roof tops of the proposed housing as a further measure to reduce carbon emissions.
- 1.30** As shown on the revised site plan ref: 1169 -02 Rev E and as requested by Members, the Applicant has provided Solar Panels on the roof tops of each of the housing.
- 1.31** Subsequent to the hearing of this planning application on the 22.2.23 concerns were raised by Keep Clavering Rural over the balance of the report which do require some clarification, these are covered within revisions to the body of the report below.

- 1.32** For the ease of reference for Members of the Planning Committee, this Background Summary has been provided in addition to the main body of the original report presented below at the Committee.

ORIGINAL COMMITTEE REPORT PRESENTED TO MEMBERS AT THE 8TH FEBRUARY 2023 PLANNING COMMITTEE METTING.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant (Artisan (UK) Developments Limited and Turnwood Heritage Limited) for the erection of 10 dwellings alongside associated works including access, parking, and landscaping.
- 1.2** The application site lies majority in Flood Zone 2 with a small section along the frontage lying in Flood Zone 3. As demonstrated in this report, the applicant has undertaken and constructed the necessary mitigation measures to protect the proposed homes from flooding and ensure to mitigate the effects of any new development from increasing the flood risks to others. To mitigate the current risk of flooding, proposed ground lowering works will be carried out to provide additional capacity and storage including an on-site flood compensation area, and further ground raising will mean that post development all dwellings are situated in Flood Zone 1.
- 1.3** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, on-site energy generation from low-carbon sources and the provision of public open spaces. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.5** 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 extension of built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in less than substantial harm to the

setting of the Clavering Conservation area which has been identified as low to moderate harm on the spectrum.

- 1.6** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land West of Colehills Close, Middle Street, Clavering, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site is located on the northern side of Lower Way and the western side of Colehills Close within the village of Clavering. The site itself is irregular in shape with the front boundary following the curve of the highway. The site has an area of approximately 0.96 hectares.
- 3.3** The site has previous history used for both agriculture and for gravel extraction which is apparent in its topography which has a cut away section stretching east-west across the middle of the site. The site rises approximately 4.6m from the front boundary abutting Lower Way to the rear.
- 3.4** The site is currently free of any established built form and is predominantly arable land. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the boundaries of the site. No vegetation is covered by tree preservation orders. A public byway runs along the eastern boundary of the site.

- 3.5** Access to the site is gained off Lower Way to the south of the site. The access sweeps west along the southern boundary before turning north along part of the western boundary.
- 3.6** The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan on the northern edge of the settlement. Located to the east, south and west are residential dwellings that mostly comprises of detached double storey dwellings that vary in size and scale. Large fields used for agriculture lie to the north of the site.
- 3.7** Clavering itself includes limited local services and amenities containing a public house, church, primary school and village hall and supermarket. playing fields.
- 3.8** The site is not within but abuts the Clavering Conservation Area and several listed buildings are located to the southwest of the site. The site lies predominantly with Flood Zone 2 with a small proportion of the site's frontage lying in Flood Zone 3 as identified by the Environmental Agency Flood Risk Maps. The River Stort runs parallel to the southern boundary of the site on the opposite side of Lower Way.

4. PROPOSAL

- 4.1** This application seeks full planning permission for the construction of 10 residential dwellings alongside associated access, parking, and landscaping.
- 4.2** Vehicle and pedestrian access are from Lower Way utilising the existing vehicle crossover onto the site. Additional pedestrian access is proposed from the byway to the east of the site that would link the on-site public open space to the wider footpaths in the locality.
- 4.3** The proposal incorporates a range of housing types including two-, three, four- and five-bedroom houses. 40% of the proposed housing will be affordable units (4no. dwellings). The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
2 - bed dwelling	2	0	2 (20%)
3 - bed dwelling	2	0	2 (20%)
4 - bed dwelling	0	1	1 (10%)
5 - bed dwelling	0	5	5 (50)
Total	40 (40%)	60 (60%)	100 (100%)

- 4.4** The dwellings would be two stories in height. Building styles within the development would range from semi-detached to detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of the dwellings within the development has been provided with off street parking spaces and its own private amenity space.

4.5 A public open space area of 0.2ha (2000sqm) is proposed fronting Lower Way within the south eastern corner of the site. This area is to include wildflower meadow and tree planting, and a Local Area of Play (LAP) consisting of 100sqm.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this application.

6. **RELEVANT SITE HISTORY**

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

Application Ref:	Proposal	Decision
SWR/0291/69	Development of land for five dwellings and garages	Refused November 1969
UTT/1141/80	Outline application for three detached bungalows	Refused November 1980
UTT/0140/85	Outline application for residential development and construction of new access	Refused April 1985
UTT/0242/90	Outline application for residential development and construction of new access	Refused April 1990
UTT/1082/95/FUL	Widening of existing pedestrian access	Approved November 1996
UTT/0096/FUL	Retention of hardstanding and erection of gate	Approved April 1996
UTT/21/0977/OP	Outline application for the erection of 10 no.	Refused December 2021

In summary, the applicant has discussed their emerging proposals with officers to clarify previous reasons of refusal and to seek advice on planning policy and revisions to the design of the proposed development.

7.3 A consultation letter and a copy of the proposed layout was sent to Clavering Parish Council, Hands off Clavering, and local residents living close to the site on the 1st April 2022 inviting comments on the proposals which closed on the 15th April 2022. In total 9 comments were received.

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 From a Highway and Transportation Perspective, the impact of the proposal is acceptable to the highway authority subject to suggested conditions. These conditions are provided in full within Section 17 of this report.

8.2 Local Flood Authority – No Objection

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions if permission is granted. These conditions are suggested in full in Section 17 of this report.

8.3 Environment Agency – No Objection

8.3.1 Thank you for your consultation dated 17th June 2022. We have reviewed the application as submitted and have no objection.

9. PARISH COUNCIL COMMENTS

9.1 Clavering Parish Council Objects to the application for the following reasons:

- The application sites lies within a flood zone and is known to flood from the River Stort. It is the responsibility of the District Council to manage the flood risk for this development which includes determining the safety and acceptability of the proposals.
- The proposed safe refuse of the housing detailed in this proposed application does not illustrate how at flood times, the dwellings may be accessed by emergency services.

- The Council should be reminded that previous planning applications were refused on grounds of flood risk.
- The Council have rejected the site in its call for sites process in 2015 and 2018 for reasons including flood risk.
- The applicant has shown inadequate modelling relating to flood risk.
- There has been no effective community engagement.
- The development would result in a significant change to the site and the countryside.
- The proposals would impact upon the Protected Lane.
- No swept path analyses have been shown in this application.
- No street scene plans have been included in comparison to the bungalow that adjoins the site.
- The site plans do not appear to show the topography of the site.
- There is no daily public transport to nearby rail stations.
- The proposals fail to comply with the three strands of sustainable development.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 The housing officer confirms that there is a need for 4 on-site affordable units to comply with local policy and stipulates that the mix and tenure should comprise of 3 affordable rent properties and 1 first homes property.

10.1.2 The submitted application includes a parking court for plots 1 to 3 whereas the preference is for on plot parking. The 2-bedroom houses do not meet the NDSS. The bin location for plot 3 is also not ideal as it results in the bins being too far away for collection.

10.1.3 In respect to the above comments, the applicant has made some slight revisions to the proposals to accommodate on plot parking and improve bin collection points. For confirmation, all dwellings meet the National Described Space Standards, and this was a miss calculation by the housing officer.

10.2 UDC Environmental Health – No Objection

10.2.1 Council's Environmental Health Officer confirmed that they have no objections to the proposals subject to imposing conditions on the decision if permission is approved relating to construction management plans, contamination, external lighting and air quality. These conditions are suggested in full in Section 17 of this report.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 UDC Emergency Planning Officer

10.4.1 UDC Emergency Planning would always react to ensure that public safety and welfare is protected, and we work closely with emergency services and other agencies. We do have Rest Centre Plan and can open them to provide refuge to residents who need to leave their home but this would be on the basis of either a Severe Flood Warning being issued (which is a step higher than a Flood Warning and indicates danger to life), on the recommendation of an evacuation advised by Essex Police, or if a home becomes uninhabitable due to an emergency. Flooding of an access road is not a trigger to activate these plans.

10.5 *ECC Place Services (Conservation and Heritage)*

10.5.1 The conservation officer notes the revisions made to the scheme from the original previous advice given 19th July 2022 and that in part the revisions are an improvement. However, concerns remain particular in relation to the design of the dwellings and their scale and massing.

10.5.2 The conservation officer raises no objection regarding the principle of the development of the site, however, the proposals would result in a level of less than substantial harm to the Clavering Conservation Area. The harm has been identified as a low to medium level on the spectrum of less than substantial harm.

10.6 *ECC Place Services (Ecology) – No Objection.*

10.6.1 Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and priority species & habitats and identification of appropriate mitigation measures.

10.6.2 They concluded that the mitigation measures identified the Ecological Appraisal was appropriate and should be secured by a condition of any consent and implemented in full.

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

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

10.7 *Thames Water – No Objection*

10.7.1 Surface Water Drainage

10.7.2 Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from the development should follow the guidance under section 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

10.7.3 Waste Water Network and Sewage Treatment Works

10.7.4 We would not have an objection to the above planning application based on the information provided. With regard to water supply, this comes within the area covered by the Affinity Water Company.

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

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

11. **REPRESENTATIONS**

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

11.2 **Object**

- 11.2.1**
- Highways/Access - The proposals as a result of increase traffic generation would result in harm to highway safety and traffic congestion along the surrounding highway network.
 - It would result in the widening of a protected lane.
 - Unustainable - The village is not a sustainable location with poor access to shops, local services, and employment for residents of the houses other than by car.
 - Flooding/Drainage – The surrounding area is prone to flooding. The proposals would result in further potential for flooding.
 - Countryside Impact - The development of this site would result in additional buildings in the countryside which would be detrimental to the open and rural character of the surrounding countryside.
 - Air Pollution – Increase traffic would result in increased impacts upon air pollution.
 - Play Area – There is already a public park in the village and thereby the new play area will not provide any additional benefits.
 - Scale – The size of the proposals is out of proportion with the size of the village.

- Biodiversity – The proposals would impact upon local wildlife and their habitats.
- Precedence - The site has not been listed as appropriate for potential development by Uttlesford DC and approval would set a dangerous precedent and encourage other non-compliant proposals
- Byway 75: - The proposal would have detrimental impact upon Byway 75
- Heritage – Impact upon the Clavering Conservation Area

11.2.2 Keep Clavering Rural (KCR) : In support of its opposition to the proposal KCR did provide a detailed response with professional input to the applicant's submissions on the following matters related to Heritage, Landscape and , Drainage/Flood Risk.

11.3 Comment

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

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Great Dunmow Neighbourhood Plan (made December 2016)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made Feb 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made November 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood Plan (Made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1 The National Planning Policy Framework** (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

13.2 Uttlesford District Plan 2005

- Policy S7 – The Countryside
- Policy GEN1- Access
- Policy GEN2 – Design
- Policy GEN3 - Flood Protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN5 – Light Pollution
- Policy GEN6 - Infrastructure Provision
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy H9 - Affordable Housing
- Policy H10 - Housing Mix
- Policy ENV1 - Design of Development within Conservation Areas
- Policy ENV2 - Development affecting Listed Buildings
- Policy ENV3 - Open Space and Trees
- Policy ENV4 - Ancient monuments and Sites of Archaeological Importance
- Policy ENV5 - Protection of Agricultural Land
- Policy ENV10 - Noise Sensitive Development

- Policy ENV13 - Exposure to Poor Air Quality
- Policy ENV14 - Contaminated Land

13.3 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A. Principle of Development**
 - B. Suitability and Location (GEN1 and the NPPF)**
 - C. Countryside Impact (S7, and the NPPF)**
 - D. Character and Design (GEN2 and the NPPF)**
 - E. Heritage (ENV2 and the NPPF)**
 - F. Housing Mix and Tenure (H9, H10 and the NPPF)**
 - G. Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**
 - H. Parking and Access (GEN1, GEN8, and the NPPF)**
 - I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)**
 - J. Nature Conservation (GEN7 and the NPPF)**
 - K. Contamination (ENV14 and the NPPF)**
 - L. Flooding & Drainage (GEN3, and the NPPF)**
 - M. Planning Obligations (the NPPF)**
 - N. Other Issues**

14.3 A) Principle of development

14.3.1 The application site is located outside the development limits of Clavering within open countryside and is therefore located within the Countryside where policy S7 applies.

14.3.2 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

- 14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.4 B) Suitability and Location (GEN1 and the NPPF)

- 14.4.1** The site lies outside the settlement development boundary limits of Clavering. It is identified within the Local Plan settlement hierarchy as being "Other Village" where it is recognised that there is some limited potential for future development within the settlement boundary or on previously developed land.
- 14.4.2** Although outside the settlement boundaries of the village of Clavering, the new built form would be constructed adjacent to the northern western edge of the village and adjacent to existing housing, therefore to a limited extent, the proposals provide a logical relationship with the existing village.
- 14.4.3** The village of Clavering has a limited number of local services and amenities that are within walking/cycling distance from the application site including but not limited to:
- Fox and Hound Public House (300m)
 - Primary and Pre-School (600m)
 - Local Supermarket (700m)
 - Two Churches (500M & 800m)
 - Village Hall (1km)
 - Recreation Ground (1.1km)
- 14.4.4** Although there are limited amenities within the settlement of Clavering, the town of Newport is located 6km to the northeast of the application site and the large town of Saffron Walden is located 11km to the west whereby other local facilities such as health facilities and employment opportunities can be located.

- 14.4.5** It is recognised that the public transport links are limited to local bus services providing accessibility to children to schools in nearby larger towns.
- 14.4.6** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including; schools; retail outlets; health and cultural facilities; sports and recreational fields; and employment opportunities to meet the needs of existing and future occupiers.
- 14.4.7** As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Clavering.
- 14.4.8** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.9** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. The scale of that benefit will obviously be commensurate to the limited scale of the development itself (10 properties), but that does not diminish the benefit or render paragraph 78 inapplicable. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.10** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.
- 14.4.11** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one properly takes account of the rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development

in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

14.4.12 For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

14.5 C) Countryside Impact (S7, and the NPPF)

14.5.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.5.2 It is acknowledged that there are some open views over the existing countryside from the north. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e., the area from which the site can be seen, is relatively small due to the position of the site.

14.5.3 The proposed scheme is for 10 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A lower density scheme such as this scheme in this location would not be out of place with the surrounding character due to its design concept taking into account the wider natural and built environment.

14.5.4 The proposed layout presents a loose knit and spacious layout with significant areas of soft landscaping interspersed between the buildings and towards the front of the site. The setback of the frontage properties will maintain a green collar that presents visual relief to the development and filters views through newly planted vegetation into the application site along the surrounding highways. The relatively low density of the site similar the adjoining residential development within the locality, and the allowance for visual separation between built forms is such that the proposed development would not be a significant prominent addition in the local area and the effect on the local landscape.

14.5.5 It would nestle into a largely contained and framed site next to existing housing associated on Lower Way and Colehills Close and the established and proposed vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.

14.5.6 Except for the front boundary, the proposed layout will preserve and the existing boundaries through the retention of the existing trees and hedgerows along all other boundaries. The proposed widening of the existing highway to improve accessibility and safety would result in the removal of the vegetation along the front boundary, however, this would be replaced and enhanced with new mature vegetation as detailed on the submitted drawings. The application sites boundaries will, therefore,

provide substantive containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.

- 14.5.7** In outlying views from the countryside from the north and along the public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Clavering resulting in only a low level of visual effect. The landscape and visual implications of this proposed development are of a low level and modest nature for a development such as this.
- 14.5.8** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.
- 14.5.9** Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

14.6 D) Character and Design (GEN2 and the NPPF)

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.6.2** The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.
- 14.6.3** Layout:
- 14.6.4** The site is characterised by a single spine road extending from the existing vehicle access off Lower Way and meandering around the western portion of the site leading up to the rear. The access and spine road will form the main ingress point for vehicles and pedestrians. The layout which effectively creates a new cul-de-sac development is not at

odds to the general character and layout of the area. Colehills Close to the east of the site is a cul-de-sac and thereby sets a precedence in this regard.

- 14.6.5** Due to the risk of flooding at the lower levels of the site, the layout of the housing has been generally located on the back high plateau at the back of the site and to the west where there are higher land levels.
- 14.6.6** The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.
- 14.6.7** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, drainage and flooding, and the surrounding historic and natural environment.
- 14.6.8** Scale:
- 14.6.9** The Applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of height, all the new dwellings will be two storeys with single storey garages to the market houses. The market housing to the rear of the site will all consist of detached forms whilst the 2 pairs of semi-detached buildings forming the affordable units will be constructed in steps to reflect the rising levels as it goes up the site.
- 14.6.10** The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring subservient and well-proportioned buildings.
- 14.6.11** Appearance:
- 14.6.12** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most rural locations.

- 14.6.13** The dwellings are of a traditional design with roof pitches generally steep ranging from 40-50 degrees and extending over the narrow plan in keeping with surrounding properties and the Essex Design Guide.
- 14.6.14** The external finishing materials of the new dwellings consist of a mix palette of materials which include slate, pantile and plain tile roofing, horizontal weatherboarding cladding or render to the walls with red brick plinths. The external materials are like those found in the general locality on surrounding properties.
- 14.6.15** The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.6.16** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.6.17** The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development.
- 14.6.18** Quality of Accommodation:
- 14.6.19** All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.6.20** In light of this, the new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new homes will function, be adaptable and cater to changing lifestyles that meet the needs of families, children, and older people.
- 14.6.21** For a two-bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

14.7 E. Heritage (ENV2 and the NPPF)

- 14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the

historic environment, and developments which may have an effect upon it.

14.7.2 The Clavering Conservation Area boundary is located across the highway from the south of the site.

14.7.3 The application site also lies within the setting of several listed buildings and non-designated heritage assets including:

- Willow Thatch, Grade II listed (list entry number: 1322462),
- The Wheelhouse, Grade II listed (list entry number: 1170534),
- Leatside Stort Cottage, Grade II listed (list entry number: 1112431),
- Annexe to west of Chesnut Cottage, Grade II listed (list entry number: 1306016),
- Chesnut Cottage, Middle Street, (non-designated heritage asset, Local List Ref: 020),
- Brooklands, High Street (non-designated heritage asset, Local List Ref: 022) and
- Brook Cottage, Mill Hill (non-designated heritage asset).

14.7.4 The key change to the proposals in terms of heritage assets is the revised scheme has pulled the development away from the road to help preserve the character of the lane and the setting of the conservation area. Furthermore, by submitting a full application rather than an outline as previously, the detailed design of the scheme is now available and has been informed by the local vernacular design.

14.7.5 The application is supported by a Heritage Statement which confirms that the proposed development would not have a direct physical impact on any designated heritage assets. The only harm that has been identified is a very low level of less than substantial harm to the conservation area due to the site's proximity lying opposite the site. Furthermore, the report concludes that other than this harm, the proposed development site does not provide a countryside setting to the conservation area.

14.7.6 The application was formally consulted to Place Services conservation officer who stipulated in their initial response in September:

14.7.7 *"The application site is considered to make a positive contribution to the setting, rural character and significance of the Clavering Conservation Area and has remained historically undeveloped as evident upon historical mapping. The proposed development of ten dwellings, in a cul-de-sac environment would result in a more urban character contrary to the prevailing rural character of Clavering and its setting. Thus, the proposed development is considered to result in 'less than substantial harm' to the setting of the Conservation Area, Paragraph 202 of the NPPD being relevant".*

14.7.8 The conservation officer further adds *"With regards to the proposed layout, I acknowledged that the large open space to the south-east would*

potentially mitigate some of the impacts from the proposed development however there remains concerns upon the quantum of development, and the scale and massing of the dwellings.” The officer further explains that “Additionally, it should be encouraged that the use of high-quality materials as per paragraph 206, the proposed use of concrete tiles, cement fibre cladding and PVC bargeboards and windows would be inconsistent with this and would fail to preserve the setting of the Conservation Area”

14.7.9 Following the response from the conservation officer, the applicant submitted revised plans to address some of the points raised as per above. These revisions included:

- The previously proposed terrace of 4 dwellings (Plots 1 to 4) to the west of the site has now been split into 2no. semi-detached buildings.
- The parking area to the south of plots 1 to 4 has been removed in favour of parking adjacent to the plots.
- The external materials have been updated to include natural roof tiles and painted timber cladding.

14.7.10 However, following further consultation with the Place Services following the submission of the revisions, the conservation officer confirmed in a revised response that they still had concerns. Although the officer acknowledged that removal of the parking to the southeast of the site and the use of external finishing materials was a positive, the proposed design of the dwellings and their scale and massing remained a concern.

14.7.11 The conservation officer concluded that the proposals would not result in a positive contribution to the local character or distinctiveness or preserve the Setting of the Clavering Conservation Area. It was deemed that the proposals would result less than substantial harm and that the identified harm was within the low- to medium level of the spectrum.

14.7.12 It should be recognised that the conservation area did not raise any concerns with respect to unacceptable harm upon the listed buildings as identified in paragraph 14.7.3 above.

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

14.7.14 The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.

14.7.15 The ‘Setting of a heritage asset’ is defined as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a

positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

- 14.7.16** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.17** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.18** In view of the conservation officer's concerns and particular regarding the quantum of development, the proposals would represent a site density of 10 dwellings per hectare which is very low in respect to density. Furthermore, the scheme will take of an arcadian layout creating a semi-rural feel rather than a dense urban appearance. In addition, the cul-de-sac layout of the development is not at odds to other cul-de-sac development within the vicinity including that of Colehills Close. Buildings within the site will also be visually separated allowing for large areas of soft landscaping which will be visually pleasing to the eye. In respect to scale and form, the proposals would not be at odds to the scale and size of dwellings in the locality which are predominately two stories.
- 14.7.19** In considering harm to designated heritage assets and being mindful of the statutory duties under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this is a matter that must be given considerable importance and weight and one must weigh up the public benefits and balance these against any identified harm. This balancing exercise is carried out in the planning balance section of this report below.

14.8 F. Housing Mix and Tenure (H9, H10 and the NPPF)

- 14.8.1** 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.

- 14.8.2** The application was consulted to Council's housing officer who confirmed that the Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units and that the affordable housing provision on this site will attract the 40% policy requirement as the site is 0.96 ha and therefore exceeds 0.5 ha. This amounts to 4 affordable housing units.
- 14.8.3** The proposals include the provision of 4 on-site affordable housing units. These are identified as plots 1 to 4. The housing officer confirmed that there is now a national requirement for 25% of the affordable provision to be First Homes and that the tenure split of affordable housing should be 3 affordable rent and 1 First Home.
- 14.8.4** The Applicant has confirmed that Plot 1 would be a First Time home, Plots 2 & 3 provided as affordable rent and Plot 4 to be provided as shared ownership. For a modest scheme such as this, the tenure split of the affordable units is appropriate.
- 14.8.5** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.
- 14.8.6** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 6 of the 6 market dwellings proposed comprise of 4 bedrooms or more which equates to 100%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 2- bedroom market dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.
- 14.8.7** 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). Plot 8 has been designed to comply with these requirements.
- 14.9** **G. Neighbouring Amenity (GEN2, GEN4, ENV11, and the NPPF)**
- 14.9.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.9.2** Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

- 14.9.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings on the opposite side of Lower Way and to the east that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.
- 14.9.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.9.5** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

14.10 H. Parking and Access (GEN1, GEN8, and the NPPF)

- 14.10.1** 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.
- 14.10.2** Access
- 14.10.3** Vehicle access will be from Lower Way utilising the existing vehicle crossover into the site. The application is supported by a Transport Statement prepared by SLR. This stipulates that safe and suitable access can be provided into the site for both vehicles and pedestrians. The proposed access point will take the form of a 6m wide driveway for at least the first 8m into the site and will have a turning provision for all vehicles that will access the site.
- 14.10.4** As part of the proposals, Lower Way itself is proposed to be widened and improved along the street frontage and up to the junction of Colehills Close to create a carriageway width of 5m. On the road widening the dimension varies between 500mm and 2000mm depending on the position of the widening in relation to the site boundary, a total of about 70m along the boundary of the site. This is proposed to ensure that two vehicles can pass on the lane. With respect to the impact of the proposed widening, this has been accounted for in the detailed landscaping scheme

which proposes a replacement mixed native hedge with mature plants chosen for their wildlife value.

14.10.5 The application was consulted to Essex County Council who are the lead local highway authority who confirmed that they have reviewed all supporting documentation including the Transport Statement. The highway authority confirm that they have no objections to the application in respect to highway safety of accessibility.

14.10.6 It is acknowledged that some representations made concerns regarding the widening of the highway and that this would be detrimental to this protected lane. To confirm, this part of Lower Way in which some widening is proposed is not designated as a protected lane as defined by the Adopted Local Plan. The highway is not designated as a protected lane for a further 70m west of the site.

14.10.7 Parking

14.10.8 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.10.9 The Adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.10.10 Based on the accommodation mix provided, a minimum of 24 off street parking spaces would be required across the development. A total of 32 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. In addition, secure cycling would be provided for each residential unit within the site.

14.10.11 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe, and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

14.11 **I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)**

14.11.1 Landscaping:

- 14.11.2** All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.
- 14.11.3** The proposals include a landscaping scheme, incorporating both private and public open space areas. This will help to retain the rural nature of the site and provide a visual buffer between the development and the houses opposite maintaining the arcadian nature of the development.
- 14.11.4** The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.
- 14.11.5** Arboriculture:
- 14.11.6** The application is supported by an Arboricultural Impact Assessment. This confirms that the development will result in the removal of:
- Category A: 0 trees
Category B: 4 trees and 1 group of trees
Category C: 6 trees, 1 group of trees and 3 hedgerows
Category U: 4 trees and 2 groups of trees
- 14.11.7** The majority of the proposed removals are trees situated along the southern (front) boundary adjacent Lower Way, which is to facilitate road widening adjacent this boundary. The majority of the removals are trees of low quality or diseased or dying. By way of mitigation, it is proposed as part of the landscaping proposals, 45 new trees and numerous hedges, shrubs and herbaceous plants are to be planted for compensation of the vegetation proposed to be removed.
- 14.11.8** All other trees to be retained will be protected during construction works by way of tree protecting fencing and ground protection.
- 14.11.9** Open Space:
- 14.11.1** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open

space provisions should form an integral part of the design and layout and meet the need generated by the development.

14.11.1
1 In total, 0.2 hectares of informal and formal public open space is proposed towards the front of the site fronting onto Lower Way. The open space area will include a Local Area of Play (LAP) which will include trees and amenity grassland planting, and timber equipment for play and benches. Specifically, the size and amount of the open space and play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.

14.11.1
2 The proposed landscaping of open spaces including street frontages is appropriate.

14.12 J. Nature Conservation (GEN7 and the NPPF)

14.12.1 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.

14.12.2 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

14.12.3 The applicant has submitted an Ecological Appraisal including a protected species assessment for bats and reptiles and detailed, and an Ecological Mitigation supporting document. The supporting documentation stipulates that the proposed development would not have a harmful effect on wildlife, designated sites, or other landscape elements of importance to nature conservation and includes measures to secure biodiversity enhancements.

14.12.4 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. Place Services ecologist have reviewed the supporting Preliminary Ecological Appraisal and further supporting documentation submitted in support of the proposals in detail and has assessed the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.12.5 The planting scheme has been designed to increase the ecological benefits of the site.

14.12.6 Place Services ecologist confirms that the mitigation measures identified in the Preliminary Ecological Appraisal including a Protected Species Assessment should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly bats, Badger, birds, mobile mammal species and amphibians. They also stipulated that they support the proposed reasonable biodiversity

enhancements including a mixture of bird and bat boxes, hedgehog nesting boxes, habitat piles as well as native planting which has been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

14.13 K. Contamination (ENV14 and the NPPF)

14.13.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that they had no objections to the scheme in respect to contamination.

14.13.2 L. Flooding & Drainage (GEN3, and the NPPF)

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

14.13.4 Flooding:

14.13.5 The site is shown on the Environmental Agency Flood Map for Planning as per Figure 1 below as lying almost entirely in Flood Zone 2, with the higher northern part of the site shown in Flood Zone 1, and Flood Zone 3 extent limited to the land to the southern boundary and adjacent the highway.



Figure 1: Extract from Environmental Agency showing Flood Zones.

14.13.6 Due to the site falling within Flood Zones 2 and 3 the need for a Sequential Test is required to demonstrate that there are not any reasonable alternative sites that are available in areas with a lower

probability of flooding to accommodate the type of development and land use proposed.

- 14.13.7** The applicant has undertaken a Sequential Test identifying sites in and around the village of Clavering as shown in Figure 2 below that have either been promoted and still available, and that they may be suitable for development of a similar size to that of which is being proposed.



Figure 2: Sites forming part of the Applicant's Sequential Testing.

- 14.13.8** The above sites were found not suitable due to either access constraints, inappropriate scale, and layout, or lying in Flood Zones 2 or 3 and thereby they were considered as not being sequentially preferred sites in Clavering for the proposed development. However, it is acknowledged that the Sequential Test undertaken by the applicant is rather limited and only covers the area of Clavering. It could be contended that a wider search area should have formed part of the Sequential Test.

- 14.13.9** If the application is concluded to pass the Sequential Test, one must thereafter consider the Exception Test in which paragraph 164 of The Framework requires that to pass the Exception Test it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

- 14.13.10** As set out in Section 16 of this report (Planning Balance and Conclusion) it is considered that the proposals would deliver material planning benefits

that would outweigh the potential of flood risk on the site or elsewhere and thereby complying with point (a) above.

- 14.13.1**
1 Referring to point (b) above, and as further demonstrated below, all the proposed dwellings will be located within Flood Zone 1 once altered site levels and flood defensive measures are considered ensuring the development will be a safe place to live for its lifetime. It is thereby considered that the Exception Test is passed.
- 14.13.1**
2 It is possible to build safely in fluvial flood zones as long as the applicant undertake and construct the necessary measures to protect homes from flooding and ensure to mitigate the effects of any new development from increasing the flood risks to others.
- 14.13.1**
3 Planning permission is only granted on the condition that the floor of the new homes is raised significantly above the flood level, and that suitable mitigation is applied; such as compensatory storage for floodwater to prevent flooding from reaching new homes.
- 14.13.1**
4 The applicant has provided a Flood Risk Assessment and Drainage Strategy in support of the application. The Assessment stipulates that the above Flood Risk Maps that identifies the Flood Zones is misleading as to the actual current risk of flooding of the site due to the flood map not considering the presence of flood defences in the area including the Lower Way Ford Wall along the site frontage. It is put forward in the Assessment that the Ford Wall helps retain flows in the watercourse and improves channel capacity prior to overspill occurring.
- 14.13.1**
5 The Assessment continues that modelled flood data for the River Stort has been undertaken in the vicinity of the site taking into account flood defences. The modelling as per Appendix 5 within the Assessment indicates that upstream of the site the 1 in 100 year water level is 84.94m Above Ordnance Datum (AOD) falling to 84.69 AOD at the downstream end of the site. The modelled 1 in 1000 year flood levels at the upstream and downstream ends of the site are 85.21m and 85.04m AOD retrospectively. This event has yet to be modelled by the Environment Agency.
- 14.13.1**
6 If one takes the flood defensive measures and the modelling into consideration and compare the 1 in 100 and 1 in 1000 year flood levels against the topographical survey as per Figure 3 below, this demonstrates what would be the current Flood Zones. Based upon the model outlines, water remains in bank or in close proximity to the channel along the upstream stretch (west) of the site, although towards the downstream end of the site (east), water may come onto the lower lying area of the central part of the site.

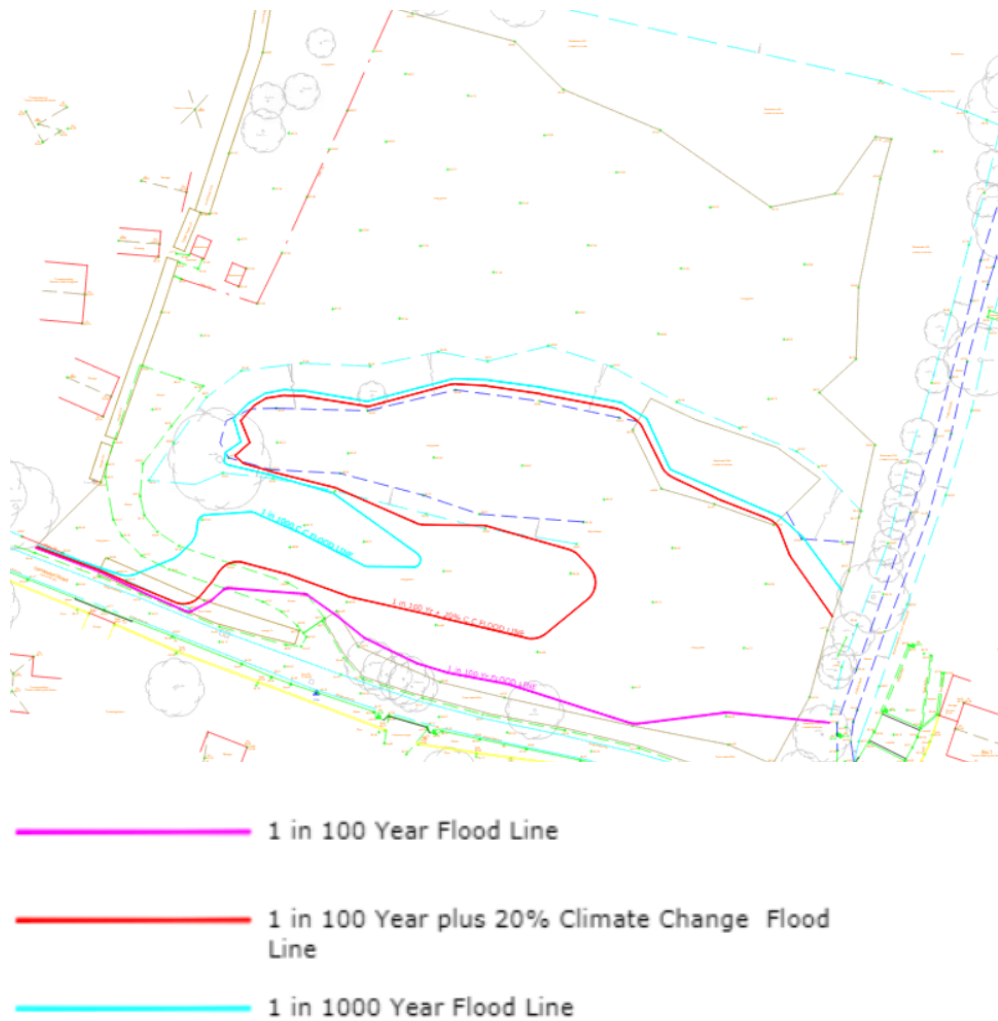


Figure 3: Site Survey and Modelled Flood Lines.

14.13.1 Taking into account the above ‘Site Survey and Modelled Flood Lines’
7 and overlaying the proposed site layout over the top, Figure 4 below identifies that based on current Flood Risk Maps if one takes into account the existing Flood Defensive Measures, then the majority of the plots with the exception of plots 1 and 2 would be located within Flood Zone 1.

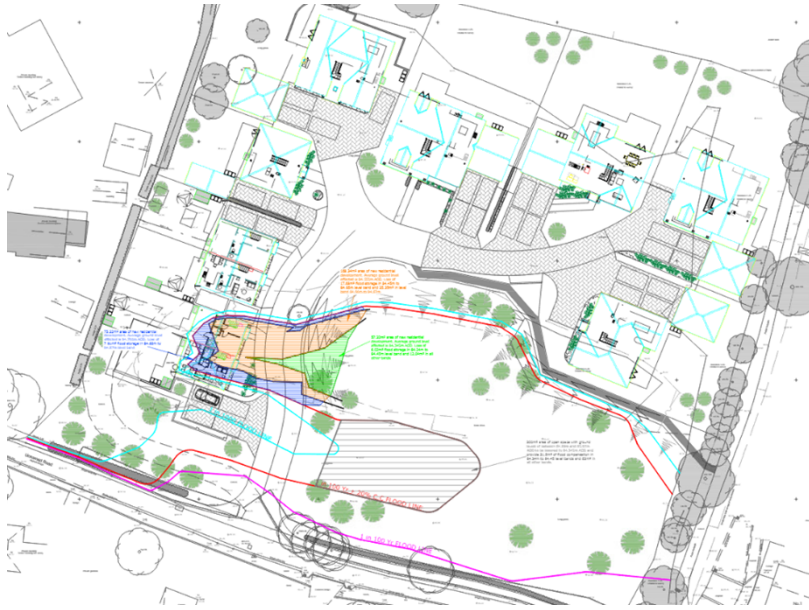


Figure 4: Site Survey and Modelled Flood Lines overlaid onto Proposed Site Plan.

14.13.1 However, to mitigate the current risk of Plots 1 and 2, the levels in the
8 land as shown hashed in blue, orange and green above are proposed to be raised by approximately 25cm to increase the height of the finish floor levels of these properties. The proposed ground raising will however mean that post development all dwellings are situated in Flood Zone 1, and above the 1 in 1000 year water level as shown in Figure 5 below.



Figure 5: Site Plan showing all dwellings post development would be in areas with a less than 1 in 1,000 annual probability of flooding (which equates as Flood Zone 1).

14.13.1 To compensate for potential flooding in the central area of the site
9 (300sq.m of public open space) ground lowering works will be carried out

to provide additional capacity and storage by way of mitigation. This area will include an on-site flood compensation area that would provide an increase of more than 68 cubic metres in flood storage capacity for the site and will help ensure that the downstream of flooding is reduced which is a benefit of the proposed development.

14.13.2 The Flood Risk Assessment considers that the majority of the site is at low risk of fluvial flooding from any source, with a limited risk along the southern boundary and low area in the south only.
0

14.13.2 It is acknowledged that that the vehicle access will remain in Flood Zones 2 and 3. On balance it is considered that in the event of a significant event, occupants would be provided with safe place of refuge within the dwellings themselves. Any significant flooding would be short term. Furthermore, the vehicle access points of those dwellings on the opposite side of Lower Way also lie in Flood Zones 2 and 3.
1

14.13.2 The applicant has provided a Flood Warning and Excavation Plan attached at Appendix 11 of the FRA which can be implemented in order for the occupants can leave the site in advance of any potential event in which any access may be become impassable.
2

14.13.2 As indicated in Section 8 of this report, an important material consideration in the merits of this application is that no objections or concerns have been raised by the Environmental Agency in relation to the potential of flooding either within the site or elsewhere because of the proposals.
3

14.13.2 Drainage:
4

14.13.2 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.
5

14.13.2 A Sustainable Urban Drainage System (SuDS) is proposed that would drain surface water into the ground via on-plot soakaways, permeable paving and an infiltration basin in the area of public open space that would sustainably accommodate surface water run off from the site plus a further 40% storage capacity to account for climate change.
6

14.13.2 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and Drainage Strategy which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.
7

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

14.14 M. Planning Obligations (the NPPF)

14.14.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure 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**
- Affordable Housing: 40% affordable housing (split across the affordable rent and intermediate tenures).
 - Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
 - Payment of the council's reasonable legal costs.
 - Payment of monitoring fee.

14.15 N. Other Issues

14.15.1 Air Quality and Pollution

14.15.2 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.

14.15.3 A review of the potential impact of the proposed scheme on air quality confirmed that the site is not within an existing Air Quality Management Area (AQMA).

14.15.4 The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures such as providing all dwellings with electric vehicle charging points.

14.15.5 Energy and Sustainability

14.15.6 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate

the optimum use of energy conservation and incorporate energy conservation and efficiency measure.

14.15.7 The applicant outlines technologies and strategies to achieve and met the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel. The applicant also confirms that the properties will be built with sustainability in mind with air source heat pumps, high levels of insulation and water efficient fittings which can be secured by way of conditions if permission is approved.

14.15.8 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings. Conditions are suggested in Section 17 to secure appropriate technologies and strategies to achieve and met the targets in the SPD.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these

issues have been taken into account in the determination of this application.

16.1 CONCLUSION

- 16.1.1** With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 16.1.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.
- 16.1.3** In respect to addressing the benefits of the proposed development, the provision of 10 dwellings including 4 of these being affordable housing would represent a modest boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district.
- 16.1.4** Significant new public open space and play equipment in excess of the open space standards is to be delivered. A quantifiable on-site biodiversity net gain of at least 10% is to be achieved.
- 16.1.5** The central area of the site (public open space) will include an on-site flood compensation area that would provide an increase of more than 68 cubic metres in flood storage capacity for the site and will help ensure that the downstream of flooding is reduced which is a benefit of the proposed development.
- 16.1.6** 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.
- 16.1.7** The proposed dwellings would be built with sustainability in mind with air source heat pumps, high levels of insulation, electric vehicle charging points, and water efficient fittings.
- 16.1.8** Thus, taken these together, significant weight to the benefits of the development have been considered.

- 16.1.9** 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. This would have limited to modest negative environmental effects.
- 16.1.10** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the adjacent Clavering Conservation Area. Thereby it would result in 'less than substantial harm' to the setting of this heritage asset which has been deemed to be of a 'low to modest' harm on the spectrum.
- 16.1.11** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.1.12** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.1.13** 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.
- 16.1.14** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

17.3 The applicant be informed that the Committee be minded to refuse planning permission for the reasons set out below unless by 15th August 2023 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- 17.4**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost
- 17.5** In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.
- 17.6** If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the lack of delivery of the following mitigation:
- 17.7**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

CONDITIONS

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

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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

- 3** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 1169-04A unless otherwise agreed in writing by the Local Planning Authority.

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

- 4** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and

approved in writing by the Local Planning Authority, and the plan shall include the following:

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

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

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

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

- 5** No construction works 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 8:00am or after 6:00pm on Monday to Friday or before 9:00am or after 1:00pm on Saturdays.

REASON: to Protect the amenities of adjoining residents in accordance with Policies GEN2 and GEN4 of the Adopted Local Plan and the National Planning Policy Framework.

- 6** Prior to the occupation of the development hereby approved, details of any external lighting to be installed on the site, including the design of the lighting unit, and supporting structures, and the extent of the area to be illuminated, shall be submitted and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties and the character of the surrounding area in accordance with ULP Policies ENV11, GEN2 and S7 of the Uttlesford Local Plan as Adopted and the National Planning Policy Framework.

- 7 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out.

REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

- 8 No works shall take place until a detailed surface water drainage strategy scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm event up to and including the 1 in 100 year plus 40% climate change event.
- A 10% allowance should be provided in storage calculation for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculation for all area of the drainage system
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance route, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting and minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environment harm which may be caused to the local

water environment in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 9** 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 by the Local Planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and 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 ground level, this will cause additional water to be discharged. Furthermore, the removal of topsoil 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 the commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

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

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

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

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

- 12** Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Way, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 13** Any boundary planting fronting Lower Way and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 14** Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 15** Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Way and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interest of highway safety and accessibility and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 16** Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Way), from internal access road to byway no. 75

(Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

REASON: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 17** The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

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

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
- viii. shall specify the provisions to be made for 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2 and GEN4 of the Adopted Local Plan and the NPPF.

- 19** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that

appropriate parking is provided and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 20** Dwellings shall not be occupied until such time as their associated cycle parking in accordance with Adopted Parking Standards has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 21** 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 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 23** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd., April 2022) and Landscape & Planting Design, drawing (Prepared by Samuel Moore, November 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).

- 24** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 25** A minimum of a single electric vehicle charging point shall be installed for each new dwelling. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

- 26** Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 27** Prior to commencement of the development hereby approved, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and

thereafter retained unless otherwise agreed in writing by the local planning authority.

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

Appendix 1 – Statutory Consultee Responses

Highway Authority

Your Ref: UTT/22/1718/FUL
Our Ref: 31333
Date: 20th December 2022



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

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1718/FUL
Applicant Artisan (UK) Developments Limited And Turnwood Heritage Limited
Site Location Land West Of Colehills Close Middle Street Clavering
Proposal Full planning application for the erection of 10 no. dwellings, with associated landscaping, access and parking

SUPERSEDES PREVIOUS RECOMMENDATION DATED 29TH SEPTEMBER 2022

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Road, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Any boundary planting fronting Lower Road and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

3. Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interests of highway safety.

4. Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Road and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interest of highway safety and accessibility.

5. Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Road), from internal access road to byway no. 75 (Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

Reason: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety.

6. Prior to occupation of the development, the pedestrian access onto byway no. 75 (Clavering) shall be provided at its centre line shall be provided with a clear to ground visibility splay as shown in principle on DWG no. 001 Rev. 4. 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 pedestrians and those in the existing public highway in the interest of highway safety.

7. The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

Reason: In the interests of highway safety.

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

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

- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
9. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
10. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
11. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.
12. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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

Informative:

- i. 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 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The proposed development does not accord with the Essex Design Guide and as such would preclude / not be considered suitable for adoption by the Highway Authority.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no

mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. 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.
- 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 byway no. 75 (Clavering) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

Note:

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 Sophie Currey
Telephone: 03330 133056
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority

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



Lindsay Trevillian
Uttlesford District Council
Planning Services

Date: 29 June 2022
Our Ref: SUDS-006072
Your Ref: UTT/22/1718/FUL

Dear Ms Trevillian

Consultation Response – UTT/22/1718/FUL - Land West Of Colehills Close Middle Street Clavering Essex

Thank you for your email received on 20 June 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- A 10% allowance should be provided in storage calculations for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason

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

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



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

Our ref: AE/2022/127201/01-L01
Your ref: UTT/22/1718/FUL
Date: 18 July 2022

Dear Sir/Madam

**FULL PLANNING APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS,
WITH ASSOCIATED LANDSCAPING, ACCESS AND PARKING**

LAND WEST OF COEHILLS CLOSE MIDDLE STREET CLAVERING ESSEX

Thank you for your consultation dated 17 June 2022. We have reviewed the application as submitted and have no objection. The applicant may require an Environmental Permit, in order to undertake their development, as detailed below.

Environmental Permitting Regulations

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the River Stort, designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',

- 'Standard Risks Permit'
- 'Bespoke permit.'

New forms and further information can be found at:

<https://www.gov.uk/guidance/food-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: foodriskactivity@environment-agency.gov.uk

We trust this information is useful.

Yours faithfully



Mr Pat Abbott
Planning Advisor

Direct dial 0208 4748011

Direct e-mail planning.ipswich@environment-agency.gov.uk

Agenda Item 11



ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/3013/OP

LOCATION: Highwood Farm Stortford Road, Great Dunmow,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: Feb 2023

PROPOSAL: Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane

APPLICANT: Mr G Duncan

AGENT: Mr G Duncan

EXPIRY DATE: 16 February 2023

EOT Expiry Date: 13 March 2023

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits. Grade II Listed property (Highwood Farm). Within 500m of SSSI. Within 6km Stansted Airport. 500m Oil Pipeline consultation area. Within 20m of Local Wildlife Site (Flitch Way.) Within 250m of ancient Woodland (High Wood)

REASON THIS APPLICATION IS ON THE AGENDA: MAJOR application

1. EXECUTIVE SUMMARY

- 1.1** The proposal is Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane
- 1.2** This application follows an application of the same description UTT/22/0391/OP, which was refused. A Transport Statement addendum and a draft Unliteral Undertaking has been submitted to address the previous reasons for refusal.
- 1.3** The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety

and therefore fails to comply with the requirements of Local Plan Policy GEN1.

- 1.4 The proposal does not comply with the requirements of adopted Local Plan Policies S7 and ENV2 which seek to protect the character of the area and the setting of listed buildings. The scheme also fails to comply with GDNP Policy DS1 which seeks to protect the rural setting of Great Dunmow. However, the NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified. When taking the Framework as a whole, the benefits of the proposal are not considered to outweigh the harm to the character and the setting of the heritage assets and impact on highway safety.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **REFUSE** 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 is 1.3 hectares (approximately), located to the west of Buttley's Lane and to the south of Stortford Road (B1256) also to the west of Great Dunmow.
- 3.2 Access is taken from Buttley's Lane, a single lane track.
- 3.3 The Flich Way, a Local Wildlife Site, runs along the south of the site.
- 3.4 To the west of the site is a fencing business. The western boundary has post and rail fencing with trees beyond. The northern boundary has a mix of hedgerows and sporadic trees.
- 3.5 Planning permission has been granted for a school to the east of the site, on the opposite side of Buttley's Lane and 332 residential dwellings and a health centre beyond that (further to the east).
- 3.6 Planning permission (UTT/19/2354/OP) has been granted (on appeal) for 60 dwellings at the site to the north on 19th January 2022.
- 3.7 There are two Grade II listed buildings to the northeast corner of the site, a farmhouse and a converted barn.

4. **PROPOSAL**

- 4.1 Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane.

4.2 The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Self Build Planning Passport
- Flood Risk Assessment
- Transport Statement and Addendum
- Road Safety audit and Brief
- Tree Survey
- Suds Checklist
- Supporting Statement
- Draft Unilateral Undertaking

4.2.1 The application is supported with an indicative masterplan and a set of guiding design principles and a plot passport.

4.2.2 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

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
DUN/0264/68	Site for petrol filling station	Refused
DUN/0340/70	Site for wildlife preservation area	Refused
DUN/0380/70	Use of land as a naturist club	Refused
DUN/0462/71	Site for dwelling.	Refused
DUN/0497/62	Site for 2 dwelling	Refused
DUN/0646/72	Installation of gateway and extension to existing vehicular access	Approved with conditions
DUN/0716/69	Site for caravan	Approved with conditions
UTT/0094/05/FUL	Proposed erection of stables, tack room, hay store	Approved with conditions
UTT/0790/04/FUL	Conversion of barn and stable to dwelling. Erection of detached double cart shed/store and creation of	Approved with conditions

	new access. Change of use from agricultural land to garden use.	
UTT/0791/04/LB	Conversion of barn and stable to dwelling with internal alterations	Approved with conditions
UTT/13/0068/CC	Application for the bagging of indigenous and imported aggregates together with the erection of a building	
UTT/13/1284/FUL	Conversion of barn and stable to dwelling. Erection of detached cart lodge	Approved with conditions
UTT/13/1370/LB	Conversion of barn and stable to dwelling including internal alterations	Approved with conditions
UTT/15/2046/HH F	Proposed new access/drive way with the erection of new gate/fence.	Approved with conditions
UTT/15/2326/FUL	Conversion of barn and stable to dwelling (amendments to planning application UTT/13/1284/FUL)	Approved with conditions
UTT/15/2329/LB	Conversion of barn and stable to dwelling (amendments to listed building consent UTT/13/1370/LB)	Approved with conditions
UTT/19/2354/OP	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.(site to the north)	Allowed at appeal.
UTT/18/2574/OP	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, 1,800 sqm Health Centre (Class D1) and new access from roundabout on B1256 Stortford Road together with provision of open space incorporating SuDS and other associated works.	Approved with conditions

	Full planning permission sought for demolition of existing buildings (including Staggs Farm) and development of Phase 1 to comprise 108 dwellings, including affordable housing, a new access from roundabout on B1256 Stortford Road, internal circulation roads and car parking, open space incorporating SuDS and play space and associated landscaping, infrastructure and other works. 14ha of land to be safeguarded for education use via a S.106 Agreement	
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 north of Stortford Road)	Approved with conditions.
UTT/22/0391/OP	Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane	Refused
UTT/22/2358/FUL	Erection of 5 no. dwellings, creation of new access and associated infrastructure	Refused

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 UTT/19/2544/PA: 40 dwellings, written advice only.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Buttleys Lane serves a vital role in providing a connection from the B1256 to a plethora of Public Rights of Way and the Flitch Way, an important and

popular greenway and wildlife corridor that runs for fifteen miles from Braintree station to Start Hill near Bishops Stortford and provides a safe traffic free environment for walkers, cyclists, and equestrians. Buttleys Lane and the Flitch Way also form part of the National Cycle Network Route 16.

8.1.2 The Highway Authority are mindful that the area immediately surrounding Buttleys Lane is currently being developed for residential use and over the next few years demand for access to the local Public Rights of Way network, Flitch Way and National Cycleway Route 16 is anticipated to increase significantly which in turn will increase demand for use of Buttleys Lane by new residents seeking to access the countryside for recreation.

8.1.3 The current vehicular use of Buttleys Lane is minimal serving only 3 dwellings, and Byway 34 Great Dunmow and this allows for pedestrians' cyclists and equestrians traffic to be safely accommodated. The addition of 14 new dwellings would significantly increase the vehicular traffic use of Buttleys Lane and therefore it is essential that any development proposals provide adequate mitigation to ensure continued safe passage for walkers, cyclists and equestrians using Buttleys Lane, additionally any new development should provide safe and suitable access including pedestrian access for their residents.

8.1.4 It is the view of the highway authority that the current proposals do not accord with the above and therefore, from a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided.
 - a. A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
 - b. A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
 - c. Appropriate provision for pedestrians along Buttleys Lane.
 - d. The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Flitch Way), and wider highway network.

- e. Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

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

8.2 Local Flood Authority

8.2.1 No objection subject to condition.

9. Great Dunmow Town Council comments

9.1 The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.

10. CONSULTEE RESPONSES

10.1 Fisher German LLP

10.1.1 Exolum Pipeline System does not have apparatus situated within the vicinity of your proposed work. No comment

10.2 UDC Environmental Health

10.2.1 Part of this site has a redundant MOD (Ministry of Defence) pipeline running through it, and this use could have resulted in ground contamination potentially harmful to human health. A minimum of a Phase 1 contamination survey of the site is required, but as there is no reason to suppose that any contamination could not be remediated by the use of standard techniques this may be secured by condition.

10.2.2 The site is located next to the busy A120 which is likely to be the dominate noise source that will impact on future occupiers of the proposed development. Whilst this is not considered a barrier to development, it is important to ensure that a suitable noise mitigation scheme is incorporated into the design and construction of the new dwellings, to ensure future occupiers are able to enjoy a good acoustic environment. (Subject to conditions).

10.2.3 This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. A condition is recommended to protect the amenity of existing residential properties close to the site.

10.2.4 Air Quality

NPPF 2021 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

10.2.5 Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

10.3 Anglian Water

10.3.1 No comment

10.4 Essex Police

10.4.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.5 Place Services (Conservation and Heritage)

10.5.1 Grade II listed Highwood Farmhouse (List entry number 1323789) has been dated to the late 15th century or earlier and is timber framed and plastered with a red plain tile roof, a cross wing to the east and 16th century and later red brick chimney stacks. To the east of the farmhouse is Baytree Barn, a Grade II listed 17th century timber framed and weatherboarded barn with red pantile roof (listed as Barn at Highwood Farm, Buttleys Lane, List entry number 1142502). The listed buildings lie on the west side of Buttleys Lane which becomes a track to the south of Highwood Farm, and the immediate and wider setting of the listed buildings is agricultural land which surrounds them on all sides. An application (UTT/22/2358/FUL) for a development of 5 new dwellings on land to the south of Brady's Barn directly adjacent to the site, which is the subject of this application, was refused with less than substantial harm to the significance of the listed buildings (through development in their setting) amongst the reasons for refusal. I also note that an outline application for construction of up to 60 dwellings (UTT/19/2354/OP) on land directly to the north of the development site of the current application was refused (with no reference made to heritage impact in the reasons for refusal) but an appeal against this decision was allowed in January

2021. The Heritage Statement submitted with the original application found a moderate level of less than substantial harm to the significance of Highwood Farmhouse and the neighbouring barn arising from the proposals.

10.5.2 The proposed development site is an area of land directly to the west and south of the listed buildings and forms part of the agrarian setting of both the historic farmhouse and barn, provides a direct link to their historic function, and makes a positive contribution to their significance. Historic England's GPA Advice Note 3 on The Setting of Heritage Assets (2017) provides details of factors to consider in assessing the contribution of setting to significance. In this case there are a number of factors in terms of the heritage assets' physical surroundings including green space, history and degree of change over time and how the assets are experienced including the surrounding landscape character, views from and towards the assets, tranquillity, and land use. There is also the competition and distraction from the heritage assets that the new development will introduce, as well as the effects of light spill and increased noise and activity levels.

10.5.3 Although I acknowledge that there has been change to the immediate setting of both listed buildings, as set out in the same Historic England guidance, where the significance of heritage assets has been compromised in the past by unsympathetic development affecting their setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the assets. The cumulative impact of the current proposal along with the consented potential development of 60 new dwellings directly to the north and west of the listed buildings should also be considered. The complete urbanisation of the land to the west of these heritage assets would effectively remove the important contribution of setting to their significance.

10.5.4 To conclude, in my opinion, the proposed development of dwellings will fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2021) the level of harm to significance is considered less than substantial (at the medium part of the scale) making paragraphs 200 and 202 relevant.

10.6 Place Services (Ecology)

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

10.7 Place Services (Archaeology)

10.7.1 No objections subject to conditions of Archaeological Programme of Trial Trenching followed by Open area Excavation.

10.8 Stansted Airport Aerodrome Safeguarding Authority,

10.8.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with Aerodrome Safeguarding criteria. No objection raised subject to conditions.

10.9 MOD – Ministry of Defence

10.9.1 The pipeline is redundant. If the landowner wishes to remove the pipeline from the land they may do so at their own cost; however, as different methodologies were used to decommission pipelines we would highly recommend using specialist contractors.

10.10 Cadent Gas

10.10.1 No objection.

10.11 Thames Water

10.11.1 No objection.

10.12 UK Power Networks

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

10.12.2 Housing Strategy, Enabling & Development Officer

Affordable rented housing should be provided. The commuted sum would be based upon 4 affordable rented units.

In terms of the affordable rented need for Gt Dunmow it is as follows:-

Gt Dunmow: calculated bedroom need for Affordable Rented	Number of applicants in housing need
1 bedroom	76
2 bedroom	45
3 bedroom	45
4 or more bedrooms	7
Bedroom need to be assessed	18
Total	191

I would interpret the identified affordable housing needs of 'specific groups' as being those for people with learning difficulties, those with

dementia, Gypsies & Travellers for example. The developer is not proposing affordable housing for anyone I would interpret as a specific group.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 28 notifications letters were sent to nearby properties. Expiry 9th December 2022

11.2 Object

11.2.1 Friends of the Flitch Way and Associated Woodlands

11.2.2 The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).

11.2.3 The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site reference Ufd196 and has recently been designated a Local Nature Reserve by English Nature. It carries a bridleway along most of its length and is a popular and much-loved greenway with over 70 access points, giving walkers, cyclists and equestrians access to the beautiful countryside of northwest Essex.

11.2.4 Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last 2 years there have been applications to build around 6,000 houses or commercial development across 17 sites directly adjacent to the Flitch Way.

11.2.5 To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused due to the impact it would have on the character and appearance of the Flitch Way, wildflowers, and wildlife. Greenspaces in Uttlesford are in high demand and should be protected for the health and well-being of residents.

11.2.6 We are also particularly concerned about the increased traffic down Buttleys Lane which is a single-track road with no passing places. It is currently the main Great Dunmow access route to the Flitch Way for pedestrians, cyclists and equestrians. If the application is approved, then

road traffic measures should be in place to protect non-motorised users when they are using the lane including speed restrictions appropriate to its shared use.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon & 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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford Local 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

H9 - Affordable Housing

H10 - Housing Mix Policy

H1 – Housing Development

ENV2 - Development affecting Listed Buildings

ENV3 - Open Space and Trees

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land

ENV7 – The protection of the natural environment designated site

ENV10 -Noise Sensitive Development

ENV13 - Exposure to Poor Air Quality

ENV14 - Contaminated Land

13.3 Great Dunmow Neighbourhood Plan 2015-2032 Made December 2016

DS1:Town Development Area

DS15: Local Housing Needs

LSC1: Landscape, Setting and Character

DS13: Rendering, Pargetting and Roofing

DS12: Eaves Height

GA2: Integrating Developments

DSC: land south of Stortford Road and Land adjacent to Buttleys Lane.

GA3: Public Transport

DS9: Buildings for Life

GA1: core footpath and Bridleway Network.

DS11: Hedgerows

LSC-A The historic Environment.

13.4 Supplementary Planning document or guidance

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space

Essex Design Guide

Uttlesford Interim Climate Change Policy (2021)

14 CONSIDERATIONS AND ASSESSMENT

14.1 This application follows an application bearing the same description UTT/22/0391/OP which was refused.

14.1.1 It was refused for the following reasons

1. Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided. The applicant has failed to demonstrate, to the satisfaction of the Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.

Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided, contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

2. The proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF para 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
3. The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, and to the control the self-build provision and re-sale on the site contrary to Policy GEN6 of the Adopted Local Plan 2005.

14.1.2 It is therefore necessary to assess whether the above reasons for refusal have been overcome and whether there are material reasons to change that decision. Additional documents have been submitted with this application and a draft Unilateral Undertaking to secure the self-build units provision and resale.

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

- 14.2.1**
- A) Principle of Development**
 - B) Highways Safety and Parking Provision**
 - C) Design and Amenity**
 - D) Biodiversity**

- E) Impact on setting and adjacent listed building and heritage assets**
- F) Affordable Housing/housing mix/self-build**
- G) Contamination**
- H) Drainage and Flood risk**

14.3 A) Principle of development

14.3.1 The application site is outside of the development limits and in the countryside (ULP Policy S7). Development in this location 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. 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.

14.3.2 This is consistent with paragraph 174(b) of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

14.3.3 The National Planning Policy Framework 2021 describes the importance of maintaining a 5 year housing land supply (5YHLS) of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 4.89 Years Housing Land Supply (YHLS).

14.3.4 Paragraph 11 of the NPPF considers the presumption in favour of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5YHLS cannot be delivered. As the Council is currently unable to demonstrate a 5YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). A provision of 14 residential dwellings would make a valuable but modest contribution to housing supply within the District.

14.3.5 As advised, this presumption in favour of sustainable development is increased where there is no 5YHLS. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 4.89YHLS. Therefore, contributions toward housing land supply must be regarded as a positive effect.

14.3.6 However, the NPPF does not suggest that the policies of the Development Plan (including Policy S7) should be ignored or disapplied in such circumstances, instead requiring that the 'tilted balance' in paragraph 11 must be applied. It remains a matter of planning judgment for the

decision-maker to determine the weight that should be given to the policies, including whether that weight may be reduced taking account of other material considerations that may apply, including the degree of any shortfall in the 5YHLS.

14.3.7 Paragraph 219 of the NPPF confirms that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Instead, it states that due weight should be given to them according to their degree of consistency with the Framework and that the closer the policies in the plan to the Framework, the greater the weight that may be given.

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

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

14.3.9 The Neighbourhood Plan would however be a material consideration. The site is located outside the town Development area as established in the made Great Dunmow Neighbourhood Plan (GDNP). The GDNP, is now more than two years old and as such the added protection of Paragraph 14 would not however apply in respect of the Made Great Dunmow Neighbourhood Plan as this was made on December 2016 (greater than 2 years).

14.3.10 The proposal seeks the erection of 14 self-build dwellings together with access from and improvements to Butleys Lane.

14.3.11 It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.

14.3.12 Economic:

The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the

provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.

14.3.13 Social:

The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a small contribution towards the delivery of the housing needed in the district.

14.3.14 Environmental:

The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

14.3.15 Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).

14.3.16 The site is outside of the development limits and currently undeveloped. It is considered that the dwellings on this site would be harmful to the character of the landscape. The NPPF recognises the intrinsic character and beauty of the countryside. This proposal would have an urbanising impact on the character of the rural countryside setting. This proposal is contrary to the aims of paragraph 174 of the NPPF. Policy S7 is therefore a very important consideration for the sites, as it applied strict control on new building. Ensuring that new development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there. It is considered that the proposal would result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality, of which the effect would be harmful to the setting and character of the countryside. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

- 14.3.17** The Council contends that this development would be harmful to the rural characteristics of the area, it would not be in keeping with the landscape character, by eroding the rural approach to Great Dunmow. It is very divorced from any built form on the southern side of the road. The allocated dwellings and proposed school site to the east of the site form the boundary of built form to the southwest of the town, with Butleys Lane being the defensible boundary of the built form. Near to the site is the Flitch Way, which must be protected in the event of the development of this site. The site also is adjacent to a Public Right of Way and cycle route.
- 14.3.18** A material consideration is the recent appeal for the site north of the application site. The recent planning appeal allowed for the erection of 60 dwellings west of Butleys Lane immediately north of the application site (UTT/19/2354/OP). When built this would change the character of the approach into Great Dunmow as would the development of the site to the east approved under UTT/20/1119/CC and UTT/18/2574/OP for a school and up to 332 dwellings and a health centre.
- 14.3.19** The proposal would extend development into the open countryside beyond clearly defined limits, diminishing the sense of place and local distinctiveness of the settlement. The proposal could be designed at reserved matters stage to minimise the harm caused. This harm would need to be weighed against the benefits of the proposal. The site is also adjacent to listed buildings of which the impact upon the Heritage assets are considered below. However, the proposal would have a detrimental impact on the character and setting of the Listed building, which would also need to be weighed against the benefits.
- 14.3.20** In view of the adjacent approved applications (allocated and at appeal), taking into account the lack of five-year housing supply, the proposal is on balance considered to be acceptable in principle.

14.4 B) Highways Safety and Parking Provision

- 14.4.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight.

ULP Policy GEN1 of the adopted Local Plan states that development will only be permitted if it meets all of the following criteria;

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely;
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network;
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired;

- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access;
- e) The development encourages movement by means of other than driving a car.

Great Dunmow NP Policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles form part of the principles of sustainable development in the 2021 NPPF and as such are considered to carry full weight.

- 14.4.2** Access is a consideration for this outline application. As part of this application, a Transport Addendum has been submitted, however at this point in time the previous reason for refusal for the previously refused application UTT/22/0391/OP bearing the same description has not been overcome. A meeting was held on the 14 February with ECC highways officers, however, it is not established that a safe form of access for all users of Buttleys Lane i.e. pedestrians, cyclists can be maintained /provided within highway land.
- 14.4.3** Buttleys Lane is a single-track road with no passing places. It is currently the main Great Dunmow access route to the Flitch Way for pedestrians, cyclists and equestrians. Buttleys Lane is not included within the red line of the application site and therefore it is not confirmed that the improvements necessary to Buttleys Lane are actually deliverable. In view of the previous application being refused in respect of highways grounds it is considered that these issues should have been dealt with by a pre-application advice application before submitting the application.
- 14.4.4** The new Pegasus crossing serving the recently approved new developments to the north of the B1256 (providing a link to the Flitch Way), the usage of Buttleys Lane by pedestrians and cyclists is likely to intensify and therefore it is fundamental to maintain a safe access for other users other than those of a motor vehicle. Buttleys Lane leads onto the Flitch Way which is part of the National cycle route and has heavy demand for walking and cyclists. Managing conflicting users of the lane is very important. No facilities for pedestrians have been provided as part of the development.
- 14.4.5** It is not clear from the information submitted that the passing places can be provided in highway land and delivered on the highway without impacting on third party land. An updated topographical survey with the additional information from highway records would provide more clarity.
- 14.4.6** The intensification of Buttleys Lane by the occupants of 14 new dwellings is not considered to be insignificant.
- 14.4.7** The proposals are indicated to have one point of access onto Buttleys Lane.

14.4.8 Essex County Council Highway Officers have assessed the application and they have stated that from a highway and transportation perspective the impact of the proposal is not acceptable to the highway authority for the following reasons:

The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a) A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
- b) A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- c) A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
- d) Appropriate provision for pedestrians along Buttleys Lane.
- e) The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Fritch Way), and wider highway network.
- f) Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

The development would result in an increase in the number of vehicle movements using the access road. The work to be undertaken to make it acceptable in highway terms would change the character of the lane.

14.4.9 UTT/19/2354/OP, as allowed at appeal under APP/C1570/W/21/3270615, proposed a new direct access to B1256, to the north of the site it would be preferable for this site to access through that development.

14.4.10 With regards to the visibility splays, they may be able to be provided within Highways owned land, however an updated topographical survey with additional information from highway records is required for clarity.

14.4.11 As such there is insufficient information which has been supplied for the application to comply with Policy GEN1. Therefore, the proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

14.4.12 Any proposal would need to comply with the current adopted parking standards. The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) as well as the Uttlesford Local Residential Parking Standards (December 2012), details of both of sets of standards can be found on the Council's website – www.uttlesford.gov.uk under supplementary planning documents. The applicant should adhere to guidance in the Essex Design Guide and the Local Plan Policy GEN8 – Vehicle Parking Standards.

The required parking provision requirement for C3 (dwellings) use is:

- A minimum of 2 spaces (3 spaces for 4+bedrooms) per dwelling and 0.25 spaces per dwelling for visitor parking.
- Cycle provision - If no garage or secure area is provided within the curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents.
- Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface)
- The minimum internal dimension for garages is 7m x 3m.
- Flats and houses are treated the same in respect of parking provision requirements and as such the two bed and three bed flats will each require 2 parking spaces. 4 visitor parking spaces are required. The visitor parking should be spread cross the site.
- All parking surfaces shall be of a permeable material or drained to a soakaway.
- Roads must meet adoptable road standards in respect of fire regulations and bin refuse collection.

14.4.13 Recently the Council has adopted an Interim Climate Change Planning Policy requiring all new homes to be provided with at least one installed fast charging point.

14.4.14 The above requirements can be secured by a suitable worded condition.

14.5 C) Design and Amenity

14.5.1 Policy GEN2 sets out the design criteria for new development. In addition, Section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design

14.5.2 All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.

14.5.3 The application is supported with an indicative masterplan, parameters plan, a set of guiding design principles and a plot passport.

14.5.4 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

14.5.5 In addition, other guiding principles relate to height, distances to boundaries, boundary treatment and the main frontage of each dwelling, together with access and parking. A full list is set out below:

- 'Build Area': Each plot owner has an identifiable 'build area' within which a maximum developable footprint can be delivered. The master layout and design vision affords variety and avoids repetition or uniformity.
- Scale and massing [Xm maximum and Xm minimum zones]
- Principal frontage location
- Parking spaces will be 'on plot' and can take the form of garages or car ports within the build area
- Landscape treatments, such as garden hedges; planting and maintenance
- Distance to boundaries minima: Side boundary X metres & front boundary X metres.
- Tree Root Protection Areas to be fenced during construction.
- Construction Accommodation to be positioned outside the Tree Root Protection Areas.
- Avenue Trees are to be positioned in the verge in line with plot boundaries.

Permitted Development: Future development is permitted within the original build footprint for each plot (notwithstanding planning permitted development allowances for extensions).

14.5.6 A sample Plot Passport include the provision of solar panels, Electric Charging Points, minimum of 25m² of intensive Green roofs, Air Source Heat Pumps and rainwater harvesting system for all non- green roofs.

14.5.7 The Uttlesford Local Plan (20 January 2005), was adopted before the Uttlesford Self and Custom Build register was set up. Therefore, there are no policies that specifically refer to self and custom build.

14.5.8 Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high-quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.

- 14.5.9** Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the District. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.
- 14.5.10** Policy GEN2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings.
- 14.5.11** The development will not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Minimum distances are stated on the indicative masterplan.
- 14.5.12** The site is located in close proximity to the A120 and also there is one other potential noise source from the activities of the existing Dunmow fencing supplies which borders the west of the proposed site. A Noise Assessment report would be necessary to consider the impacts of noise and the possible mitigation measures. If approved this could be secured by a relevant condition.
- 14.5.13** To ensure future occupiers enjoy a good acoustic environment, in accordance with ULP Policy ENV10 a condition would be required if air source heat pumps are installed. There are proposed air source heat pumps shown on the sample plot Passport. If these are being considered these is a potential source of noise that could impact on dwellings unless suitably designed, enclosed, or otherwise attenuated. Their operation should not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142: 2014+ A1: 2019.
- 14.5.14** In order to prevent ocular hazard and distraction to pilots using Stansted Airport, no solar photovoltaics are to be used on site without first consulting with the Aerodrome Safeguarding authority for STN.
- 14.5.15** In view of the site's location in relation to Stansted Airport, all exterior lighting to be capped at the horizontal with no upward light spill and no reflective materials to be used in the construction of these buildings. This can be achieved by a suitably worded condition.
- 14.5.16** The Essex Design Guide recommends the provision of 100m² private amenity space for 3 bedroom and above properties. The indicative plans shows that this is achievable.

14.5.17 The indicative plans show that all of the units would have private amenity spaces capable of being in accordance with the requirements set out in the Essex Design Guide.

14.5.18 As appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made at this time. Notwithstanding this, the indicative layout shows that the proposed development could be accommodated on site without giving rise to residential amenity issues.

14.6 D) Biodiversity

14.6.1 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

14.6.2 The application is accompanied by a completed biodiversity checklist and a Preliminary Ecological Appraisal (November 2021).

14.6.3 Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., November 2021) should be secured by a condition of any consent and implemented in full.

14.6.4 The development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's 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.

14.6.5 As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy.

14.6.6 As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

14.6.7 The proposed reasonable biodiversity enhancements including infill planting of hedgerows, tree/hedgerow planting, wildflower meadow creation and ponds and the installation of habitat boxes for bats and birds as well as the provision of Hedgehog Highways, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within

a Biodiversity Enhancement Strategy. This can be achieved by a suitably worded condition.

14.6.8 Given the habitats proposed as part of the enhancement, it is recommended that a Landscape and Ecological Management Plan (LEMP) is provided to outline how these proposed habitats will be managed for the benefit of wildlife. The LEMP should be secured by a condition of any consent.

14.6.9 A Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries.

14.6.10 Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.

14.6.11 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) Impact on setting and adjacent listed building and heritage assets

14.7.1 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under Paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.

14.7.2 Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.

14.7.3 Grade II listed Highwood Farmhouse (List entry number 1323789) has been dated to the late 15th century or earlier and is timber framed and plastered with a red plain tile roof, a crosswing to the east and 16th century and later red brick chimney stacks. To the east of the farmhouse is Baytree Barn, a Grade II listed 17th century timber framed and weatherboarded barn with red pantile roof (listed as Barn at Highwood Farm, Buttleys Lane, List entry number 1142502). The listed buildings lie on the west side of Buttleys Lane which becomes a track to the south of Highwood Farm, and the immediate and wider setting of the listed buildings is agricultural land which surrounds them on all sides.

14.7.4 An application (UTT/22/2358/FUL) for a development of 5 new dwellings on land to the south of Brady's Barn directly adjacent to the site which is the subject of this application, was refused with less than substantial harm

to the significance of the listed buildings (through development in their setting) amongst the reasons for refusal.

- 14.7.5** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact, the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.6** A number of housing developments have been approved in the immediate vicinity of the listed buildings which will have a cumulative impact on their setting.
- 14.7.7** UTT/13/2107/OP development of 790 homes on the north side of Stortford Road.
- 14.7.8** UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings.
- 14.7.9** UTT/19/2354/OP development of up to 60 homes on the field directly to the north of the listed buildings, allowed on appeal in January 2022.
- 14.7.10** The Heritage Statement submitted with the original application found a moderate level of less than substantial harm to the significance of Highwood Farmhouse and the neighbouring barn arising from the proposals.
- 14.7.11** The proposed development site is an area of land directly to the west and south of the listed buildings and forms part of the agrarian setting of both the historic farmhouse and barn, provides a direct link to their historic function, and makes a positive contribution to their significance.
- 14.7.12** There are a number of factors in terms of the heritage assets' physical surroundings including green space, history and degree of change over time and how the assets are experienced including the surrounding landscape character, views from and towards the assets, tranquillity, and land use. There is also the competition and distraction from the heritage assets that the new development will introduce, as well as the effects of light spill and increased noise and activity levels.
- 14.7.13** Development on this site will fundamentally alter the context of the listed buildings, severing the link between the surrounding agricultural land and the listed buildings and divorcing them from their wider rural context. This would have a significant impact upon the ability to understand and appreciate them as an historically rural farmhouse and barn serving the

wider agrarian landscape. The cumulative impacts of the surrounding developments would be suburbanising, changing the rural context of the listed buildings and leading to them being surrounded by built development. This would affect both the understanding and appreciation of the listed buildings as a rural farmstead.

- 14.7.14** The complete urbanisation of the land to the west of these heritage assets would effectively remove the important contribution of setting to their significance.
- 14.7.15** The current application is for a development of 14 dwellings on the land directly to the south and west of the listed buildings. The application site constitutes the last area of open land around the heritage assets. The cumulative impacts of the surrounding developments upon the setting and significance of the listed assets.
- 14.7.16** Given that moderate harm was identified because of the development to the north, it is considered that development on the application site would have a greater impact because of the cumulative effect of the proposals. While the impact could be mitigated to some extent through appropriate design, landscaping buffer and materials at the reserved matters stage, the cumulative impact of the proposals would be harmful to the setting of the listed buildings.
- 14.7.17** The proposed development of dwellings will fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2021) the level of harm to significance is considered less than substantial (at the medium part of the scale) making paragraphs 200 and 202 relevant.
- 14.7.18** The proposal would include limited public benefits of 14 dwellings.
- 14.7.19** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 14.7.20** Policy ENV4 seeks to protect archaeological heritage assets.
- 14.7.21** The County Archaeologist has identified that the site lies within an area of known archaeological deposits. The proposed development area has the potential to contain significant archaeological remains. Excavations to the north of the proposed development identified early medieval remains (EHER49678). It is located adjacent to a known area of cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075). To the north of the proposed development is the Roman road of Stane Street (EHER 1226, 4698). Medieval coins and Bronze Age pottery has been identified just south of the proposed development (EHER 45330, 54973). There is therefore the potential for

early medieval, medieval and Roman archaeological remains within the proposed development.

- 14.7.22** The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by condition if planning permission is granted.

14.8 F) Affordable Housing/housing mix/self-build

- 14.8.1** On sites of 0.5 hectares or more or of 15 dwellings or more, the Council will seek 40% of affordable housing. This application is for 14 dwellings and 3.1 hectares.

- 14.8.2** The proposed development is for self-build. The self-build and Custom Housebuilding Act 2015 provides a legal definition of self-build and custom house building. The Act does not distinguish between self-build and custom house building and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a self-build, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

- 14.8.3** The Government is committed to boosting housing supply and believes that the self-build and custom housebuilding sector has an important role to play in achieving this objective.

- 14.8.4** Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including people wishing to commission or build their own homes).

- 14.8.5** Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high-quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.

- 14.8.6** Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the district. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.

- 14.8.7** A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots. A draft unilateral agreement has been submitted; however, this has inaccuracies as it relates to an appeal for the same site and not this application.

14.8.8 As stated above, as the site is over 0.5 hectares 40% of affordable housing is required under policy H9. Self build does not fall under the definition of affordable housing as stated at Annex 2 : glossary of the NPPF

Paragraph 65 of the NPPF states that: Where major development involving the provision of housing is proposed planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable **home ownership**³¹ unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exceptions to this 10% requirement should also be made where the site or proposed development:

c) is proposed to be developed by people who wish to build or commission their own homes

The footnote 31 states that “As part of the overall affordable housing contribution from the site”

The need for affordable rented units within Great Dunmow is as follows:

Gt Dunmow: calculated bedroom need for Affordable Rented	Number of applicants in housing need
1 bedroom	76
2 bedroom	45
3 bedroom	45
4 or more bedrooms	7
Bedroom need to be assessed	18
Total	191

14.8.9 The Adopted Developers contributions SPD states With the introduction of First Homes the Council will seek an affordable housing split of 70% affordable rent, 25% First homes and 5% shared ownership.

14.8.10 This amounts to 4 units of affordable housing (relating to the rented units) or a financial contribution in lieu of provision i.e., 70% of the 40% required by policy H9

14.8.11 In exceptional circumstances where on-site cannot be achieved, off site provision and/or commuted payments in lieu may be supported where this would offer an equivalent or enhanced provision of affordable housing. Paragraph 63 of the NPPF requires off-site provision or a financial contribution to be robustly justified

14.8.12 The applicant has not addressed the need for the provision of affordable housing as part of this application and this would be required to be secured by a section 106

14.9 G) Contamination

14.9.1 Policy ENV14 states that before development, where a site is known or strongly suspected to be contaminated, a site investigation, risk assessment, proposals and timetable for remediation will be required. Environmental Health Officers have been consulted and they state that a precautionary contaminated land condition is recommended.

14.10 H) Drainage and Flood risk

14.10.1 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

14.10.2 The site is located within Flood Zone 1 and therefore the area least likely to flood.

14.10.3 The Local Lead Flood Authority raise no objections to the proposals subject to conditions. As such, the proposal complies with Policy GEN3 and the policy set out in the NPPF.

14.11 Other material considerations

14.11.1 The applicant has submitted a draft Unilateral agreement with this application; however, it refers to the appeal planning application UTT/22/0391/OP and not this application. The site within the red line does not include Buttleys Lane and therefore any works to Buttleys Lane will not be secured by this agreement. It is not clear whether the proposed passing places can be provided in highway land and delivered on the highway without impacting on third party land. Third parties would need to be signatories to any s106 agreement therefore the Unilateral Agreement provided does not mitigate the proposed development nor is it technically fit for purpose to ensure that the development can be mitigated.

14.11.2 A revised Unilateral Undertaking could secure the control of self-build provision and resale on the site which would remove the previous reason for refusal in this respect. The submitted draft has not been signed by the relevant parties.

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 is on balance considered to be acceptable. It is considered that the weight to be given to the requirement to provide a 5 YHLS and the housing provision which could be delivered by the proposal would outweigh the harm caused to countryside m.
- 16.2** The access to the proposed development is not acceptable. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposal will not have an unacceptable consequence on highway safety.
- 16.3** All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage
- 16.4** Subject to conditions securing mitigation measures, the proposal would not have any material detrimental impact in respect of protected species and would accord with ULP Policy GEN7.

- 16.5** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 16.6** A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots and for any land outside of the highway land required to provide safe access. The applicant has submitted a draft Unilateral agreement with this application; however, it refers to the appeal planning application UTT/22/0391/OP and not this application. The site within red line does not include Buttleys Lane and therefore any works to Buttleys Lane will not be secured by this agreement. It is not clear whether the proposed passing places can be provided in highway land and delivered on the highway without impacting on third party land. Third parties would need to be signatories to any s106 agreement therefore the Unilateral Agreement provided does not mitigate the development nor technically fit for purpose to ensure that the development can be mitigated.
- 16.7** The proposal subject to conditions would accord with ULP Policy ENV14 in terms of contamination.
- 16.8** The site is at low risk of flooding. The proposal complies with Policy GEN3 and the policy set out in the NPPF.

17. REASONS FOR REFUSAL

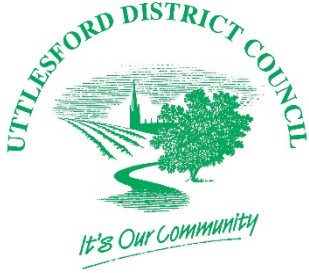
- 1** Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided.

The applicant has failed to demonstrate, to the satisfaction of the Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided. Nonetheless the development in the absence of this information is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 and the NPPF.

- 2** The proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF paragraph 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, because of excessive cumulative development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF.

- 3** The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, secure the necessary affordable housing or financial contribution in lieu of provision and to the control the self-build provision and re-sale on the site contrary to Policy GEN6 of the Adopted Local Plan 2005 and the NPPF.



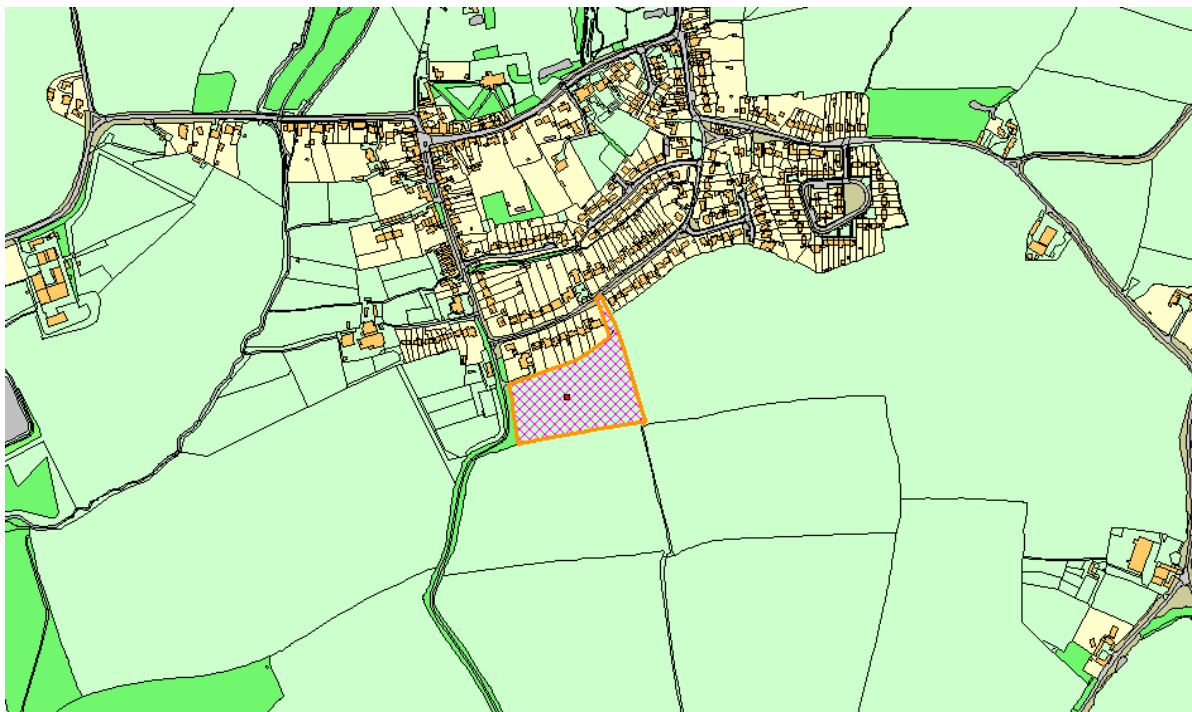
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/21/3298/FUL

LOCATION: Land South of Cannons Lane, Hatfield Broad Oak

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2023

PROPOSAL: **Erection of 30 dwellings with open space, landscaping, access and associated infrastructure.**

APPLICANT: **Durkan Estates Ltd**

AGENT: **Mr Lee Melin - Strutt & Parker**

EXPIRY DATE: **14 February 2022**

EOT Expiry Date **7 April 2023**

CASE OFFICER: **Laurence Ackrill**

NOTATION: **Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Public Right of Way (PROW), Outside Development Limits.**

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

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought for the construction of 30 dwellings with open space, landscaping, access and associated infrastructure.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS; paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide a modest boost to the Councils housing supply including the provision of affordable housing. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of a public open space. Thus, taken together,

significant weight has been accorded to the benefits of the development proposed.

1.4 The applicant has failed to demonstrate, to the satisfaction of the Local Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network arising from this proposed development will not have an unacceptable consequence on highway safety. However, this element could be adequately dealt with by way of the use of a Grampian condition.

1.5 The application was deferred at the Planning Committee meeting on 14 of December 2022 to enable further discussions to take place with ECC Highways and Records Team and for a site visit to be made by members. No further progress has been made in terms of discussions with the ECC Highways Records Team. However, Officers have taken legal advice, and the disputes raised regarding the ownership of the highway boundary adjacent to the site are a legal matter and the Local Planning Authority could not reasonably withhold planning permission on this basis. As such, the proposal remains unchanged following the deferral of the application from the 14th of December 2022 Planning Committee.

1.6 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.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site relates to a parcel of land in agricultural use which is approximately 2.8ha. The site is located on the southern side of the village of Hatfield Broad Oak, to the rear of residential properties on the southern side of Cannons Lane.

3.2 The land across the site slopes gently down from the south toward Cannons Lane to the north. There is a Public Right of Way that runs north-south through the site on its eastern edge.

3.3 The site is not located within or immediately adjacent to any conservation area (Hatfield Broad Oak Conservation Area is situated north – west of the application site) and there are no listed structures on or adjacent to the site. The application site is located outside of the development limits.

4. PROPOSAL

4.1 Full planning permission is sought for the construction of 30 dwellings with open space, landscaping, access and associated infrastructure.

4.2 The site would be accessed off Cannons Lane via a new junction which will serve as the main access point to enter and leave the site for vehicles and pedestrians.

4.3 The proposed dwellings would be either single or two storey and would range from larger detached properties set within larger plots to smaller semi-detached plots and a pair of bungalows.

4.4 The proposed housing would comprise of off-street car parking spaces to each unit. 12 of the new dwellings, 40% of the total, are to be affordable housing units.

4.5 The proposal would include a 'central green' open public space area which would also include a children's play space.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 No relevant site history.

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:

- 19th July and 24th August 2021 copies of the details of the proposed development were circulated to Ward Members and to the clerk of the parish council at Hatfield Broad Oak.
- 6th of October 2021 a leaflet setting out the development proposals was delivered to properties in the immediate vicinity of the site. The leaflet directed the public to the developer's website and how to make comments.
- Pre-application discussions with officers from Uttlesford District Council were held involving a meeting. However, no formal written advice was provided under reference UTT/21/1215/PA.

7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Statement of Community Involvement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – Object.

8.1.1 The applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development.

8.2 Local Flood Authority – No Objection.

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission for planning application UTT/21/3298/FUL. (Subject to conditions).

9. Hatfield Broad Oak Parish Council Comments – Object.

9.1 Resolved to object on the following grounds:

- Impact on the character and appearance of the area
- Impact on drainage
- Highways Impacts
- Loss of agricultural land
- Outside development limits
- Not in a sustainable location
- It would set a precedent

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The proposed development includes 12 affordable homes thereby meeting the 40% affordable housing requirement and I was consulted regarding the proposed mix prior to submission of the application and so the proposed mix meets the affordable housing need identified within the SHMA (Strategic Housing Market Assessment) 2017.

The affordable housing provision needs to be well integrated whereas currently the proposed layout shows that the affordable provision is not well integrated within the proposed development.

10.2 UDC Environmental Health – No Objection.

10.2.1 It is considered that the development would not negatively impact neighbouring properties. Therefore, no objection is raised subject to condition/Informatives.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 Urban Design Officer – No Objection.

10.4.1 No objections to the scheme, subject to the inclusion of a boundary treatment condition.

10.5 ECC Infrastructure – No Objection.

10.5.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 30 dwellings:

Early Years Education: (Financial contribution of **£43,515.36**).

Primary Education: (Financial contribution of **£145,051.20**).

Secondary Education: (Financial contribution of **£133,140.00**).

10.6 NHS – No Objection.

10.6.1 The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.

10.7 Aerodrome Safeguarding – No Objection.

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

10.8 Thames Water – No objection.

10.8.1 Thames Water have no objection to this application and do not require a planning condition.

10.9 Affinity Water – No comments to make.

10.10 Crime Prevention Officer – No Objection.

10.10.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

10.11 Place Services (Archaeology) – No Objection.

10.11.1 Recommendation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by way of conditions.

10.12 Place Services (Ecology) – No Objection.

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

10.13 Place Services (Conservation and Heritage) – No Objection.

10.13.1 Due to a lack of intervisibility with the development site it would be difficult to argue that the site makes a strong contribution to the setting and significance of the Hatfield Broad Oak Conservation Area nor to that of Medlars as a non-designated heritage asset. The proposed development will preserve the character and appearance of the Conservation Area.

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.

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

11.2 Summary of Objections

11.2.1 • Noise and pollution disturbance during construction and from end use.

- Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).
- Development out of character.
- Loss of countryside / outside development limits.
- Overcrowding / lack of infrastructure to support the development.
- Lack of employment opportunities.
- Highway safety concerns.
- Impact on wildlife / biodiversity.
- Impact on light and privacy to neighbouring occupiers.
- Loss of Greenbelt land (Officer Comment: the land does not fall within the greenbelt).
- Loss of public footpath.
- Loss of agricultural land.
- Impact on carbon footprint / climate change.
- Drainage / surface water / sewage system issues.
- Loss of trees / vegetation.
- Emergency vehicles / refuse collection access issues.
- Impact on archaeological assets.
- Lack of community involvement from applicant.
- Inaccurate information submitted as part of the application.
- Impact upon the protected lane.

11.3 Summary of Comments

11.3.1 Northwest Essex Swift Group - Comments regarding the inclusion of enhancement measures for Swifts.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land

H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Countryside Impact**
 - C) Design & Neighbouring Amenity**
 - D) Heritage impacts and Archaeology**
 - E) Affordable Housing Mix and Tenure**
 - F) Access and Parking**
 - G) Nature Conservation & Trees**
 - H) Climate Change**
 - I) Contamination**
 - J) Flooding**
 - K) Planning Obligations**

14.3 A) Principle of development

Housing Delivery

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

14.3.2 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing, including 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

- 14.3.3** 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.
- 14.3.4** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan 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.
- 14.3.5** 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.
- 14.3.6** 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

- 14.3.7** 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’.
- 14.3.8** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.3.9** 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.

- 14.3.10** 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.
- 14.3.11** 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.
- 14.3.12** Given the above, the applicant has not provided an assessment of alternative sites of a poorer quality of agricultural category, there would be some conflict with ENV5. However, the loss of BMV land as part of the application, at 2.8ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Suitability and Location

- 14.3.13** 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.
- 14.3.14** Hatfield Broad Oak is identified within the Local Plan settlement hierarchy as being a “village” where it is recognised that local affordable housing and community facility needs may be met on “exception sites” outside development limits.
- 14.3.15** Although outside the settlement boundaries of Hatfield Broad Oak, the new built form would be constructed adjacent to the southern 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 site's proximity to local services and facilities; it is therefore considered to be an accessible and sustainable location.

Policy Position

- 14.3.16** The Council are currently unable to demonstrate a 5-year housing land supply and therefore paragraph 11 of the NPPF is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.17** 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.
- 14.3.18** The "Planning Balance" is undertaken further below, but before doing so a wider assessment of the proposal has been undertaken 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.
- 14.3.19** However, taking into account the lack of 5-year housing land supply, when reviewed against the aforementioned policies, the proposal is on balance considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the NPPF 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 forming 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 'Roding Farmland Plateau', which extends south of Great Dunmow and Takeley, just west of High Easter to the east and most of the Roding villages to the south.

- 14.4.5** The area is characterised by a landscape of wide-open views, especially on the higher ground contrasted with the more enclosed, channelled views near settlements. The vernacular building style is colour-washed plaster with thatched or peg tile roofs, but mellow red brick dominates in some places, like Hatfield Broad Oak. Overall, this character area has relatively high sensitivity to change.
- 14.4.6** Although it is acknowledged that the site comprises of arable land, it would adjoin the settlement, bounded by Cage End to the west, where there is a dense tree line and hedgerow, a public right of way to the east and linear hedgerow to the south, which to some extent help to enclose the site and thereby reducing the perceived sense of being in the open landscape.
- 14.4.7** It is acknowledged that the proposed introduction of 30 dwellings alongside associated infrastructure would bring change to the visual aspects and character of the site.
- 14.4.8** The proposal would provide a generally loose knit and spacious layout with significant areas of soft landscaping interspersed within and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site and the proposed landscape buffer in addition to that provided by the existing hedgerow to the south of the site is such that the proposed development would be of a modest addition in respect of its prominence in the local area and the effect on the local landscape.
- 14.4.9** The development proposal would have a modest visual influence on its surroundings; the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The proposed new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to properties within the existing settlement of Hatfield Broad Oak.

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 of the scheme would incorporate a 'central green' which would form the central space within the development. Housing would be largely centred around this space, with the backs of gardens facing north and south, which would allow for enhanced levels of landscaping to bound the site. The majority of the affordable housing units would be located to the south-west corner.
- 14.5.3** The proposed arrangement of buildings has taken into account the site's specific context. The layout comprises a mix of detached and semi-detached houses and bungalows. The proposed houses 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, the NPPF 2021 and the Essex Design Guide.

Scale

- 14.5.5** The scale of the new dwellings proposed would be no more than two storeys in height, ensuring the development is appropriate for this edge of settlement location, reflecting the character of the scale of dwellings found within Hatfield Broad Oak. The scale would also help to limit the visual impact in terms of character and also upon the residential amenity of neighbouring occupiers.
- 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, the Essex Design Guide and the NPPF 2021.

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. An 'central green' providing an area that would be overlooked by a number of the dwellings and would provide a public open space

with children's play space. The site would also feature an attenuation pond.

- 14.5.8** The primary streets would be tree lined along both edges. Tree and hedgerow planting would also be located along the periphery of the site.
- 14.5.9** 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 the NPPF 2021.

Design Summary

- 14.5.10** 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.
- 14.5.11** The Council's 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. Subject to the inclusion of a condition relating to boundary treatment details. However, an objection has been raised by the Design Officer in relation to the lack of the provision of a footpath as requested by the Local Highway Authority. Nevertheless, as discussed in more detail below, this element could be dealt with by way of a Grampian condition.
- 14.5.12** 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 the NPPF, 2021.

Neighbouring Amenity

- 14.5.13** 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.
- 14.5.14** As noted above, the proposal would be no more than two storeys in height. The proposed site would be located due south of the closest neighbouring residential development, along Cannons Lane. Given the proposed site layout of the development, with gardens backing on to rear gardens of existing properties, there would be sufficient distances involved to ensure that the proposed development would not result in a

detrimental impact on neighbouring amenity in terms of unacceptable loss of light, overbearing impact or loss of privacy. In addition, there would be a substantial soft-landscaped buffer between the development and the site to the north that would help to off-set the visual impact of the development when viewed from those properties.

14.5.15 Whilst there would be upper floor windows facing directly north towards neighbouring gardens and that the of the application site raises up above the rear gardens of properties along Cannons Lane, there would be a minimum distance of approximately 15m between the proposed dwellings and the boundary to the closest dwelling to the north. Whilst there would be some views towards those garden areas, there is existing boundary treatment to the neighbouring site and the garden area to that property is already somewhat overlooked by upper floor windows of the existing housing stock along the road. Additional planting would ensure that any actual or perceived overlooking arising from the proposal would not be harmful to neighbouring residential amenity to a significant degree.

14.5.16 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 the NPPF 2021.

Standard of Accommodation

14.5.17 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 would 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.

14.5.18 The proposed units would meet the internal floor space requirements for each house type, as set out by the Nationally Described Space Standards, as below:

- House Type A = 66m² - 1 bed, 2 person dwelling (50m² min)
- House Type 2 = 79m² - 2 bed, 4 person dwelling (79m² min)
- House Type 3 = 93m² - 3 bed, 5 person dwelling (93m² min)
- House Type D = 113m² - 3 bed, 6 person dwelling (102m² min)
- House Type E = 135m² - 4 bed, 8 person dwelling (124m² min)
- House Type F = 150m² - 4 bed, 8 person dwelling (124m² min)
- House Type G = 151m² - 4 bed, 8 person dwelling (124m² min)
- House Type H = 172m² - 5 bed, 8 person dwelling (128m² min)

14.5.19 In terms of noise, the Council's Environmental Health Team have been consulted as part of the application and raise no objection in principle to

the proposed development in relation to the level of noise that would be generated in relation to either existing adjoining neighbouring occupiers or future occupiers of the development.

- 14.5.20** Overall, 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 Policy GEN2 of the Local Plan and the NPPF.

14.6 D) Heritage impacts and Archaeology

Impact on the Conservation Area & Listed Buildings

- 14.6.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

- 14.6.2** The proposed development site is previously undeveloped agrarian land which lies to the south of Cannons Lane and to the east of Cage End. The Hatfield Broad Oak Conservation Area lies to the north-west of the site, the boundary of the Conservation Area extending south to a point just to the north of Medlars, a red brick detached house located in the north-eastern part of a large corner plot where Cannons Lane runs east from Cage End.

- 14.6.3** The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.

- 14.6.4** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 14.6.5** The ECC Place Services Conservation Officer has been consulted as part of the application and considers that, as Hatfield Broad Oak has already seen considerable development to the east and south of the historic settlement during the twentieth century, due to a lack of intervisibility with the development site it would be difficult to argue that the site makes a strong contribution to the setting and significance of the Conservation Area nor to that of Medlars as a non-designated heritage asset.

- 14.6.6** As such, the proposed development would preserve the character and appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and with regards to the National Planning Policy Framework (NPPF, 2021) and there would be no harm to the designated Conservation Area nor to the non-designated heritage asset.

Archaeology

- 14.6.7** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.6.8** The application was formally consulted to Place Services Historic Environment Consultant. They note from the submitted Desk Based Assessment that has been undertaken by the applicant, that there is potential for encountering later pre-historic, Anglo-Saxon and medieval finds. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.
- 14.6.9** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4 of the Local Plan.

14.7 E) Affordable Housing Mix and Tenure

- 14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the 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 National Planning Policy 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 development proposes an additional 30 properties. This amounts to 12 affordable housing properties.

- 14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.7.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. The proposed market accommodation mix is split with 3 bed units at 33.4%, 4 bed units at 44.4% & 5 bed units at 22.2%. Whilst this provision would not be strictly in accordance with the aforementioned policy, there would still be a substantial number of 3 bedroom dwellings provided as part of the proposal and given the relatively modest scale of the development in terms of number of dwellings, the lack of 1 and 2 bedroom market housing dwellings would not warrant refusal of the application.
- 14.7.5** Notwithstanding the above, the Council's Housing Officer has raised concerns regarding the location of the affordable housing and considers that the proposed layout shows that the affordable provision is not well integrated within the proposed development. The proposals have subsequently been amended, moving 2 of the affordable housing units towards the middle of the site. However, 10 of the units would still be located in one cluster towards the south-western corner of the site. This layout is not considered to be ideal. However, given the relatively small scale of the development, including only 30 units, it is not considered that this would warrant refusal of the application.
- 14.7.6** Moreover, it is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site and is included as part of the proposal.
- 14.7.7** Overall, whilst the proposal would result in a shortfall of the number of market 1 and 2 bedroom units and there would be a cluster of affordable housing units to one part of the site, given the substantial provision of 3 bedroom market dwellings, the general mix of units across the site, a compliant level of affordable housing provision, when considered against the relatively small number of dwellings to be provided as part of the scheme, the proposal would be largely in accordance with the aforementioned policies.

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 site would be accessed from Cannons Lane, where there is a space between 2 existing residential dwellings that face on to that road. There is a Public Right of Way that also forms part of this access.
- 14.8.3** Concerns have been raised as part of the public consultation on the application in relation to the proposal not having safe and suitable access. This was due to ditches previously being present along Cannons Lane that have subsequently been culverted and infilled. The ECC Highways Authority have been consulted as part of the application and have objected to the proposal.
- 14.8.4** The ECC Highway Authority highlight that during the planning submission, evidence has been submitted to them which indicates the presence of a historic ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, it cannot be determined that the proposed scheme of works to Cannons Lane and Cage End can be achieved within land within the highway and/ or control of the developer, and consequently if the scheme can be delivered.
- 14.8.5** Whilst there is dispute between different parties with regards to sections of the proposed footway improvements falling outside of the remit of the Local Highway Authority, there is no firm evidence to suggest that the Highway Authority or any other party have ownership or control over the requisite land to carry out the necessary works to make the development acceptable in planning terms. Although it cannot be definitively established without detailed survey, there does at least appear to be scope for the necessary improvements. As such, the Local Planning Authority cannot be certain that a voluntary arrangement for the land to be sold to a developer would not be arrived at. In this regard, it cannot be assumed that there is no reasonable prospect of the improvements being made, or that in this regard, a Grampian condition requiring the implementation of the requisite works is unreasonable.
- 14.8.6** The implementation of the required works by the Local Highway Authority would mitigate any effect increased numbers of vehicles would have on pedestrian safety and would facilitate a choice for future

occupiers to utilise more sustainable modes of transport. The use of a Grampian condition in this instance would prevent the applicant from implementing the development without the required highways works being in place prior to its commencement.

- 14.8.7** Given the above, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policies GEN1 & GEN8 and the National Planning Policy Framework 2021.

Parking

- 14.8.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.8.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.8.10** As such, the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents. The provision of electric vehicle charging infrastructure could be secured by way of condition.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is within 10.1km of Hatfield Forest which is a Site of Special Scientific Interest (SSSI). However, as this application relates to a proposed residential development of less than 50 units, Natural England do not, at this time, consider that is necessary for the Local Planning Authority to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

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

14.9.4 The proposed reasonable biodiversity enhancements including the provision of new native trees, hedgerows and wildflower grassland and wetland features, as well as the installation of bat boxes which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021) and is supported by the Place Services Ecologist.

Trees

14.9.5 The proposed development would result in the loss of 2 individual trees due to their poor physiological condition and unsuitability for retention and a 2-metre section of hedging on the public highway to facilitate access. It is noted that 2 trees are category U trees. 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.

14.9.6 The Council's landscape officer has not provided comments on the proposal. However, the supporting Arboriculture Impact Assessment confirms that the only tree removals will be of low-quality of category U. It is noted that concerns have been raised as part of the public consultation with regards to the accuracy of the submitted arboricultural information. However, a condition is to be attached to ensure there would be sufficient replacement tree planting as part of the proposal to adequately off-set the loss of any trees on the site.

14.10 H) Climate Change

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

14.10.2 The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. Whilst very little detail has been provided, it is considered that the full details of such measures would be dealt with by way of condition through the submission of an energy and sustainability statement.

14.11 I) Contamination

14.11.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The Council's Environmental Health Officer has been consulted with in the application and has suggested that if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This will require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Assessment, prior to any works commencing on site.

14.12 J) Flooding

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

14.12.2 The Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

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

14.12.4 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

14.12.5 The proposals, for this reason thereby comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.13 K) Planning Obligations

14.13.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the

Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £43,515.36).
 - Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £145,051.20).
 - Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £133,140.00).
 - Provision of 40% affordable housing.
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
 - Provision and long-term on-going maintenance of public open space.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these

issues have been taken into account in the determination of this application

16. Planning Balance and Conclusion

- 16.1** Uttlesford District Council is currently unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies to the determination of this planning application . Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.
- 16.3** In respect to addressing the benefits of the proposed development, the provision of 30 dwellings including 12 of these being affordable housing would represent a modest boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district.
- 16.4** The proposed development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** The provision of a new public open space within the development would also represent a modest benefit as part of the scheme. As would biodiversity net gain that would be achieved as part of the scheme.
- 16.6** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.
- 16.7** Whilst the applicant has failed to demonstrate, to the satisfaction of the Local Highway Authority, that safe and suitable access for all highways

users can be provided to the site or that the proposed works are deliverable, the use of a Grampian condition would not be unreasonable in this instance to ensure the required works are implemented prior to the commencement of the development.

16.8 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.

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Provision of 40% affordable housing.
 - ii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
 - iii. Payment of education financial contributions; Early Years, Primary and Secondary.
 - iv. Provision and long-term on-going maintenance of public open space.
 - v. Monitoring cost.
 - vi. Payment of the council's reasonable legal costs.

17.3 Conditions

1 Prior to the commencement of the development, a scheme for improvements, including pedestrian / cycle routes along Cannons Lane, Cage End and Broad Street Green shall be submitted and approved by the highway authority, to adoptable highway authority standards. The works shall be implemented prior to the commencement of the development and retained thereafter.

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

2 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.

- 3** 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.

- 4** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

- 5** 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.

- 6** 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.

- 7** 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.

- 8** 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

- 9** 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.

- 10** 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.

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 3.6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; To ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 13** No development in connection with the construction of the development hereby approved shall take place until an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development. The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the units.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;
f) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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

15 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include the retained hedgerow and newly created pond, hedgerow, trees and traditional orchard.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

16 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for

foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

- 17** Prior to the first occupation of the development, a scheme for the treatment of the proposed development site including the timescale for the planting / replacing of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005.

- 18** 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 19** Prior to the first use/occupation of the development hereby approved, details of all external illumination of the site residential plots including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning

authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals “Guidance Note 01/20: Guidance notes for the reduction of obtrusive light”. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 20** 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.

- 21** 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.

- 22** 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.

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

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

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 25** 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.

- 26** 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.

- 27** In perpetuity, the pond shall not have any islands occur/be created.

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.

- 28** 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.

Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/21/3298/FUL
Our Ref: 49556
Date: 23rd November 2022



CC: (by email) *DM, SMO2, Chelmsford
PROW, Chelmsford
Cllr Susan Barker*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/3298/FUL
Applicant Durkan Estates Ltd
Site Location Land South Of Cannons Lane Hatfield Broad Oak
Proposal Erection of 30 dwellings with open space, landscaping, access and associated infrastructure

SUPERSEDES PREVIOUS RECOMMENDATION DATED 17TH MAY 2022

Cannons Lane is of varying widths (approximately 4 metres at the site access) and in some instances does not allow opposing vehicle to pass without overrunning the highway verge. The proposed development would increase the number of vehicles and pedestrians along Cannons Lane, and the adjacent road in the vicinity. The applicant has provided a plan demonstrating some localised widening of Cannons Lane, a passing place, and the provision of a footway.

During the planning submission, evidence has been submitted to the highway authority which indicates the presence of a historic ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, it cannot be determined that the proposed scheme of works to Cannons Lane and Cage End can be achieved within land within the highway and or control of the developer, and consequently if the scheme can be delivered. Therefore;

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

1. The applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development, with particular reference to;
 - i. The provision of a new section of footway on Cannons Lane and Cage End to connect the development to the existing footway on Cage End, to provide access to the local facilities, services and bus stops in the village.

- ii. Improvements to and the provision of footway on Cannons Road and Broad Street Green (which is incomplete) to connect the site to Hammonds Road to the east of the site, to provide access to the local facilities, services and bus stops in the village.
- iii. The provision of adequate passing place on Cannons Lane, in terms of number of bays and ensuring passing bays are of suitable length and width for a vehicle to manoeuvre into / out of, to allow an opposing vehicle to pass.

The intensification of Cannons Lane by vehicles and pedestrians, without the provision of a footway, would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport, and the lack of appropriate carriageway width / passing places could lead to adverse manoeuvres and increased highway verge erosion, to the detriment of highway safety.

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

NOTE:

- i. Please note proviso that accompanies highway boundary plans from Essex Highways - It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.

F Masne

.....
pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

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



Clive Theobald
Uttlesford District Council
Planning Services

Date: 18 May 2022
Our Ref: SUDS-005648
Your Ref: UTT/21/3298/FUL

Dear Mr Theobald

Consultation Response – UTT/21/3298/FUL- Land South Of Cannons Lane Hatfield Broad Oak

Thank you for your email received on 1 April 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 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** based on the following:

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 3.6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event .
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2 –

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

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 sincerely,

Alison Vaughan, 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.



ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 05 April 2023

REFERENCE NUMBER: UTT/22/1014/OP

LOCATION: Land North Of
Hammonds Road
Hatfield Broad Oak

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15 March 2023

PROPOSAL: Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

APPLICANT: The Trustees of the CH Gosling 1965 Settlement

AGENT: Ms Alice Maguire (Bidwells)

EXPIRY DATE: 08 July 2022

EOT Expiry Date 09 June 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Adjacent to Development Limits (Outside).
Tree Preservation Order (Oak).
Archaeological Site (No. 4442).
Contaminated Land Historic Land Use.
Road Classification (Hammonds Road – Class III).
Within 6km of Stansted Airport.
Water Authority (Thames Water).
Public Right of Way (Footpath – 140m-190m North of Site).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. **EXECUTIVE SUMMARY**

1.1 This is an outline application with all matters reserved except for access for up to 24 no. new dwellings, a new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. Appearance, layout, scale and landscaping are reserved matters.

1.2 The development site is located within the countryside on the eastern edge of the village of Hatfield Broad Oak. As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5YHLS (notwithstanding its improving position), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed 'Planning Balance' has been

undertaken of the proposal against all relevant considerations (see Section A of the analysis and Section 16 of the report). It has been concluded that the benefits of the development significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be approved subject to conditions and a s106 agreement.

1.3 Following the submission of additional information to ensure deliverability, the appropriate visibility splays and the proposed scheme of highway works can be secured on the applicant's land or on highway land, and as such, ECC Highways supported the application. The development was also tested on flood risk grounds from rivers/sea and from surface water and found not to increase flood risk on site or elsewhere. The heritage impacts of the scheme are also acceptable.

1.4 Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health and ecology.

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION

3.1 The application site comprises undeveloped land located adjacent to the eastern development limits of Hatfield Broad Oak. The site lies north of Hammonds Road, between existing residential development to the west and Waters Farm to the east. There are open agricultural fields to the south and north of the site. The site has a relatively rectangular shape with well-defined boundaries (existing hedgerows and tree clusters) and part of a field to the north. At the south-western corner of the site, along the frontage, is a protected (TPO) Oak tree, and a pond to the east. A public footpath runs east-west 140-190m to the north of the site and a Protected Lane to the east of the site (past Waters Farm). The site and the field across the road sit on higher ground levels than the highway. Ground levels within the site slope down westwards. The site comprises the eastern entrance to the village. The overall area contains a rural

countryside character and appearance with dwellings (mainly within the development envelope) of varying architectural styles, sizes, ages and materials.

4. PROPOSAL

4.1 Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. The applicant indicatively proposes 42% or 10 no. affordable units, as well as various open spaces and SUDS features.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Covering letter
- Ecological assessment
- Flood risk assessment
- Landscape and visual appraisal (x3)
- Landscape and visual appraisal appendix 1
- Landscape and visual appraisal appendix 2
- Landscape and visual appraisal appendix 3
- Phase I geoenvironmental desk study part 1
- Phase I geoenvironmental desk study part 2
- Planning statement
- SUDS checklist
- Superseded archaeological assessment
- Superseded transport statement
- Tree survey – Arboricultural impact assessment
- Tree survey – Arboricultural impact assessment – Plans
- Surface water flood risk depths
- Superseded design and access statement
- Thames water information
- Thames water – Confirmation of sufficient capacity
- Response to place services comments
- Revised archaeological assessment
- Revised design and access statement
- Revised transport statement
- Response to highways comments (x3)
- Email correspondence.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	UTT/21/1801/PA	Residential development of the site for approximately 24 dwellings.	Closed (23.08.2021).

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

7.1 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. As such, the following consultation events have been held by the applicant:

- 5th August 2021: Virtual pre-application meeting with UDC Officers under reference UTT/21/1801/PA.
- 23rd August 2021: Written pre-application response from UDC received from the Planning Officer.
- 9th November 2021: The applicant attended a Parish Council meeting to discuss the scheme.
- 22nd November 2021: Engagement with and presentation to the Parish Council and the Planning Working Group (a sub-group of the Parish Council, with members of the Parish Council and residents).
- 19 January and 07 February 2022: Virtual engagement with the local community in the form of an online virtual exhibition (in light of applicable COVID restrictions in place at the time).
- 19 January 2022: Leaflet drop to 366 residential addresses and 11 business addresses to publicise the online exhibition.

7.2 The online exhibition had 153 independent views and 11 responses were received out of which:

- 1/11 (9%) of respondents fully support the plans.
- 5/11 (45.5%) respondents stated that they generally support the plans but have some concerns.
- 5/11 (45.5%) respondents stated that they did not support or like the plans.

7.3 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Statement of Community Involvement in the Planning Statement (p.22).

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 **Local Flood Authority**

8.2.1 No objections subject to conditions (see full response in Appendix 2).

9. **PARISH COUNCIL COMMENTS**

9.1

The Parish Council commented as follows:

- **Objections:**

- Greenfield and open land outside development limits.
- Countryside harm / major visual impact.
- Out of character.
- Premature release of site.
- Unsustainable location.
- Highway safety concerns.
- Incorrect submissions.
- Large site for the size of the village.
- Low density development.
- Unclear previous uses of the land / no agricultural use.
- No direct footpaths to the village.
- Limited bus service.
- Lack of infrastructure capacity, services and facilities.
- Recent appeals dismissed as precedent.
- Lack of Neighbourhood Plan irrelevant.
- More expensive housing stock in the village than the district.
- Insufficient information on ecology and biodiversity.
- No affordable housing.
- Ecological and biodiversity concerns.
- No up-to-date Local Plan.
- Infrequent and unreliable bus service.
- Hammonds Road is drained by ditches.
- Telegraph pole and road sign irrelevant.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections subject to provision of a minimum of 40% of affordable housing (including 25% as First Homes), 5% of wheelchair accessible houses and an appropriate housing mix. Further review at the reserved matters.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 There is insufficient detail within the application to comment at present, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures to make a meaningful response.

10.7 ECC Infrastructure

10.7.1 No objections subject to contributions:

- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.

10.8 Stansted Airport Safeguarding Authority

10.8.1 No objections subject to conditions.

10.9 Thames Water

10.9.1 No objections.

10.10 Affinity Water

10.10.1 No comments received.

10.11 Cadent Gas Ltd

10.11.1 No objections.

10.12 Gigaclear Ltd

10.12.1 No objections.

10.13 National Grid Gas Ltd

10.13.1 No objections – no assets affected.

10.14 UK Power Networks (Operations) Ltd

10.14.1 No objections.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

11.2.1 No comments.

11.3 Object

- 11.3.1**
- 30 MPH limit needed past Waters Farm.
 - Footpath necessary on Hammonds Road.
 - Highway safety concerns.
 - No infrastructure capacity, services and facilities – sustainability concerns.
 - Affordable housing needed.
 - Ecological and biodiversity concerns.
 - Over-development of Hatfield Broad Oak.
 - Incorrect submissions.
 - Loss of light and overshadowing.
 - Loss of privacy and overlooking.
 - Noise and other disturbances.
 - Harm to the character and appearance of the area / entrance to the village.
 - Countryside harm.
 - Outside development limits.
 - Greenfield land.
 - No streetlighting.
 - Loss of verges due to HGV traffic.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

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 February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon & Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great and Little Chesterford Neighbourhood Plan (made February 2023)

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 GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN6 – Infrastructure Provision
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy ENV5 – Protection of Agricultural Land
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources

Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land

13.3 Neighbourhood Plan

13.3.1 No ‘made’ Neighbourhood Plan for the area.

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 playspace
Supplementary Planning Document – Developer’s contributions
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 Appearance, scale, layout, landscaping (Reserved Matters)**
 - C Residential amenity**
 - D Access and parking**
 - E Ecology**
 - F Contamination**
 - G Archaeology**
 - H Flood risk and drainage**
 - I Housing mix and affordable housing**
 - J Planning obligations**
 - K Other matters**

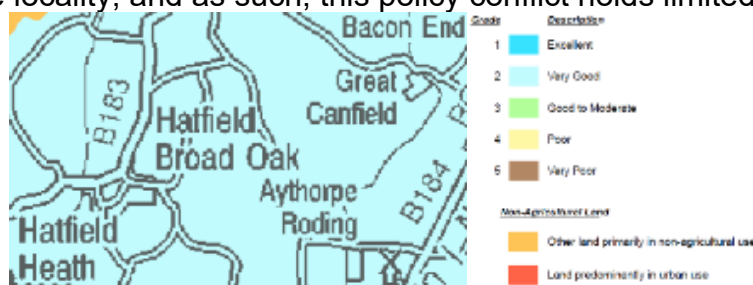
14.3 A) Principle of development

14.3.1 With the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF 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 (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate; the Council’s approach to ‘windfall development’ is effective given the gradual increase.

14.3.2 Applying policy ENV5

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

The site comprises Grade 2 ('Very Good' quality²) agricultural land, being part of the district's best and most versatile agricultural land. Despite its loss, contrary to policy ENV5, good quality agricultural land is plentiful within the locality, and as such, this policy conflict holds limited weight.



14.3.3 Applying policies S7 and GEN1(e) in conjunction with paragraph 8 of the NPPF

In **economic** terms, the proposal can provide a modest 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 in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.4 In social and environmental terms:

14.3.5 Location – Isolation:

Recent case law³ 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 not isolated, as it is adjacent to the development limits of Hatfield Broad Oak. 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.

14.3.6 Location – Services and facilities:

The area offers some services and facilities (see image⁴), including a primary school, a GP surgery, a village shop and a butcher's shop. The nearest bus stop⁵ (Barnfield stop – 1' walk) is 60m from the site (see image); the nearest school (St Mary's Primary School – 7' walk) and the nearest GP surgery (Eden surgery – 7' walk) are 600m from the site. The nearest railway station (Sawbridgeworth Railway Station – 10' drive) is 7.6km away and the nearest supermarket (The Co-op Food – 50' walk) is 4km from the site, with employment centres and hospitals not within walking distances. To the front of nos. 1-8 Water Villas there is space used for walking and parking, and opposite that (at the junction of Hammonds Road with Barnfield lane) there are pedestrian footpaths on both sides of the lane with the footpath on the eastern side ending at this

² See Agricultural Land Classification 2010, Natural England.

³ Braintree DC v SSCLG [2018] EWCA Civ. 610.

⁴ Revised Design and Access Statement, paragraph 2.3.

⁵ Bus services include no. 305 which offers an hourly service from 7am to 9pm (Mondays to Saturdays) and no. 347 which offers a service twice a day (Mondays to Fridays).

junction. The applicant proposes to connect the application site to the existing footpath network.



14.3.7 The occupants of the proposed dwellings would be able to safely access sustainable public transport of a satisfactory frequency, as well as some services and facilities within walking distances. Some movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the location are satisfactory in NPPF terms, and the development complies with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:
The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision⁶), as there are no planning records or other material considerations (e.g. permanent structures, fixed surfaces) to suggest otherwise⁷.

14.3.9 Character and appearance – Countryside:
The local character contains a distinct rural feel and countryside setting with some views to the wider landscape and a modest sense of openness. The site is tucked away from the public realm, as the mature hedge on its southern boundary sits higher than Hammonds Road (see photographs) and the nearest public footpath is located 140m-190m to the north of the site. The development introduces housing in a countryside location, and as such, it cannot escape a level of countryside impact due to the urbanising effects⁸. Therefore, the development is contrary to policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside.

⁶ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁷ The applicant concurs with this view (see Planning Statement, paragraphs 7.18, 9.7).

⁸ Domestic appearance of built form and domestic paraphernalia with which housing is associated.



14.3.10 The applicant submitted a Landscape and Visual Appraisal (hereafter LVA) identifying views that may be visually affected by the development (e.g. see viewpoint 6). The LVA found there will be some adverse effects to the visual amenity of the area due to the “*loss of rural landscape, which is distinctive of the village’s edge and contributes to the sense of remoteness of the village*”⁹ and due to the “*extension of urban qualities*” within this rural landscape¹⁰. However, the visual impact of the scheme will have localised effects only as further away from the area “*there is a stronger influence of intervening topography and layers of field boundaries vegetation that filter views*”¹¹.



14.3.11 Notwithstanding its verdant appearance, the site does not play an important role¹² in the rural character and appearance of the area, as the openness within the site is not readily perceived by users of Hammonds Road¹³, and as such, this openness is not intrinsic of the settlement’s edge. Consequently, the site makes a limited positive contribution to the character and appearance of the area. As the scheme is outline with all matters reserved (except for access), the applicant proposes design principles and mitigation measures to minimise the visual impact of the development (e.g. through a Design Code). An appropriate scale and density can preserve some sense of remoteness to the settlement’s edge and, in combination with open spaces, tree plantings and appropriate heights, can soften the appearance of the site and provide a smooth transition onto the countryside. Therefore, when quantified, countryside harm is limited with modest urbanising effects to the character and appearance of the area. This holds significant weight.

⁹ Landscape and Visual Appraisal, p.24.

¹⁰ Landscape and Visual Appraisal, p.25.

¹¹ Ibid.

¹² The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

¹³ Given the elevated grounds of the site in relation to the highway.

- 14.3.12** Character and appearance – Pattern of development:
The Revised Master Plan is illustrative at this stage; however, the scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the development would read as a natural urban extension to the village. However, the indicative dwelling on the south-eastern corner of the site is ahead of the building line set by the Waters Villas residences to the west of the application site. The Typology Study prepared by the applicant¹⁴ may further inform this assessment at the reserved matters stage.
- 14.3.13** Conclusion:
The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).
- 14.3.14** Overall, the principle of the development is acceptable, and complies with the ULP policy GEN1(e), and the NPPF.
- 14.4 B) Appearance, scale, layout, landscaping (Reserved Matters)**
- 14.4.1** Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.
- 14.4.2** In terms of heritage impacts, the applicant suggests the development causes low levels of ‘less than substantial harm’ in conflict with paragraph 202 of the NPPF, which are counter-balanced through the benefits of the scheme¹⁵. However, by reason of its location and distance to any heritage assets in the village¹⁶ and the intervening-built form, the development preserves the setting and significance of the heritage assets, without causing ‘less than substantial harm, in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 194, 199 and 202 of the NPPF. In addition, by reason of its location and distance, the development preserves the fabric and character of the Protected Lane (Taverners Green) to the east of the site. No heritage harm is identified.
- 14.4.3** Notwithstanding the ‘no heritage harm’ position, there are some views from Hammonds Road and from within the site towards the Grade I listed Church to the west. The applicant responds with the indicative Revised Master Plan locating open space to the south-west corner of the site to retain the local sense of place¹⁷.
- 14.4.4** In terms of design and form, based on the available information, limited comments can be made. Appropriate glazing and a simple vernacular

¹⁴ Revised Design and Access Statement, paragraph 5.3.

¹⁵ Planning Statement, paragraph 7.41.

¹⁶ The site sits 140.9m from The Parsons Cottage (Grade II listed), 134.2m from Willow Cottage (Grade II listed), as well as 572.5m from the Church of St Mary the Virgin (Grade I listed) and 483.7m from the Hatfield Broad Oak Conservation Area.

¹⁷ Revised Design and Access Statement, p.63; Planning Statement, paragraph 7.26.

appearance are expected in the reserved matters to minimise impacts to the character and appearance of the area. The indicative Revised Master Plan shows combinations of built forms with traditional rectangular shapes that comply with the local vernacular¹⁸. No elevation drawings have been submitted.

14.4.5 In terms of layout, the indicative locations and density of the dwellings avoid creating a cramped appearance for the site or a rigid block of built form facing onto Hammonds Road, preserving the character and appearance of the area. However, the dwelling on the south-eastern corner of the site fails to respect the building line (see Section A). Parking areas do not visually dominate the indicative layout or the site’s frontage. The indicative open spaces and SUDS within the site add visual interest and a sense of identity and place to the development as they ameliorate intra-site navigations and appearances.

14.4.6 In terms of size and scale, the indicative dwellings have reasonable footprints; however, their bulk and massing are unknown at this outline stage. The reserved matters application will ensure the development is subservient and subordinate to the area. The applicant states “*the range of heights across the scheme would be 2-2.5 storeys, with a limitation to 2 storeys only in higher areas of the site towards the eastern edge of the development area*”¹⁹ (see also Table). A Proposed Streetscene would be recommended for the next stage.

	Typical eaves (m)	Typical ridge (m)
2 storeys	5-5.5	7.5-9
2.5 storeys	5.5-6	8.5-9.5

14.4.7 Turning to landscape, trees and boundaries, the landscape strategy of the development aims to minimise its visual impact in the area with landscape buffers to the east and south of the site, including open spaces, SUDS and an amphibian reserve. There is also a TPO Oak tree to the south-western corner of the site, which is to be retained along with other trees worthy of retention and most of the hedge surrounding the site²⁰. The applicant proposes to fell 1 no. tree of moderate amenity value²¹. The Landscape Officer raised **no objections** subject to conditions. The conditions refer to a landscaping scheme that is a reserved matter. Other conditions include detailed protective measures for the trees (TPO tree) and the loss of the mixed species hedge to the front of the site, requiring any lost sections of it, to be replanted behind the sight lines. Most importantly, there is limited impact on the wider landscape by the proposed development.

¹⁸ See ‘Building Form’ section of the Essex Design Guide.

¹⁹ Revised Design and Access Statement, paragraph 10.2.3.

²⁰ See Planning Statement, paragraph 7.26, 7.43; Revised Design and Access Statement, paragraph 7.4; Landscape and Visual Appraisal, paragraph 3.2.1.

²¹ Tree Survey – Arboricultural Impact Assessment, p.2.

14.4.8 For climate change mitigation, the development will incorporate energy efficiency measures and water efficiency designs, including electric vehicle chargers²². However, the applicant does not provide any more details at this stage, plus more such sustainability measures are required to ensure sustainable buildings and construction methods, in accordance with the Council’s Climate Crisis Strategy 2021-30, and paragraph 158(a) of the NPPF.

14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC’s Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 ed) for all potential users.

14.4.10 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwellings are 2-2.5 storeys high with unknown bedroom/persons occupancies (bedroom numbers are unknown at this stage); the gross internal areas should exceed minimum standards (see Table²³). The Housing Officer notes that “Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 people, 3 bed properties house 5 people and 4 bed properties house 6 people. Ideally, the new homes should meet the Nationally Described Space Standards (NDSS)”.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

²² Planning Statement, paragraph 6.11.

²³ Nationally Described Space Standard.

- 14.5.3** The dwellings must have private amenity spaces (gardens) above the 50 m² threshold for 1-2 bedroom properties and above the 100m² threshold for any 3+ bedroom properties (see Essex Design Guide).
- 14.5.4** In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions to safeguard residential amenities (see also Section 6 for conditions to protect human health and the environment). The conditions refer to a Construction Management Plan (pre-commencement), noise from air source heat pumps and external lighting. The development complies with paragraph 174(e) of the NPPF.
- 14.5.5** In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwellings in relation to the neighbouring dwellings and amongst themselves would be tested in the reserved matters stage when more details would be available. This includes the application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.
- 14.5.6** Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.
- 14.6 D) Access and parking**
- 14.6.1** Access is not a reserved matter.
- 14.6.2** From a highway and transportation perspective, following the submission of additional information, the Highway Authority raised **no objections** in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.
- 14.6.3** ECC Highways initially submitted that the applicant does not appear to control sufficient land to provide the required forward visibility splay for westbound vehicles travelling along Hammonds Road to observe a westbound vehicle waiting in the carriageway to turn right into the proposed site access. In addition, it was initially highlighted that the lack of a footway provision and safe crossing point would also be detrimental to highway safety. ECC Highways was concerned about the potential presence of a ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, ECC Highways required more information (topographical drawings, etc.) to ensure the proposed scheme of works to Hammonds Road can be achieved within highway land and/or land under the developer's control, and consequently, to ensure the scheme

can be delivered. Notwithstanding any comments indicating otherwise and despite the initial concerns, the applicant's submissions confirmed that the proposed scheme of works can be delivered.

14.6.4 The parking layout is indicative at this stage. Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. In the reserved matters application, the development must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.5 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation, compensation and enhancement measures. The conditions refer to action in accordance with the appraisal recommendations, a copy of Natural England licence for Great Crested Newts (pre-commencement), a Biodiversity Enhancement Strategy, and a Landscape and Ecological Management Plan. The development complies with paragraphs 43, 174(d) and 180 of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the submitted Phase I report concludes there is potential contamination associated with the historic agricultural use of the site and the wider area, recommending a Phase II Geo-environmental Investigation to clarify potential risks to receptors and classify potential waste soils for disposal off site. Environmental Health raised **no objections** subject to conditions to protect human health and the environment. The conditions refer to an assessment of the nature and extent of contamination, a detailed remediation scheme, completion of the agreed remediation, a validation report to demonstrate the effectiveness of the remediation, and a potential land contamination clause for any unexpected contamination. The development complies with paragraph 174(e) of the NPPF. A condition is also necessary for electric chargers to improve air quality as per paragraph 107 of the NPPF.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

14.9 G) Archaeology

14.9.1 The applicant states that “*It is possible that archaeological field evaluation through trial trenching will be required*”²⁴. The Archaeology Officer reported that “*there is the possibility that other roadside development is present considering the significance of Hatfield Broad Oak in the early medieval period at which time it was a larger and a more important settlement*”. Archaeology raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area excavation to protect potential archaeological remains. The conditions refer to a Written Scheme of Investigation (WSI), the completion of the archaeological investigation in accordance with the WSI and a post-excavation assessment and archive of any deposits, as well as a publication report. The development complies with paragraph 192(b) of the NPPF.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (see paragraphs 158-169 of the NPPF).

14.10.2 The site falls within Flood Risk Zone 1. However, the scheme comprises ‘major development’, and as such, matters of flood risk and drainage must be considered, plus the NPPF requires the submission of a Flood Risk Assessment and the use of Sustainable Urban Drainage Systems (SUDS). The following images show the extent of flooding from rivers and from surface water.



14.10.3 Following the submission of additional information, Essex County Council (as the Lead Local Flood Authority) raised **no objections** subject to conditions to prevent flooding or increasing flood risk elsewhere, to ensure the effective operation of SUDS and to mitigate any harm to the water environment as per paragraphs 167 and 174(e) of the NPPF. The conditions refer to a detailed surface water drainage scheme, a scheme to prevent pollution and to minimise the risk of offsite flooding by surface water run-off and groundwater during construction (pre-commencement), a maintenance plan and yearly logs of maintenance.

²⁴ Revised Archaeological Assessment, paragraph 3.2.

14.10.4 Following the submission of additional information, following the submission of a wastewater capacity assessment from the applicant, Thames Water raised **no objections** to surface water drainage and to the infrastructure capacity of the foul water sewerage network. If in the reserved matters application the applicant proposes to discharge foul waters to a public sewer, prior approval from Thames Water Developer Services will be required.

14.10.5 Overall, the proposal is acceptable in terms of flood risk and drainage, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is more than 0.1ha and for 24 no. dwellings, thus H10 is relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties. Therefore, the indicative housing mix shown in the Table below is acceptable.

14.11.2 The 40% affordable housing contribution is triggered as the site exceeds 0.5ha and the scheme comprises a 'major development' for the purposes of the NPPF²⁵. The applicant indicatively proposes 10 no. affordable units (42% of the total number of units) that shall be confirmed in the reserved matters application and shall be secured using a s106 legal agreement. Although affordable housing levels is indicative at this outline stage, the UDC Housing Officer raised **no objections** and noted that 25% of the affordable housing provision will now need to be provided as First Homes as the application is determined after 28 Mar 2022. The Housing Officer also highlighted that the affordable units are expected to be delivered by one of the Council's preferred Registered Providers. The development complies with policy H9 and the NPPF.

²⁵ 'Major development' is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

SIZE	MARKET NO.	MARKET %	AFFORDABLE NO.	AFFORDABLE %	OVERALL	OVERALL %
2 bed	1	4%	5	21%	6	25%
3 bed	6	25%	4	17%	10	42%
4 bed	5	21%	1	4%	6	25%
5 bed	2	8%	0	0%	2	8%
Sub Total	14	58% overall	10	42% overall	24 homes	100%

14.12 J) Planning obligations

14.12.1 Paragraph 57 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 matters that the Council would seek to secure through a planning obligation in accordance with the Supplementary Planning Document – Developer’s Contributions (March 2023) and the Essex County Council’s Developers’ Guide to Infrastructure Contributions.

14.12.2 The planning obligations shall include the following:

- Affordable housing.
- Open space.
- Provision of wheelchair accessible and adaptable dwellings.
- Education contributions.
- Employment and Skills Plan.
- Payment of the Council’s reasonable legal costs.
- Payment of monitoring fee.

14.12.3 A s106 agreement to secure the above Heads of Terms is expected to be signed prior to planning permission being granted, to ensure the proposal would accord with Policy GEN6 of the adopted Local Plan 2005, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

14.13 K) Other matters

14.13.1 Cadent Gas Ltd, Gigaclear Ltd, National Grid Gas Transmission Plc, and the UK Power Networks Ltd raised **no objections** unconditionally.

14.13.2 The Stansted Airport Safeguarding Authority have **no objections** subject to conditions to secure flight safety. The conditions refer to measures against light spill and the prevention of birds being attracted to the site from SUDS features.

14.13.3 Essex Police noted there is insufficient detail within the application to comment at present given the outline stage of the scheme. The applicant must demonstrate compliance with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime. The applicant should achieve a Secured by Design Homes award through compliance with security measures incorporated to design.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 The planning balance in paragraph 11(d) of the NPPF tilts in favour of the principle of the scheme.

16.2 The benefits include:

- Significant contribution to the 5YHLS.
- Appropriate location with some services and facilities within walking distance and some sustainable transport options.
- Provision of up to 10 no. affordable units.
- Provision of public open space.

- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Moderate ecological enhancements and net gains.
- Moderate economic and social benefits.

The adverse impacts include:

- Limited countryside impacts / urbanising effects. Localised landscape and visual amenity effects.

16.3 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme. Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.4 It is therefore recommended that the application be approved subject to conditions and a s106 agreement.

17. S106 / CONDITIONS

17.1 S106 Heads of Terms:

- Affordable housing: Provision of a minimum of 40% of affordable housing.
- Open space: Provision and long-term on-going maintenance of public open space (including open spaces, amphibian reserve, swale, and associated infrastructure).
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

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

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

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 4** Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 5** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the agreed Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, detailed protective measures for the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The detailed measures shall comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) and shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

REASON: To preserve the character and appearance of the area, in accordance with Policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 7 Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period of the development.

The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 8 (a) Prior to commencement of the development hereby approved, an 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 based on the initial findings of the Phase I Geoenvironmental Desk Study (AGB Environmental Ltd, reference P4118.1.1, dated 29th March 2022) and shall assess any contamination on the site, including ground gas, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

(b) If found to be necessary from (a) and prior to commencement of the development hereby approved, 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.

(c) Prior to commencement of the development hereby approved, a timetable of works for the detailed remediation scheme shall be submitted to and approved in writing 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 shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: To protect human health and the environment, in accordance with Policies GEN2, ENV14 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

The CEMP shall include the following:

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

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

authority.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, GEN2, GEN4, ENV10 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 10** Prior to commencement of the development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented as approved.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 11** Prior to commencement of any works which will impact the breeding / resting place of great crested newts, the local planning authority shall be provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
 - c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 12** Within six (6) months from completion of the archaeological investigation, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is ready to be deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in

accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 13** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the adopted Uttlesford Local Plan (2005), as well as Uttlesford District Council's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 14** Prior to any works above slab level, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, First Floor Levels (300mm above flood level) and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation of the development hereby approved. Outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority.

REASON: (a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (b) To ensure the effective operation of SuDS features over the lifetime of the development. (c) To provide mitigation of any environmental harm which may be caused to the local water environment by the development hereby approved. (d) Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 15** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) persons responsible for implementing the enhancement measures;
- d) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the works shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 16** Prior to occupation of the development hereby approved, the developer shall implement the highway works as shown in principle on EAS drawing SK12.

The highway works shall include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 107.8 metres to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.

- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2-metre-wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2-metre-wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 107.8 metres along Hammonds Road (to a vehicle turning right into the site access).

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 17** Prior to occupation of the development hereby approved, a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant, shall include:
- Footway widening/siding out/resurfacing.
 - Pedestrian warning signs.
 - Improvements to/provision of dropped kerb crossings.
 - Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

REASON: In the interests of highway safety and accessibility, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 18** Prior to occupation of the development hereby approved, a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield shall be provided on a location to be agreed with Essex County Council Highways.

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

Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 19** Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack (per dwelling) for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator. This will be at no cost to the occupier.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005) and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 20** Prior to occupation of the development hereby approved, a minimum of an electric vehicle charging point shall be provided on site for each unit. Thereafter, the charging points shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 21** Prior to occupation of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the amphibian reserve and public realm and spaces on site shall be submitted to and be approved in writing by the local planning authority.

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 LEMP 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.

Thereafter, the LEMP shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 22** Prior to occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed in writing by the Local Planning Authority.

If any part of the site will be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 23** Prior to first use, details of any external lighting to be installed on the site or any separate plots within 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. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 24** Apart from any hedge lost to accommodate the vehicular access hereby approved, any hedge to be lost to the front of the site for the purposes of accommodating the necessary visibility splays for the vehicular and/or pedestrian accesses hereby approved shall be replanted behind the visibility splays and shall be maintained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, in accordance with Policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 25** No islands and/or peninsulas shall be created on any Sustainable Urban Drainage Systems (SUDS) or waterbody on or adjacent to the application site.

REASON: In the interests of flight safety, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 26** Any air source heat pumps to be installed for the units hereby approved shall be specified and designed, enclosed, or otherwise attenuated, to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 28** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (BSG Ecology, February 2022) and the Response to Place Services comments (BSG, July 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. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7,

ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 29** 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 Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 30** Notwithstanding the provisions 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, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/22/1014/OP
Our Ref: 49660
Date: 03 March 2023



CC: (by email) Cllr Susan Barker
Development Management

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1014/OP
Applicant The Trustees of the CH Gosling 1965 Settlement
Site Location Land North of Hammonds Road Hatfield Broad Oak
Proposal Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

This recommendation supersedes the recommendation of the Highway Authority dated 24 November 2022.

The Highway Authority has thoroughly assessed the planning application and submitted information received throughout the course of this planning application. The site has been visited on several occasions and a detailed investigation of the highway boundary along Hammonds Road in the vicinity of the site access has taken place.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.

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

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 the following all clear of the highway:
 - Safe access into the site
 - 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

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.

2. Prior to the first occupation of the development the developer shall implement the works as shown in principle on EAS drawings SK01 Revision D and SK09, with all details being agreed with the Highway Authority, and to include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 118.3m to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.
- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2 metre wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2 metre wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 118.3 metres along Hammonds Road (to a vehicle turning right into the site access).

Reason: To ensure that safe, efficient, and improved accessibility is provided for all highway users.

3. Prior to first occupation of the development a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant to include:

- Footway widening/siding out/resurfacing.
- Pedestrian warning signs.
- Improvements to/provision of dropped kerb crossings.
- Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

Reason: In the interests of highway safety and accessibility.

4. Prior to first occupation the provision of a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield, location to be agreed.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

5. Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation – per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, for use with the relevant local public transport operator. This will be at no cost to the occupier.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN 1.

Informatives:

- i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii) 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.
- iii) There shall be no discharge of surface water onto the Highway.
- iv) 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.
- v) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under

the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- vii) 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 Matthew Bradley
Telephone: 07557 081565
Email: matthew.bradley@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 11 May 2022
Our Ref: SUDS-005935
Your Ref: UTT/22/1014/OP

Dear Mr Vlachos

Consultation Response – UTT/22/1014/OP - Land North Of Hammond Road Hatfield Broad Oak

Thank you for your email received on 6 May 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL(300mm above flood level) and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 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 sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

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.

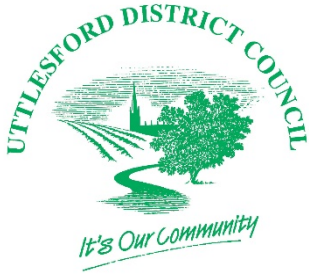
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if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

Agenda Item 14



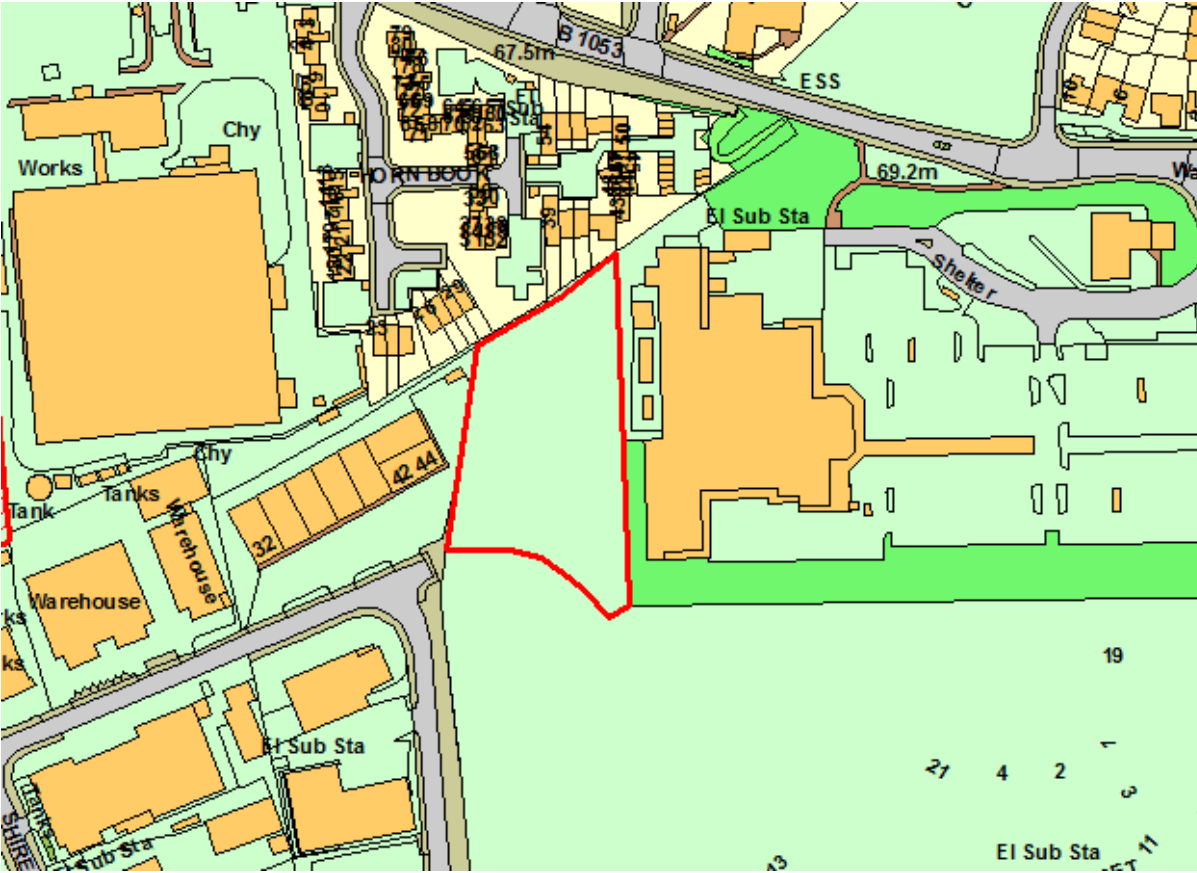
ITEM NUMBER: 14

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/2977/DFO

LOCATION: Land To The East Of Shire Hill, Saffron Walden,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: 16/2/2023

PROPOSAL: Details following outline application UTT/17/3429/OP (allowed under appeal reference APP/C1570/W/19/3227369) - details of appearance, landscaping, layout and scale.

Application to discharge conditions
4 (Surface Water drainage),
6 (Maintenance plan for storm water drainage),
8 (Ecological mitigation),
9 (External lighting),
13 (Cycle and PTW parking),
14 (Parking spaces),
15 (Vehicle charging points),
18 (Water pollution control),
19 (Foul water strategy)

Attached to UTT/17/3429/OP (allowed under appeal reference APP/C1570/W/19/3227369) and imposed on Appeal B.

APPLICANT: Mr Maurice Mills (Saffron Building Society)

AGENT: Mr Chris Jennison (Derrick Wade Waters)

EXPIRY DATE: 7/2/2023

EOT Expiry Date: 7/4/2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

1.1 The proposal considers the reserved matters details of appearance, landscaping, layout and scale following the allowed appeal APP/C1570/W/19/3227369. The application was for outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.

1.2 The layout, scale, appearance and landscaping of the development is considered appropriate. The proposed access and parking provisions are acceptable. The development accords with ULP Policies S7, GEN1 GEN2, GEN8 and the NPPF.

1.3 The proposal 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.

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

3.1 The application site comprises 0.482 ha (1.192 acres) of undeveloped land located to the west of Tesco's and to the north east corner of Shire Hill. Shire Hill employment area is to the west and residential to the south of the site.

3.2 The northern boundary abuts the "Horn Book" residential area. The site is accessed through Shire Hill and also through Leverett Way. The west, north and east boundary of the site include mature vegetation, the south boundary of the site is open to the highway.

4. **PROPOSAL**

4.1 The proposal considers the reserved matters details of appearance, landscaping, layout and scale following the allowed appeal APP/C1570/W/19/3227369)

4.2 This application also considers the following conditions imposed by the Planning Inspector:

- 4 (Surface Water drainage),
- 6 (Maintenance plan for storm water drainage),
- 8 (Ecological mitigation),
- 9 (External lighting),
- 13 (Cycle and PTW parking),
- 14 (Parking spaces),
- 15 (Vehicle charging points),
- 18 (Water pollution control),
- 19 (Foul water strategy)

- 4.3 The proposal includes a two-storey building, with the layout providing a building which has a main frontage on to Leverett way. The building will include gross internal floor space of 1787sqm². The roof height is 9.2m with a high with an overall height of 11.2m including the roof plant room.
- 4.4 The proposal includes onsite parking and the provision of a cycle store and electric vehicle charging points. 172 solar panels are to be installed on the roof of the proposed development, in addition to air source heat pumps providing heating and cooling requirements.
- 4.5 The external materials to be used will include a mix of opaque and clear glazing and metal cladded walls.

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.
- 5.2 The application site comprises 0.482 ha, therefore the site this application is considering for reserved matter does not fall within either Schedule 2 of the above Regulations - Class10 (a) or 10(b).

6. **RELEVANT SITE HISTORY**

6.1 UTT/17/3429/OP

Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.

REFUSED,
ALLOWED AT APPEAL- 29TH November 2019

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

- 7.1 Pre application advice was sought prior to the submission of the planning application. It was concluded the outline planning permission is still extant and provides 3 years for the approval of reserved matters, as such this will require the application to be submitted for reserved matters prior to the 29th November 2022.
- 7.2 Furthermore, the pre application advice, considered the following:
- The contemporary design of the building may likely be considered acceptable and not out of place within the site or surrounding areas.
 - Due consideration should be made to the proposed parking, pedestrian access, sustainable travel.

- Given the nature of the site due consideration should be given to ecology mitigation and enhancement.
- The impact to neighbouring residential properties should be considered in regards to loss of privacy.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No comments received

8.2 Lead Local Flood Authority

8.2.1 No objections, having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of conditions 4 and 6 of Appeal B of UTT/17/3429/OP.

9. TOWN COUNCIL

9.1 Pleased to see solar panels have been added to the scheme and make no further comments

10. CONSULTEE RESPONSES

10.1 Anglian Water

10.1.1 No objections in regards to foul water.

10.2 UDC Environmental Health

10.2.1 No Objections.

10.3 UK Power Networks

10.3.1 No objections raised, informative recommended.

10.4 Cadent Gas

10.4.1 No Objections.

10.5 Place Services (Ecology)

10.5.1 Objection- additional information required to discharge condition 9.

10.6 National Air Traffic Services

10.6.1 No safeguarding objections

10.7 Stansted Airport Safeguarding

10.7.1 No objection

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 162 notifications letters were sent to nearby properties. An application notification was also advertised in the press.

11.2 Support

11.2.1 No comments received

11.3 Object

11.3.1 No comments received

11.4 Comment

11.4.1 N/A

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 July 2022)
Saffron Walden neighbourhood plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great and Little Chesterford neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The countryside
GEN1- Access
GEN2 – Design
GEN3 -Flood Protection
GEN4 - Good Neighbourliness
GEN5 –Light Pollution
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standard
ENV11- Noise Generators

13.3 Saffron Walden Neighbourhood Plan (SWNP)

13.3.1 SW3- Design
SW4- Parking on new developments
SW9- Development of new and existing commercial spaces
SW11- Ecological requirements for all new domestic and commercial developments
SW12 - Promoting walking and cycling

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Layout of the development including the design, impact to amenity and Parking - Principle of development**
 - B) Scale and appearance of the development, including the design and impact to amenity**

- C) Landscaping
- D) Nature Conservation
- E) Climate Change and Renewable Energy
- F) Consideration of Conditions

14.3 A) Layout of the development including the design, impact to amenity and Parking - Principle of development

14.3.1 The application site is outside of the development limits of Saffron Walden, as such ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The principle of the development has been established under the allowed appeal attached to planning application UTT/17/3429/OP.

14.3.2 The building is located to the south east section of the site and follows the building lines of the neighbouring sites and positioned as far as possible from the residential properties to the north of the site. The scheme incorporates new landscaping and the planting of new trees, hedges, shrubs and ornamental planting. The proposal will assimilate the surrounding area and will provide a contemporary design that would not be out of place sited close to the existing Shire Hill industrial estate and Tesco's supermarket.

14.3.3 The layout of the development includes the access, parking and associated development within the site. The proposed access, internal access road provides a safe access and egress point into the site, for both pedestrian and vehicular traffic, and respects the gradients across the site. ECC Highways have been consulted in regards to the proposal and no comments have been raised. As the access was considered a part of the outline planning permission it is the local highway network will have sufficient capacity to accommodate the development proposals in a safe manner.

14.3.4 The proposed parking layout includes as per the Essex County Council Parking Standards:

- Cars based on 1 space per 30 sqm of floor area = 61 spaces
- Disabled parking at 5% of total bays = 3 spaces
- Cycle spaces at 1 space per 100 sqm for staff plus 1 space
- per 200 sqm for visitors = 30 spaces
- PTW at 1 space + 1 per 20 car parking spaces = 4 spaces
- Parking space size 2.9m x 5.5m

The Highways Authority have been consulted in regards to the development, no comments of further recommendation have been raised. Due to the appropriate provision of parking it is not considered the proposal will result in any parking on the highway network that would

result in a highway safety impact. As such in regard to parking the proposal is considered to accords with ULP Policy GEN8 and the Essex County Council Parking Standards and SWNP Policies SW4 and SW12.

- 14.3.5** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG.
- 14.3.6** The site lies within Flood Zone 1 for which development is deemed appropriate for Flood Zone 1 as stated within the NPPF, however due to the size of the site a Flood Risk Assessment (FRA) is duly required. The application includes a drainage report, confirming that the Sustainable Drainage Strategy provided successfully demonstrates an available and workable solution for managing surface water in accordance with applicable sustainable drainage guidance. The Local Lead Flood Authority who are responsible to provide advice on SUDS on major developments, do not object to the proposal and as such it is considered the development is in accordance with ULP Policy GEN3, the NPPF.
- 14.3.7** The introduction of the building will result in an increase of noise and disturbance, mainly due to the increase of vehicular movements and some operational noise from within the site. That being said this would be consistent to the other nearby businesses at Shire Hill industrial area. The Council's Environmental Health officer has been consulted in regards to the development and has not raised any objections in regards to noise and disturbance. As such I do not consider the layout of the development would result in any significant harmful level of to the residential amenity of the existing neighbouring residential sites regarding noise and disturbance. As such the proposal is in accordance with ULP Policies GEN4 or ENV11.

14.4 B) Scale and appearance of the development, including the design and impact to amenity

- 14.4.1** Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings. The design rationale in regards to the appearance of the development is ensuring a scheme that respects the local vernacular and scale of the existing and surrounding areas using high quality building materials from sustainable sources. This is also consistent with the aims of SWNP Policy SW3.
- 14.4.2** The adjacent industrial warehouse accommodation is typical of the generic cladding (elevations and roofs) evident across the wider estate. In the main, elevations are finished glazed and metal panels which have been chosen to meet the corporate design of the future occupier of the building. The design and materials of the building have been chosen to provide a modern business appropriate to the time.
- 14.4.3** The two-storey building is designed with a flat roof and parapet to be sympathetic to the overall height of other nearby buildings, whilst also

maximising opportunities to deliver sustainability benefits, including the incorporation of air source heat pumps and photovoltaics, all located behind a parapet wall.

- 14.4.4** It is noted the adjacent residential accommodation in Horn Book and Saffron View is generally of traditional construction and design. Walls are typically clad with facing brickwork or painted cement render. Roofs are most often pitched and ridged, frequently with hip or gable end details, and are clad with either slate tiles or machined clay tiles. The style and appearance of the residential accommodation fairly reflects a local residential vernacular.
- 14.4.5** The adjacent industrial warehouse accommodation is typical of the generic cladding (elevations and roofs) evident across the wider estate. In the main, elevations are finished with either profiled steel cladding or fibre-cement sheeting. Occasionally there are brickwork elevations to either full, first floor, or dado height. Roofs are similarly clad and typically incorporate roof-lights.
- 14.4.6** As such the proposed development of the site attempts to successfully marry or blend these relatively disparate styles, finishes and forms together, so that the resulting scheme does not either jar or sit uneasily in its surroundings.
- 14.4.7** The flat roof with integral parapet wall will provide a platform to discreetly accommodate photovoltaic solar panels and will ensure that the proposed development retains a modest height relative to its surroundings. In this respect, the absence of a pitched and ridged roof in conjunction with a finished floor level aligned with the rear not front boundary, results in a proposed building that is not overly dominant or intrusive in appearance.
- 14.4.8** Careful consideration has been given to the relationship between the proposed building and neighbouring properties that are in close proximity to north boundary of the site. This includes ensuring the distance between the application site and neighbouring residential properties is appropriate, also that the orientation of the proposed dwellings ensures any overlooking or loss of privacy. Taking into consideration the comments from the Council environmental health officer the proposed lighting scheme will not result in any detrimental impact to neighbouring site/occupiers.
- 14.4.9** The site includes a significant change in ground levels across the site, however the development utilises the northern section of the site as the parking area and as such the siting of the building in excess of the recommended back to back distances as set out in the Essex Design Guide. The proposed building has been designed to respond in scale to the existing levels ensuring dwellings do no unduly overbear neighbouring properties.

14.4.10 As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance, including the design and impact to amenity, (ULP Policies S7, GEN2, GEN4, Essex Design Guide, SWNP and the NPPF)

14.5 C) Landscaping

14.5.1 The landscape proposals for this development are focused around a new office building and parking area. The siting of the proposed building within the site means that there is an opportunity to enhance the existing landscaping to the site's boundaries and introduce further landscaping within the scheme. Details in this respect are set out in the submitted Landscape Masterplan. In particular, landscaping to the northern and southern boundaries will, in conjunction with the siting of the building centrally within the site, mitigate the visual impact of the development on neighbouring residential uses.

14.5.2 Further landscaping is introduced within the site, primarily around the building and car park areas, to provide a combination of screening and segregation between the different areas of the site. The Council's Landscape Officer has been consulted in regards to the landscape scheme, no comments or further recommendations have been made received. It is considered that the proposal provides appropriate landscaping that would integrate the proposal into its site and the surrounding area..

14.6 D) Nature Conservation

14.6.1 Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. A biodiversity report has been submitted with the application and has been reviewed by the Council's Ecology Consultant. Detailed design proposals are therefore submitted in this respect primarily within the Ecology Enhancement report. This document incorporates advice/proposals in regard to mitigation of potentially harmful effects of the development on the ecosystem and wildlife and incorporates protective measures and enhancements including bat boxes, hedgehog highways and reptilian habitat.

14.6.2 The outline planning permission includes a number of conditions in regards to ecology that need still to be complied with. Taking into consideration the requirement of mitigation and enhancement measures, bird mitigation strategy, ecology lighting scheme it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework and SWNP Policy SW11.

14.7 E) Climate Change and Renewable Energy

- 14.7.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included a sustainability statement demonstrating sustainability measures.
- 14.7.2** The proposed development accords with policy objectives by optimising sustainability through the incorporation of best practice design, construction and operation measures. Some of the key features are as follows:
- 14.7.3** The proposed building is targeted Excellent/ Very Good in BREEAM ratings and incorporates green energy generation in the form of roof-mounted solar panels. Opportunities to move towards a net carbon zero occupation have been taken in the design stage through selective use of sustainable materials and energy saving construction including for example, triple glazing curtain wall panels.
- 14.7.4** The use of air source heat pump technology and 172 photovoltaic panels to deliver renewable energy to the proposed building.
- 14.7.5** Implementation of a range of sustainable transport measures including EV charging infrastructure and cycle storage, the development is located within a sustainable location in terms of being close to local amenities and transport links.
- 14.8 F) Consideration of Conditions**
- 14.8.1** This application also considers the following conditions imposed on allowed planning appeal- APP/C1570/W/19/3227369
- 4 (Surface Water drainage),
 - 6 (Maintenance plan for storm water drainage),
 - 8 (Ecological mitigation),
 - 9 (External lighting),
 - 13 (Cycle and PTW parking),
 - 14 (Parking spaces),
 - 15 (Vehicle charging points),
 - 18 (Water pollution control),
 - 19 (Foul water strategy)
- 14.8.2** 4 -Surface Water drainage
The details have been reviewed by the Lead local Flood Authority and it is considered this condition can be fully discharged.
- 14.8.3** 6 -Maintenance plan for storm water drainage
The details have been reviewed by the Lead local Flood Authority and it is considered this condition can be fully discharged

- 14.8.4** 8 - Ecological mitigation,
The additional information requested by Ecology (i.e. locations, heights of the enhancement features) is not necessary for this condition to be fully discharged.
- 14.8.5** 9 - External lighting
Further details of lighting specifications have been requested prior to the discharge of this condition, these details have been provided.
- 14.8.6** 13 - Cycle and PTW parking
No comments have been received from the Highways Authority, however this is a compliance condition, as such is considered this condition can be fully discharged.
- 14.8.7** 14 – Parking spaces
No comments have been received from the Highways Authority, however this is a compliance condition, as such is considered this condition can be fully discharged.
- 14.8.8** 15 - Vehicle charging points
The proposal includes 16 charging points (26% of total parking) in alignment with UDC Interim climate change policy, as such it exceeds the requirement set out in the condition. As such is considered this condition can be fully discharged.
- 14.8.9** 18 - Water pollution control
The application includes future management arrangements and proposed drainage details for the proposed development, this includes details of water pollution control. No objections have been raised by the Lead local Flood Authority or the Environment Agency, therefore it is considered this condition can be fully discharged
- 14.8.10** 19 - Foul Water Strategy
The details submitted have been reviewed by Anglian Water, no objections have been raised and it is considered this condition can be fully discharged.

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 layout, scale, appearance and landscaping of the development is considered appropriate. The proposed access and parking provisions are acceptable. The development accords with ULP Policies S7, GEN1 GEN2, GEN8 and the NPPF.

16.2 The proposal would not be harmful to protect/priority species subject to conditions and in accordance with ULP Policy GEN7 and the NPPF.

16.3 The proposal will not give rise to flooding and is in accordance with ULP Policy GEN3

16.4 Due consideration has been made to the UDC Interim Climate Change Policy 2021 and ULP Policy ENV15 and how the developer has demonstrated the path that their proposals take towards achieving net – zero carbon by 2030.

16.5 The submitted layout and design shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.

16.6 The proposal 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.

16.7 The details to discharge the following conditions attached to UTT/17/3429/OP (allowed under appeal reference

APP/C1570/W/19/3227369) and imposed on Appeal B are considered acceptable and can be fully discharged.

- 4 (Surface Water drainage)
- 6 (Maintenance plan for storm water drainage)
- 8 (Ecological mitigation)
- 9 (External lighting)
- 13 (Cycle and PTW parking)
- 14 (Parking spaces)
- 15 (Vehicle charging points)
- 18 (Water pollution control)
- 19 (Foul water strategy)

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 Prior to occupation of the development hereby approved, the access as set out on the proposed Site Plan (HD22012-100-C) shall be provided.

REASON: To provide adequate access to the site and in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 3 Prior to the operation use of the development hereby approved the associated vehicle including parking area indicated on the approved plans shall be provided.

The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1

- 4 Prior to the operation use of the development hereby approved the associated cycle parking indicated on the approved plans shall be provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 5 The renewable features/ climate control measures associated with the development, set out on the approved plans, including:
Solar Panels,
Air Source Heat Pumps,
Electric Vehicle Charing Points

Shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

- 6 The development hereby approved shall be in accordance with the approved Landscape Masterplan.

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: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7 The development hereby approved shall be constructed entirely of the materials details of which are shown on the approved elevation plans and as shown on the schedule of materials.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 8 Any air source heat pumps to be installed at the development 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

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

APPENDIX 1- Lead Local Flood Authority

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



Chris Tyler
Uttlesford District Council
Planning Services

Date: 30th January 2023
Our Ref: SUDS-006380
Your Ref: UTT/22/2977/DFO

Dear Mr Tyler,

Consultation Response – UTT/22/2977/DFO - Land To The East Of Shire Hill Saffron Walden Essex

Thank you for your email received on 27.01.2023 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 discharge of conditions 4 and 6 of Appeal B of UTT/17/3429/OP based on the following:

Condition 4

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

- Infiltration testing and groundwater testing in line with BRE 365. If infiltration is found unfeasible, discharge rates should be limited to 1l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. It should be clearly demonstrated that the discharge hierarchy has been followed including providing evidence that there are no ditches to discharge to.

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Condition 6

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

We also have the following advisory comments:

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

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration.

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.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.



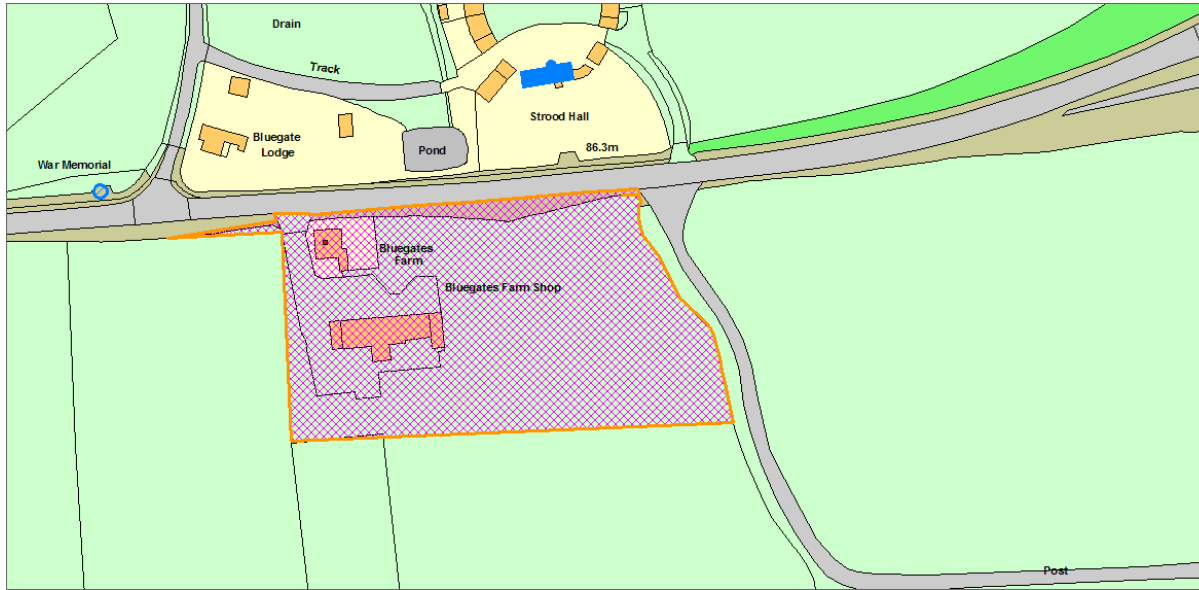
ITEM NUMBER: 15

PLANNING COMMITTEE DATE: 05 April 2023

REFERENCE NUMBER: UTT/22/1752/FUL

LOCATION: Bluegates Farm, Stortford Road, Great Dunmow

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 17/01/2022

PROPOSAL: Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

APPLICANT: Mr Peter Curran,

AGENT: Mr Paul Calder,

EXPIRY DATE: 31 August 2022

EOT Expiry Date: 13 January 2023

CASE OFFICER: Nathan Makwana

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor Sutton

1. EXECUTIVE SUMMARY

1.1 This application is for the Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution). It follows a previous 2018 application, UTT/18/2478/FUL which was for the proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping. In order to facilitate the proposed change of use, the car park will be re configured so that larger vehicles including HGV's (heavy goods vehicles) can safely park at the site.

1.2 The application has been through various rounds of consultation with the Local Highways Authority who raise no objection, neither do Ecology nor Conservation.

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located within an area of generally open countryside midway between the town of Great Dunmow and the village of Little Canfield. It is situated on the southern side of the Stortford Road (B1256) and in close proximity to the A120, a key infrastructure corridor through Essex. The site adjoins open fields to the east and west while to the north, on the opposite side of the road, lie residential properties. Flitch Way runs along the southern boundary of the site. There is existing mature vegetation along this boundary screening the site from views when pedestrians and cyclist travel along the Flitch Way.

3.2 The site measures 0.76 hectares and is broadly rectangular shaped. Access to the site is gained directly off the Stortford Road to the north.

3.3 The site falls outside a defined settlement or any other designation for the purposes of local planning policy.

4. PROPOSAL

4.1 Planning permission is sought for the change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution).

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 UTT/18/2478/FUL - Proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping – Approved with Conditions on 18.04.2019

6.2 UTT/20/2498/NMA - Non-Material Amendment to UTT/18/2478/FUL - to add plans condition listing plan numbers 960.002.03, 960.201.01, 960.202.02, 960.203.00, 960.204.01, 960.205.01, 960.206.00, 960.207.00, 960.208.01 and 960.209.00 – Approved on 05.11.2020

6.3 UTT/22/0198/NMA – Non-Material amendments to UTT/18/2478/FUL-amend position of building and add fire escape personnel doors to southern elevation – Approved on 25.01.2022

7. PREAPPLICATION ADVICE

7.1 No pre-application advice has been sought for this planning application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 ECC Place Services (Ecology)

10.1.1 No objection to this application. Do not consider there are likely to be any additional impacts to ecology from the proposed change of use. Biodiversity enhancements have also been secured by design.

10.2 ECC Place Services (Buildings and Conservation)

10.2.1 No objection to this application.

The building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).

It is understood that this application seeks consent for the change of use only and that no external changes are proposed, raise no objection to this application.

10.3 UDC Environmental Health

10.3.1 The Environmental Protection Team have no objections to the proposed change of use.

11. REPRESENTATIONS

11.1 This application has been publicised by Site notices and local press adverts. In addition, 79 notifications letters were sent to nearby properties.

11.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

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

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

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

(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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - E3 – Access to Workplaces
 - ENV2 – Development Affecting Listed Buildings
 - ENV10 – Noise Sensitive Developments
 - ENV12 – Groundwater Protection
 - ENV14 – Contaminated Land

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:

14.1.1 A) The Principle of Development

- B) Design and impact on neighbour’s amenity and character and setting of adjacent Listed Buildings**
- C) Highways and Access**
- D) Ecology**
- E) Planning Obligations**

14.2 A) The Principle of Development

14.2.1 The application site is located outside both of the development limits of Little Canfield and Great Dunmow and is therefore located within the open countryside and is therefore located within the Countryside where policy S7 applies.

14.2.2 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are

special reasons why the development in the form proposed needs to be there.

14.2.3 This is a successor application to UTT/18/2478/FUL which was for the Proposed demolition of existing residential property and office building and replacement with 1 no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping.

14.2.4 In determining the application, the then officer report determined that in view that most of the existing site is brownfield, and that the Council has a shortage of commercial accommodation, the harm caused to the countryside setting and limited harm to the setting of the nearby Listed Buildings, on balance, the benefits are considered to outweigh the harm and therefore the principle of the development of this site for office use purposes is acceptable subject to the proposal complying with all other relevant Development Plan policies.

14.2.5 Planning consent UTT/18/2478/FUL has been implemented. This proposal seeks merely to change the use from its previous B1 (now Class E) use to a mixed Class E and B8 (Storage and Distribution). According to the Planning Statement, “the proposed change of use would provide for the continued and improved economic use of the site. Since the grant of planning permission for office use in 2018, and the recent Covid-19 pandemic, working habits have significantly changed and office-based businesses have shifted to increased working from home while internet-based businesses have significantly increased. Such businesses tend to require a smaller but increased storage provision for their equipment and goods.”

14.2.6 It goes on to state that the applicant has therefore experienced a significant reduction in the need for/interest in the approved office space and seeks to provide a mixed use for office and storage purposes in response to the recent change in working practices. The site benefits from a previously approved B1 (Class E) use and now seeks to expand this to Class E and B8 (storage and distribution).

14.2.7 Subject to all other material considerations assessed below, the proposal accords with ULP Policies S7 and E3 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.3 B) Design and impact on neighbouring amenity and character and setting of adjacent Listed Buildings

14.3.1 Policy GEN2 states that development will not be permitted unless its design is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.3.2 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. A Heritage Statement has been submitted with the application.

- 14.3.3** As the proposal is simply for the change of use, there are no proposed external changes to the building and no impact on the appearance of this part of Stortford Road to the setting of any adjacent listed buildings.
- 14.3.4** The applicant has indicated that the proposed change of use is required to enable storage of goods in conjunction with the formerly consented office use. Internally the building would comprise of 7 modestly sized units ranging in size from 152 – 182sq metres.
- Notwithstanding, the proposed B8 use of the site will involve the need to re – configure the existing car park so that it is capable of accommodating larger vehicles should this be required.
- 14.3.5** In view of the separation distances from neighbouring properties the proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact to neighbour’s amenity. Conditions that were previously required to control the opening/closing times of the building to minimise the impact of the development on the neighbour’s amenity are to be re – imposed. As the nature of B8 uses can involve storage it is considered appropriate to impose a planning condition that would prohibit any external storage at this site. It is considered that the proposal would not result in any material detrimental impact on neighbour’s amenity over and above than that that already exists to such an extent to warrant refusal of the scheme
- 14.3.6** The Conservation Officer has been consulted on the scheme and states that the building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).
- 14.3.7** It is understood that this application seeks consent for the change of use only and that no external changes are proposed, therefore they do not consider there to be any additional impact and thus they raise no objection to this application.
- 14.3.8** Policy GEN4 states that development and uses will not be permitted where noise and light would cause material disturbance or nuisance to occupiers of surrounding properties. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless: The level of lighting and its period of use is the minimum necessary to achieve its purposes and glare and light spillage from the site is minimised.
- 14.3.9** It is not considered that the proposal would result in extra noise over and above that that already exists. The applicant has indicated that plant and machinery will not be used at this site, and it is considered appropriate to include a planning condition to prohibit this, in the interests of residential amenity. In terms of hours of operation, the

applicant does not seek any additional hours to that which has already been consented in planning permission UTT/18/2478/FUL; therefore, the same conditions will be re – imposed on this application.

- 14.3.10** Policy E3 requires that development that would result in the provision of jobs will be required to include the highest standards of accessibility and inclusion for all people regardless of disability, age, or gender. The retains level access to the principal floors and disabled bays adjacent to the side of the southern side of the building.
- 14.3.11** The proposal is therefore considered to accord with ULP Policies GEN2, GEN5, E3, ENV2 and GEN4 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.4 C) Highways and Access

- 14.4.1** 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.
- 14.4.2** ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location.
- 14.4.3** The parking standards do not change from the previous application in so far as that the office building is 2322 sqm. The parking standards require a maximum of 77 parking spaces of which four should be disabled spaces. The proposal includes 73 parking spaces and 4 disability spaces and will also provide 34 cycle spaces. This remains unchanged from the previous planning application.
- 14.4.4** The internal parking layout within the site will be altered so that it can accommodate larger vehicles. It has also been demonstrated that larger vehicles can safely access and depart from the site without detriment to highway safety. The application has therefore been amended to the satisfaction of the Highways Authority.
- 14.4.5** The proposals seek to provide access to the site as per that consented under the extant planning permission (i.e. via a ghosted-right turn lane arrangement) suitable for use by vehicles up to a maximum HGV. This access arrangement has been submitted for Technical Approval (S278) permission through the extant scheme, and minor modifications have been made to the layout as part of that process, however, they do not fundamentally change the planned access arrangements.

The previous planning permission required a travel plan and contribution which the Highway Authority acknowledge as has been paid on

implementation. The Highway Authority require a revised travel plan and contribution in respect of this current proposal.

14.4.6 The Highways Authority do not object to the proposal subject to, conditions and an amended travel plan. The proposal accords with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.5 D) Ecology

14.5.1 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. As the proposal would involve the demolition of a building, there is the potential for the development to have an impact on protected species.

14.5.2 The Ecology Officer has reviewed the above application and does not consider there are likely to be any additional impacts to ecology from the proposed change of use. We therefore have no objection to this application. Biodiversity enhancements have also been secured by design.

14.5.3 The proposal therefore complies with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.6 E) Planning Obligations

14.6.1 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.

14.6.2 A sum of **£6,383.00** to be paid to the Local Highways Authority to include a travel plan monitoring fee.

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The subject building has planning consent for Class E use. The proposed change of use to Class E and B8 use is considered to be acceptable in principle subject to restrictions on external storage and the use of plant and machinery.

16.2 No external alterations are required to the existing building in order to facilitate the change of use.

16.3 The access is considered to be acceptable and capable of accommodating the vehicular movements associated with the proposals. Sufficient vehicular parking would be provided to meet the needs of the proposed use. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

16.4 It is not considered that the proposal would have any material detrimental impact in respect of protected species and complies with policy GEN7.

16.5 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.

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

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- (i) Travel Plan monitoring Fee £6,383.00.
 - (ii) Pay Monitoring Costs
 - (iii) Pay 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: 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 occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate intervisibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 4** Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 5** Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of pedestrian safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6** The use hereby consented shall not commence until the Developer has submitted and obtained written approval of an amended Travel Plan to UTT/18/2478/FUL from Essex County Council as Highway Authority. The amended Travel Plan shall be implemented on first occupation of the development and shall be adhered to thereafter.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** The use hereby consented shall not commence until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** Cycle parking shall be provided in accordance with the EPOA (Essex Planning Officers Association) Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP Policies GEN1

and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 8.** No vehicles associated with passengers using Stansted Airport shall be parked on the site for more than 24 hours in any period of 14 days.

REASON: To ensure car parking spaces are provided solely to serve the office use on the site. furthermore, it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with ULP policy (adopted 2005) T3 and the NPPF 2021.

- 9.** No lights within the building hereby permitted shall be illuminated between the hours of 21.00 hrs and 06.00hrs.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10.** The development hereby permitted shall not operate before 06.00 am or after 21.00 Monday - Saturday or before 10.00 am or after 18.00 hours on Sunday.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

- 11.** The use hereby permitted shall not involve the installation or use of plant or machinery.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

- 12.** The development hereby consented shall not involve any external storage.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

Appendix 1 – Essex County Council Highways Comments (Recent Comments)

Your Ref: UTT/221752/FUL
Our Ref: 32984
Date: 10th November 2022



CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

SUPERSEDES PREVIOUS RECOMMENDATION DATED 17TH AUGUST 2022

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

1. Prior to occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety.
2. Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility.

3. Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of pedestrian safety and accessibility.
4. The land to the north east of the site, fronting B1256, as shown in pink on DWG no. 181820-002 Rev C, shall be dedicated to the Highway Authority, to allow the Highway Authority to provide a 2 metre footway if / when required. The developer to undertake no work on the land that will inhibit the provision of a future footway. Land to be provided at no cost to the highway authority. **Reason:** To provide connectivity for all in the interests of highway safety.
5. Prior to occupation of the proposed development, the Developer shall provide for written approval a Travel Plan including payment of a £6,383 Travel Plan Monitoring fee to ECC. The approved Travel Plan to be implemented on first occupation of the development. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on appropriate parking is provided.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity
8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.**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.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Details of a suitable construction access and all traffic management shall be submitted to and approved in writing by the Highway Authority prior to commencement of the development.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. 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.
- 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 Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- viii. The developer to meet the full cost of compensation claims associated with any new or altered highway as part of the proposed development, including provision of a Bond.
- ix. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 41 (Little Canfield) shall be maintained free and

unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

Note:

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.



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pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Appendix 2 (Initial Highway Comments)

Your Ref: UTT/22/1752/FUL
Our Ref: 32984
Date: 17th August 2022



CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

Paul Crick
Director for Highways
and Transportation

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

County Hall
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Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

This application concerns the area of subject to planning permission UTT/18/2478/FUL, for which a series of highway improvements were required to provide safe and suitable access to the development. No information is provided within the submission regarding these aspects and associated access arrangements, and therefore it is unclear if these works will be carried out, and/or if these are appropriate for the proposal;

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

1. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety;

Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a. A plan demonstrating the full extent of the required visibility splays from the proposed site access onto B1256 can be achieved in either direction, with the highway boundary and red line overlaid.
- b. Swept path analysis demonstrating the largest vehicle to enter and exit the site, to demonstrate that the access arrangement is sufficient.
- c. Requirement for a ghost right turn lane.
- d. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- e. Appropriate provision for pedestrians from development site to connect to existing footway network along B1256, and connection to bus stops.

2. Insufficient information is provided within the application to determine if adequate parking and turning area for all vehicles associated with the development is to be provided. Lack of adequate parking and turning could lead to parking and vehicles adversely manoeuvring on the B1256 (secondary distributor).

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

Informative:

- i. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org
- ii. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.
- iii. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme. For further information, contact - roadsafety.audit@essexhighways.org



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pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Agenda Item 16



ITEM NUMBER: 16

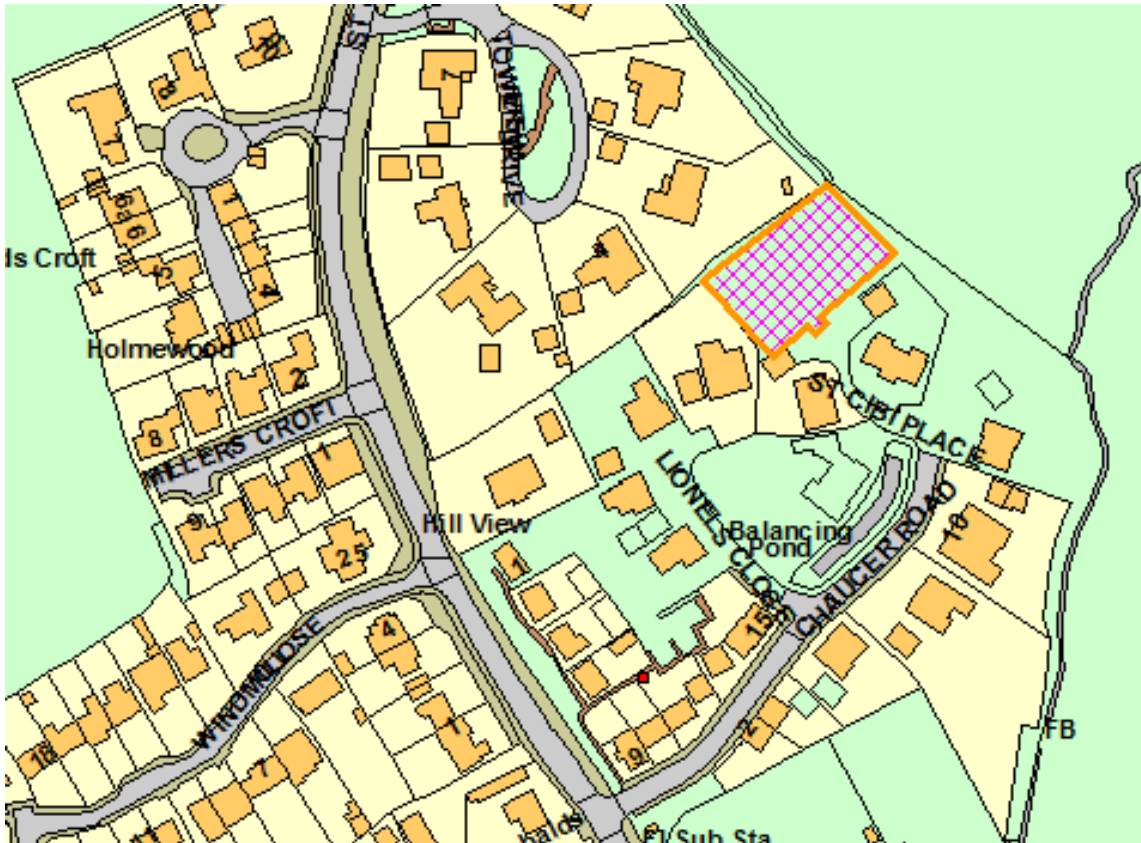
PLANNING COMMITTEE 5 April 2023

DATE:

REFERENCE NUMBER: UTT/21/3563/FUL

LOCATION: Land East Of St Edmunds Lane, St Edmunds Lane, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: 15th Feb 2023

PROPOSAL: Amendment to UTT/19/1508/FUL in order to change plot 13 from a single dwelling to 2 no. separate dwellings and provide a total of 24 dwellings.

APPLICANT: Mr Rupert Kirby- St Edmunds Lane Management Ltd

AGENT: Mr S Bampton- Pelham Structures Ltd

EXPIRY DATE: 25th January 2022

EOT Expiry Date: N/A

CASE OFFICER: Chris Tyler

NOTATION: ULP: Outside Development Limits,
GDNP: Outside Town Development Area.

REASON THIS APPLICATION IS ON THE AGENDA: Revision of a previous major application

1. **EXECUTIVE SUMMARY**

- 1.1 The principle of the development for this residential development has been established under planning permission UTT/19/1508/FUL and subsequent amendment UTT/20/1986/FUL.
- 1.2 The proposal includes the splitting of plot 13 into two separate dwellings (Plots 13 and 13A) at this approved self-build / custom build site. In terms of matters relating to access, layout, scale, appearance and landscaping these are subject to appropriate conditions (where necessary to be imported from UTT/19/1508/FUL & UTT/20/1986/FUL).
- 1.3 The application is subject to a Deed of Variation to the original S106 agreement varying the terms of the previous planning obligation and taking into account the additional dwelling proposed.

2. **RECOMMENDATION**

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

- A) Completion of Deed of variation to the original S106 Agreement
- B) Conditions

And

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The site lies on the east side of St Edmunds Lane to the immediate south-east of Tower View Drive and comprises gently sloping land falling to the south-east which is currently a construction site to provide 23 no. self-build / custom-build dwellings approved under ref; UTT/19/1508/FUL and amended under planning approval UTT/20/1986/FUL. Various road and service infrastructure has already been laid at the site and a number of the dwellings have been built.

3.2 A further dwelling was approved to be included in the development under planning application UTT/20/1986/FUL taking the total number of dwellings 23.

4. PROPOSAL

4.1 This full application relates amends the original planning application (UTT/19/1508/FUL erection of 22 no. dwellings) in order to change plot 13 from a single dwelling to 2 no. separate dwellings. Taking into consideration the approval of an additional dwelling under UTT/20/1986/FUL the development will now provide a total of 24 dwellings.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/14/0472/OP	Outline application with all matters reserved for the development of land for the provision of 22 custom / self-build dwellings with associated access, parking	Refused- allowed at appeal

	provision and amenity space.	
UTT/17/3623/DFO	Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no. custom/ self-build dwellings. Details of access, appearance, landscaping, layout and scale Approved	Approved
UTT/19/1508/FUL	Construction of 22 Dwellings	Approved
UTT/20/1986/FUL	Erection of 1 no. detached dwelling (additional dwelling to the 22 no. dwellings approved under planning permission UTT/19/1508/FUL) Approved – Delegated Decision	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 None Received.

9. PARISH COUNCIL COMMENTS

9.1 None Received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions, these include:

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

10.2 Place Services (Ecology)

10.2.1 No objection subject to securing biodiversity mitigation and enhancement measures, conditions include the submission and approval of a Biodiversity Enhancement Strategy.

11. REPRESENTATIONS

11.1 115 notifications letters were sent to nearby properties, 1 letter has been received neither objecting or supporting the scheme, comments include:

This is the second amendment to the original planning application, there would be 24 properties with associated parking etc as opposed to the 22 originally applied for.

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 July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (Made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford Local Plan 2005

13.2.1 Policy H1- Housing Development
Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN6-Infrastructure Provision to Support Development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy ENV13- Exposure to Poor Air Quality
Policy ENV14- Contaminated Land

13.3 Great Dunmow Neighbourhood Plan

13.3.1 DS1- Town Development Area
LSC1- Landscape, Setting and Character
LSC3 - The Chelmer Valley
GA3 – Public Transport
HEI-A - Infrastructure Delivery
DS8 - Building for Life
DS10- Eaves Height
DS11- Rendering, Pargetting and Roofing

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2** **A) Principle of development – provision of self-build / custom-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision**
B) Access
C) Character, Appearance and Neighbouring Amenity
D) Contaminated land
E) Air Quality
F) Ecology
G) Climate Change
- 14.3** **A) Principle of development – provision of self-build / custom-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision**
- 14.3.1** The principle of the development at this former field location lying outside development limits for Great Dunmow on its east side within a reasonably sustainable location relative to local services and public transport has already been established as being acceptable at appeal under ref; UTT/19/1508/FUL (construction of 22 Dwellings) whilst an additional dwelling was approved within the development under application UTT/20/1986/FUL (total 23 dwellings).
- 14.3.2** The proposal will result in the omission of the larger single dwelling and erection of two smaller dwellings. The location of the dwellings will utilise plot 13 and will not encroach outside of the surrounding open countryside. As the dwellings are of a smaller footprint the overall built form would not be overly dominant or intrusive and would therefore fill this gap as a natural continuation of the street-scene.
- 14.3.3** The division of the plot for two dwellings would have a negligible impact upon rural amenity at this former field location, no objections are therefore raised to the development under Policy S7 of the Uttlesford Local Plan (adopted 2005) or GDNP Policies LSC1, LSC3.
- 14.3.4** A Deed of Variation of a planning obligation made under S106 of the Town and Country Planning Act 1990 accompanies the planning application which varies the planning obligation dated submitted for the UTT/20/1986/FUL (additional dwelling to the 22 no. dwellings approved under planning permission UTT/19/1508/FUL).
- 14.3.5** The Deed of Variation, varies the original obligation by making specific reference to Plot 13 as representing an additional residential plot as a separate planning application and thus separate planning permission at this approved self-build / custom-build site, committing and binding the applicant to self-build / custom-build housing at the site and also the requirement to make adjusted commuted sum financial contributions to take account of the additional residential unit proposed towards Early Years and Childcare, Primary and Secondary Education.

14.4 B) Access

- 14.4.1** The proposed additional dwelling for Plot 13 would be served by the existing access road which would also serve the development from St Edmunds Lane. The Highways Authority have been consulted as part of the development, no objections or further recommendations have been raised.
- 14.4.2** It should be noted that the proposed deed of variation does not change the highway contribution from the original unilateral undertaking as a planning obligation for the 22 no. dwellings approved under UTT/19/1508/FUL. The Highway Authority have been consulted in regard to this current application and have not requested the applicant for an amended contribution for the additional proposed dwelling in isolation to the original highway contributions.
- 14.4.3** It is considered that no highway objections can reasonably be raised to the current application under ULP Policy GEN1 given that the road infrastructure for the approved development at the site is currently being laid out in accordance with the originally approved scheme and as an additional unit of residential accommodation at the site would not lead to any tangible intensification of the road access.

14.5 C) Character, Appearance and Neighbouring Amenity

- 14.5.1** Unlike a conventional detailed application, the finalised (bespoke) layout and scale of this proposed self-build / custom-build dwelling cannot be considered at this submission stage. This is due to the various layout, extension and garage options that are available for the buyer of the proposed plot as is similarly the case with approved application UTT/20/1986/FUL for the 22 no. dwelling self-build / custom-build scheme. These options would be determined by the final purchaser and, like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of development of each plot.
- 14.5.2** Therefore, only the broad plot parameters pertaining to the indicated layout and scale of the proposed additional self-build / custom-build dwelling for the current application can be considered now whereby a design code has been submitted for this additional dwelling in accordance with the self-build / custom-build design code protocol used for approved application UTT/20/1986/FUL as referenced above meaning that self-builders would be able to design and build a house of a bespoke design on this plot subject to compliance with the design code.
- 14.5.3** Based upon these design parameters, the proposed layout and scale of the dwellings for Plots 13 and 13a as indicated would be acceptable whereby it would be consistent with the dwellings layout approved for the residential development under UTT/20/1986/FUL. A total of four on-plot parking spaces comprising two covered and two hardstanding spaces

would be provided to the side of each dwelling which would meet and exceed locally adopted parking standards for the indicated three bedroomed dwelling for the plot. Landscaping would be in line with that approved for UTT/20/1986/FUL, however the details of landscaping are secured by condition.

14.5.4 The proposed dwellings as indicated at this stage, would consist of a traditional detached dwelling designed in the local vernacular style which would be consistent with, and characteristic of, the mixed style and appearance of the other dwellings included in the overall development of the site for approved under UTT/19/1508/FUL and UTT/20/1986/FUL.

14.5.5 As such no design objections are therefore raised under ULP Policy GEN2, or GDNP Policies DS10 and DS11 similarly in this respect.

14.5.6 The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from proposed plots 13 & 13a.

14.5.7 ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of an addition single dwelling is not considered to result in an intensification of use that will result in any harmful impact to neighbouring dwellings from increase of noise and disturbance.

14.6 D) Contaminated land

14.6.1 Although no objections have been made in regards contamination, taking in to regards the Environmental Health Officers comments there is no reason the site is contaminated and is not aware of any potentially contaminative past use, however a condition should be imposed for the developer to inform the Council if any contamination is found during the construction of the development.

14.7 E) Air Quality

14.7.1 ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month period, which the annual mean based air quality objectives requires.

14.7.2 The impact can be minimised by adopting non car travel and further mitigation can include the introduction of electric vehicle charging points as recommended by the Council's Environmental Health Officer. As such it is considered the development accords with ULP Policy ENV13 and the NPPF.

14.8 F) Ecology

14.8.1 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Taking into the consultation response from the Council Ecology Officer it is considered a Biodiversity Enhancement Strategy for protected and Priority species should be provided prior to the commencement of the development above ground level. That being said the commencement of the overall development has commenced, and this specific application only considers plots 13 and 13a. As such the condition should be triggered prior to the occupation of the development. Overall, it is considered the splitting of plot 13 into two dwellings will not have a harmful impact on protected species or biodiversity and is in accordance with policy GEN7 and the National Planning Policy Framework.

14.9 G) Climate Change

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

14.9.2 Although not included with the current application, the previous application include a planning statement which has made due consideration to Co2 Technology / Renewable Energy and the aim is that the proposed houses will be to achieve energy rating A and will include:

- Solar panels; which take advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- Timber frame construction; Using pre-fabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction time and allows better levels of insulation,
- Waste recycling; during construction and future occupation.
- Air source heat pumps; which can take heat from the outside air and use this to heat the dwelling.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with timber frame construction.

14.9.3 As the development is a self-build development the details of each dwelling have to be approved prior to being constructed, the overall details of the dwellings will be considered at a later stage of the development. The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.

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 for this residential development has been established under planning permission UTT/19/1508/FUL and subsequent amendment UTT/20/1986/FUL.

16.2 The proposal includes the splitting of plot 13 into two separate dwellings (Plots 13 and 13A) at this approved self-build / custom build site. In terms of matters relating to access, layout, scale, appearance and landscaping

these are subject to appropriate conditions (where necessary to be imported from UTT/20/1986/FUL). Subject to the a Deed of Variation of the original S106 Agreement varying the terms of the previous planning obligation to take into account the additional dwelling proposed.

- 16.3 The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.
- 16.4 The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 16.5 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- 16.6 The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.

16.7 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS

17. **CONDITIONS**

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

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

- 2 Prior to the commencement of construction of plot 13 and 13A, full details of the house type, extension and/or garage options, layout within the plot, the materials to be used in the construction of the dwelling for the plots and landscaping details shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwellings for these plots shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for the plot have not been established to allow for flexibility in this custom/self-build dwelling scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 3 Prior to occupation of the development hereby approved a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures to include at least one integrated bird and bat box per unit;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

- 4** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation of the dwelling and retained at all times.

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

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

- 6** A minimum of a single electric vehicle charging point shall be installed at plot 13 and plot 13A. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF.

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

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 8** All hard and soft landscape works shall be carried out in accordance with the approved details as shown on landscape drawing 0055 and 'Landscape Strategy' prepared by Pelham Structures accompanying planning application UTT/19/1508/FUL. The works shall be carried out before the dwellings for Plots 13 and 13A are occupied or in accordance with a programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and the area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 9** Any air source heat pumps to be installed at the development 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

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.



ITEM NUMBER: 17

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/3321/OP

LOCATION: Land Rear of Woodene
High Street
Little Chesterford

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20 February 2023

PROPOSAL: Outline application with all matters reserved for a proposed new detached dwelling.

APPLICANT: Mrs M Miller

AGENT: Mr A Martin (Andrew Martin – Planning Ltd)

EXPIRY DATE: 03 February 2023

EOT Expiry Date: 06 April 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Local Plan).
Within Settlement Boundary (Neighbourhood Plan).
Within 100m of Local Wildlife Site (Great Chesterford/Little Chesterford – B184).
Within 100m of Special Verge (Great Chesterford/Little Chesterford – B184).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Gregory).

1. EXECUTIVE SUMMARY

- 1.1** This is an outline application with all matters reserved for 1 no. detached dwelling. The application is recommended for approval subject to conditions.
- 1.2** The principle of the development is acceptable as an infill opportunity in within the settlement boundary of Little Chesterford. The indicative scheme complies with the relevant policies contained within the Great & Little Chesterford Neighbourhood Plan 2023.
- 1.3** Access, appearance, layout, scale and landscaping are reserved matters; subject to appropriate details being submitted at the reserved matters stage, the proposed development can preserve the character and appearance of the area, the residential amenities of any neighbouring or prospective occupiers, as well as the significance of the heritage assets in the vicinity, including a Grade II listed building (Riders Croft) and a non-designated heritage asset (Woodene).

- 1.4 Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health, highway safety, ecology, and flood risk.

2. **RECOMMENDATION**

That the Director of Planning be authorised to GRANT outline planning permission for the development subject to those items set out in section 17 of this report.
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3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises an infill plot that used to be part of the residential curtilage of Woodene (property to the east, now merged with April Cottage), located outside development limits, but within the settlement boundary of Little Chesterford. The host dwelling is a 1.5-storey semi-detached building considered a non-designated heritage asset. The other semi-detached is 2-storey Grade II listed building (Riders Croft). High Street is a 'sunken lane' with raised banks characterising the local topography and character. The application site is surrounded by residential uses on all sides. The overall area contains a semi-urban feel and countryside setting with a traditional local vernacular and dwellings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 The application seeks outline planning permission with all matters reserved for 1 no detached dwelling.

- 4.2 The application includes the following documents:

- Application form
- Design and access statement
- Ecological survey and assessment
- Planning and transport statement
- Heritage statement
- Historic letter from the Parish Council
- Photograph
- Response to comments
- Biodiversity checklist.

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
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UTT/22/1923/PA	Infill detached dwelling.	Closed (07.09.2022).
UTT/15/0946/PA	Proposed new dwelling.	Closed (07.09.2022).
UTT/1158/96/FUL	Erection of detached dwelling and construction of access to highway.	Refused (19.02.1997). Appeal dismissed (26.08.1997).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre-application advice was sought twice prior to the submission of the application. The latest pre-app scheme (UTT/22/1923/PA) received positive feedback from the then Case Officer who discussed the principle of the development and concluded that:

The proposed dwelling results in [a] pattern of development that would infill an existing gap on the edge of the settlement limits. The proposal would be appropriate in the context of the rural location and therefore is not considered to be in conflict with the environmental strand of sustainable development set out in the NPPF or ULP Policy S7. The proposal is considered to comply with policy S7 and the NPPF and is acceptable in principle.

7.2 On her final conclusions, after discussing the details of the scheme (which are now only indicative), the then Case Officer noted that:

It is considered that the proposed development of the site may be acceptable in principle subject to an appropriate scheme being submitted. I have concerns with the proposed design and the limited nature of the plot size. The scheme would appear cramped and out of character with the more spacious qualities of adjoining housing and would be materially detrimental to the character and appearance of this part of the village. The proposed scheme would unlikely be recommended favourably at planning application stage, however this would be scrutinised by an Officer site visit and consultation phase.

7.3 No consultation exercise was carried out by the applicant and no Statement of Community Involvement was submitted with the application. However, there is no such requirement for consultation for a scheme of this size.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections in principle. Further review at the reserved matters stage (as access is a reserved matter).

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council commented as follows:

• **Objections:**

- Heritage harm.
- Loss of earth bund/sunken bank.
- Out of character.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Overbearing impacts.
- 'Tilted balance' does not apply.
- UTT/1158/96/FUL – previously refused, appeal dismissed.
- Errors in application (plot size).
- Optic fibre cables in the bank / highway verge.
- Site clearance prior to application.
- Ecological concerns.
- Disturbances from construction.
- 2-storey dwelling.
- Visually prominent within the streetscene and eastern entrance of the village.
- Cramped appearance / small size of plot.
- Loss of view.
- No services and facilities – sustainability concerns.
- Highway safety concerns.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 No objections subject to condition.

10.3 Place Services (Conservation and Heritage)

10.3.1 No objections subject to condition. Further review at the reserved matters stage.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and notifications letters were sent to nearby properties. The application has also been the subject of a press notice and representations have been received.

11.2 Support

11.2.1 No comments.

11.3 Object

- 11.3.1**
- **Objections:**
 - UTT/1158/96/FUL – previously refused, appeal dismissed.
 - Appeal decision’s considerations apply to the application.
 - Visually prominent within the streetscene.
 - Inaccurate plans
 - Cramped appearance / small size of plot.
 - Harm to the character and appearance of the area.
 - Countryside harm.
 - Contemporary, modern design.
 - Pre-app response negative.
 - Topography and position of development harm Locally Important View (High Street – eastern entrance).
 - Loss of earth bund/sunken bank.
 - Conflict with Local and Neighbourhood Plans.
 - Limited economic benefits.
 - No services and facilities – sustainability concerns.
 - Inappropriate design and materials.
 - Loss of light and overshadowing.
 - Loss of privacy and overlooking.
 - Overbearing impacts.
 - Heritage harm.
 - Highway safety concerns.
 - Potential damage to neighbouring retaining walls.
 - Errors in application (plot size).
 - Historic well in Rider’s Croft’s garden.
 - Loss of view.
 - Neighbouring dwellings at least 1m from their boundaries.
 - Large developments in progress in Great Chesterford.
 - Site clearance prior to application.
 - Disturbances from construction.
 - Policy changes over the years not sufficient to depart from previous decision.
 - Heritage Statement necessary.
 - No significant landscaping and tree planting offers.
 - Proposed dwelling modest in size.
 - Village has traditional character.
 - Optic fibre cables in the bank / highway verge.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

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 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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 July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

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 GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN5 – Light Pollution

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 – Development affecting Listed Buildings

Policy ENV3 – Open Space and Trees

Policy ENV4 – Ancient monuments and Sites of Archaeological Importance

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

Policy ENV10 – Noise Sensitive Development

Policy ENV12 – Protection of Water Resources

Policy ENV13 – Exposure to Poor Air Quality

Policy ENV14 – Contaminated Land

Policy H10 – Housing Mix

13.3 Great and Little Chesterford Neighbourhood Plan (made Feb 2023)

13.3.1 Policy GLCNP/1 – Overall spatial strategy

Policy GLCNP/2 – Settlement pattern and separation

Policy GLCNP/3 – Getting around

Policy GLCNP/4b – Views

Policy GLCNP/5 – Historic environment

Policy GLCNP/7 – Local green spaces

Policy GLCNP/9 – 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
 B) Design, scale, layout, landscape / Heritage impacts
 C) Residential amenity
 D) Access and parking
 E) Ecology
 F) Contamination
 G) Archaeology
 H) Flood risk and drainage
 I) Housing mix
 J) Other matters

14.3 A) Principle

14.3.1 In terms of housing supply, with the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF 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 (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate and the Council’s approach to ‘windfall development’ is effective given the gradual increase.

14.3.2 **Applying policies S7 and GEN1(e) of the Local Plan and Neighbourhood Plan policies in conjunction with paragraph 8 of the NPPF**

In **economic** terms, the proposal provides 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 in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.3 In **social and environmental** terms:

14.3.4 Location – Isolation:

Recent case law² defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated as it is part of Little Chesterford. 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.

14.3.5 Location – Services and facilities:

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

Little Chesterford has very limited services and facilities, with some services and facilities provided in Great Chesterford and a full range in Saffron Walden.

- 14.3.6** The nearest bus stop (Park Road Turn stop – 2’ walk) is 140m to the south-east of the application site (see image). The nearest school (Great Chesterford Church of England Primary School – 25’ walk) is 2.1km from the site and the nearest supermarket (Aldi – 1h walk) is 4.8km from the site in Saffron Walden. There are, however, pedestrian footpaths, lit and maintained, that link the application site to the bus stop.



- 14.3.7** The occupants of the proposed dwelling would be able to safely access sustainable public transport of a satisfactory frequency within walking distances. As there is a realistic alternative, some movements to and from the site would not be undertaken by the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the site are satisfactory in NPPF terms, and the development accords with paragraphs 104(c), 110(a) of the NPPF, policy GLCNP/3(1)-(3) of the Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

- 14.3.8** Previously developed land:
The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision³), as there are no planning records and other material considerations (e.g. domestic paraphernalia) to suggest otherwise. Although the plot comprises former garden land that was part of the curtilage of Woodene and the (then separate) April Cottage⁴, this is no longer the case, as the plot is physically disconnected by the neighbouring residential curtilages.

- 14.3.9** Effective use of land – Infill:
Development on a greenfield site outside development limits would not necessarily be more effective use of the land, however, on this occasion, the site can be characterised as under-used land, as it immediately neighbours residential curtilages on three sides with additional residential

³ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁴ Planning and Transport Statement, paragraphs 1.4, 2.5.

properties across the road to the north. Therefore, paragraphs 119 and 120(d) of the NPPF are supportive of the development.

14.3.10 Paragraph 6.13 of the Local Plan states that “*Infilling with new houses will be permitted within settlements subject to safeguards*” and paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the development’s position in relation to Woodene and Arpinum to the east and west respectively, the site comprises an infill opportunity. Therefore, the development accords with paragraphs 6.13-14 of the Local Plan, and policy GLCNP/9 of the Neighbourhood Plan that supports residential development proposals on infill sites.

14.3.11 Character and appearance – Countryside:

The local character contains a semi-urban feel and countryside setting with limited views to the wider landscape and a restricted sense of openness (see photographs). The development is not tucked away from the public realm, but the screening on its boundaries and its infill nature between residential curtilages make the site self-contained. The development introduces built form in the countryside; however, the level of urbanising effects⁵ would be negligible. Therefore, the development is accords with policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside. In addition, policy GLCNP/1(2) of the Neighbourhood Plan does not place any additional constraints on countryside locations if they are within Little Chesterford’s settlement boundary (see first map), whilst policy GLCNP/2(1) is not applicable as the site falls outside the separation zones (see second map).



⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated.

14.3.12 Notwithstanding its verdant appearance, by reason of its small size and infill nature, the site does not play an important role⁶ in the semi-urban character and appearance of the area, and as such, it would not be a visual barrier to this character. The loss of this open land that makes a neutral contribution to the visual amenity of the area, causes no harm to the character and appearance of the area. Therefore, when quantified, countryside harm is zero without any urbanising effects to the character and appearance of the area. This holds significant weight.

14.3.13 Character and appearance – Pattern of development:

The scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the infill nature of the plot does not compromise the visual amenity of the area and streetscene. There is no clear building line to the south or north of High Street, and as such, the indicative position of the development slightly ahead of the immediate neighbouring properties is not a concern. Therefore, the proposal is in keeping with the pattern of development in the area.

14.3.14 Other material considerations:

It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, will depend on the specific characteristics of a site and scheme. On this occasion, the following decision is relevant:

- **UTT/1158/96/FUL**⁷ (same site) – The appeal was dismissed on the grounds of harm to the character and appearance of the area:

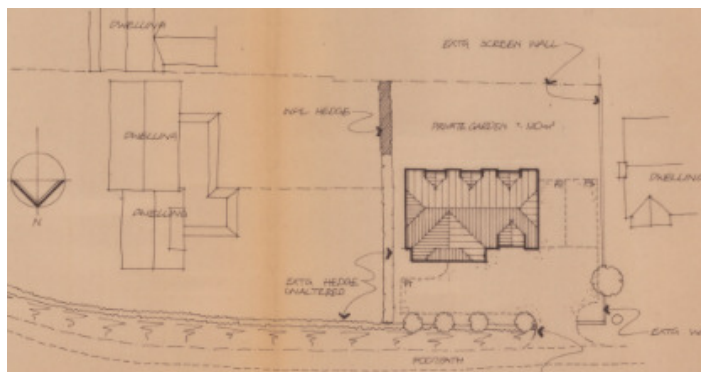
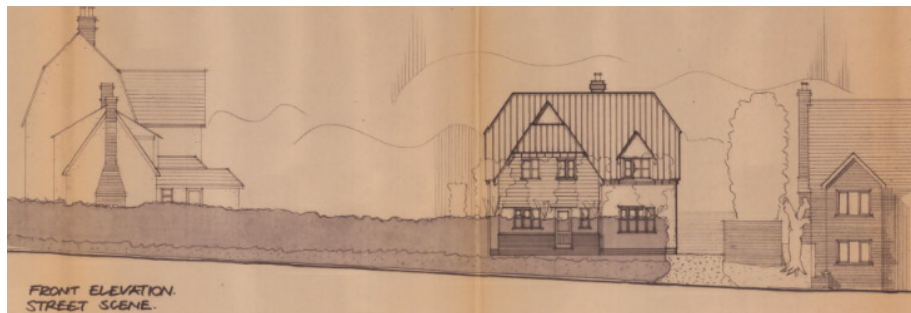
14.3.15 The Inspector was concerned that the proposed house “*would be seen prominently in the street scene and from the public footpath*” to the south (paragraph 9). He noted that the appeal site makes an important contribution to the setting of the neighbouring properties (Woodene, Arpinum) and the appeal scheme is a “*significant incursion into this gap*” as “*the restricted depth of the plot of the proposed dwelling would contrast adversely with the space and setting of existing houses*” (paragraph 10). The Inspector concluded that the appeal scheme “*would appear cramped and out of character with the more spacious qualities of adjoining housing, particularly that to the south and west*” (paragraph 12).

14.3.16 Notwithstanding the above and the comments received from nearby residents indicating otherwise, the indicative details submitted with the application are markedly different to the 2-storey dwelling of sizeable

⁶ The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

⁷ T/APP/C1570/A/97/281490/P7 – Erection of detached dwelling and construction of access to highway: Appeal dismissed on 26 Aug 1997.

scale and massing⁸ proposed in the 1997 appeal scheme (see drawings). The indicative design works with the topography of the site, resulting in a 2-storey dwelling on its front elevation, but only a single storey at the rear elevation that resembles a modest bungalow⁹. Although such details would be further assessed at the reserved matters stage, the indicative design makes the proposed dwelling less prominent within the streetscene and successfully mitigates previous concerns over the cramped appearance of the development. The neighbouring dwellings benefit from somewhat larger gardens than the application site. However, there is no policy protection on the setting of neighbouring properties (apart from the setting of listed buildings, see Section 2), plus the Inspector acknowledged “*considerable variety of housing fronting the minor road through the village ranging from small cottages in narrow plots to larger detached houses in more generous settings*” (paragraph 6). The width of the plot is also similar to the width of neighbouring plots. Therefore, notwithstanding the significant policy shifts from the 1990s, the development passes the test set out by the Inspector.



14.3.17 Conclusion:

The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).

14.3.18 Overall, the principle of the development is acceptable, and accords with policies S7, GEN1(e) and paragraphs 6.13-6.14 of the Local Plan, policies

⁸ The appeal scheme was higher at the ridge than the neighbouring property of Aprinum, whereas the current application includes a dwelling with a lower ridge height than that of Aprinum.

⁹ Design and Access Statement, paragraphs 4.2, 4.4.

GLCNP/3(1)-(3), CLCNP/9, GLCNP/1(2) of the Neighbourhood Plan, and the NPPF.

14.4 B) Design, scale, layout, landscape / Heritage impacts

14.4.1 Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.

14.4.2 In terms of heritage impacts, the Conservation Officer reported that Woodene has the potential to be considered a non-designated heritage asset due to its historic and architectural interest. Conservation also reported that with this outline type of application, advice is limited to the principle of the development only and a Heritage Statement is necessary, as per paragraph 194 of the NPPF. Following the submission of a Heritage Statement, the Conservation Officer reported no harm to the significance of the heritage assets through the erection of a detached dwelling. The site makes a neutral contribution to the setting of the assets and as evidenced from historic maps, it was the part of the residential curtilage of Woodene. Therefore, the Conservation Officer raised **no objections**, as the development preserve the setting and significance of the listed building and the non-designated heritage asset, without causing 'less than substantial harm'¹⁰, in compliance with paragraphs 194, 202 and 203 of the NPPF, and policy GLCNP/5 of the Neighbourhood Plan. For future reference, Conservation suggested that the reserved matters application should include a high-quality development, which is sympathetic to the local character and the setting of the heritage assets.

14.4.3 On this occasion, no harm is identified that would trigger the balancing exercise of paragraph 202 of the NPPF.

14.4.4 In terms of design and form, based on the indicative information submitted, the revised elevations for the proposed dwelling are in keeping with the traditional local vernacular, complying with policy GLCNP/2(2) of the Neighbourhood Plan, which states that any development should be sensitively designed, respecting the historic nature and historic architecture, conforming to the existing development patterns: nucleated in Great Chesterford and linear in Little Chesterford. The Conservation Officer concurs with this view and considers the revised indicative elevations "*overcome initial concerns upon the potential impact to local character and distinctiveness*", complying with paragraph 197(c) of the NPPF.

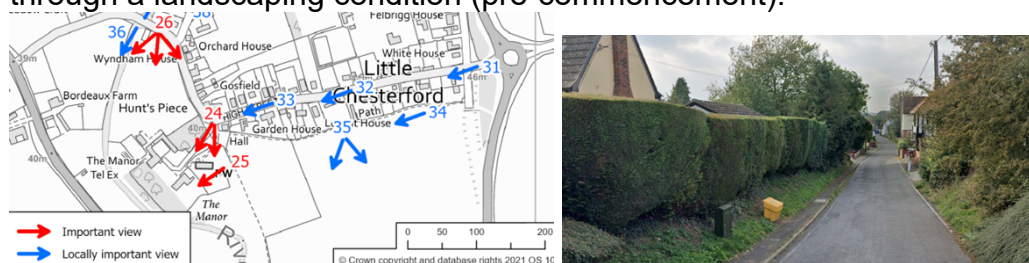
14.4.5 In terms of size, scale and layout, the indicative position of built form within the land in combination with the width and depth of the proposed dwelling create a cramped appearance for the site that should be revised for any

¹⁰ Lowest end of the spectrum 'less than substantial harm' for the impact on the Conservation Area.

reserved matters application to preserve the character and appearance of the area.

14.4.6 In terms of landscape, trees and boundaries, landscaping is a reserved and no further details were provided at the outline stage. The Landscape Officer raised **no objections** subject to a landscaping condition (pre-commencement), particularly to enhance the frontage of the site with native hedging and to retain the difference in ground levels (apart from any access). No harm to the special verge is considered. This matter will also be further examined in the reserved matters stage.

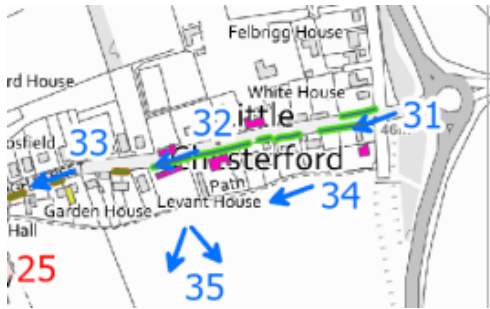
14.4.7 Policy GLCNP/4b(a) of the Neighbourhood Plan states that development will be supported if it maintains or enhances and does not significantly adversely impact upon the Important Views or Locally Important Views (see map). Although this matter will be further picked up at the reserved matters application, the Conservation Officer found the impact of the indicative revised elevations acceptable to local character and distinctiveness (paragraph 197(c) of the NPPF). Notwithstanding any comments indicating otherwise, the appropriate indicative height and massing of the proposed dwelling is an additional safeguard that the proposal does not significantly adversely impact upon the Locally Important View No. 31, as it will be experienced from the entrance to the village (see photograph). The presence of green screening provides appropriate mitigation the impact of the proposed development on the local character and views and this mitigation will be further enhanced through a landscaping condition (pre-commencement).



14.4.8 In addition, policy GLCNP/5(6) of the Neighbourhood Plan states that the Local Historic Features (flint walls and sunken banks) in Little Chesterford should be conserved or enhanced by any development proposals (see map). Notwithstanding any comments indicating otherwise, the illustrative scheme will have a minor impact on the 'sunken bank' as it will require only a small loss of the bank to accommodate the access. Although the access itself is a reserved matter, if the loss of the bank is limited to the dimensions of the access required by the highway safety standards, the 'sunken bank' is materially conserved. The purpose of the above policy is elaborated in paragraph 5.5.5 of its introductory text where it states that "*Sunken Banks running alongside the road are a historical and unique feature of the villages and they provide a buffer between roads and properties. They add to the character of the village and contribute to the historical charm and feel*". The applicant notes that "*Part of the bank on either side of the proposed dwelling will be retained*"¹¹. Therefore, subject

¹¹ Response to Comments, p.5.

to the reserved matters, the alteration of the bank may be limited to necessity, retaining most of the elevated frontage. Finally, the Landscape Officer noted that even though it is a sunken lane, it does not benefit from a Protected Lane status.



14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Materials (pre-commencement), to preserve the character and appearance of the area, to preserve the significance of the heritage assets, and to ensure the building is visually attractive.
- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 edition) for all potential users.

14.4.10 The applicant agreed in writing to all pre-commencement conditions on 20 Feb 2023.

14.4.11 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwelling is 2-storey (as viewed from the north) with a 3B5P bedroom/persons occupancy (see indicative internal layouts) with a gross internal area exceeding minimum standards (see Table¹²).

¹² Nationally Described Space Standard.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

14.5.3 In terms of private amenity (garden) space, the dwelling has an adequate garden (100m² threshold, see Essex Design Guide). A dwelling of smaller footprint would free up more garden space.

14.5.4 In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions in the interests of residential amenities (see Section 6 for conditions to protect human health and the environment). The condition refers to a Construction/Demolition Management Plan, however, this would fail the enforceability test of paragraph 56 of the NPPF, and as such, it will be included in the decision notice as an informative.

14.5.5 In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwelling in relation to the neighbouring dwellings (including the host) would be tested in the reserved matters stage when the final details would be available. This includes the application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. Based on the indicative information, the integration of the proposed dwelling into the changing ground levels with its bungalow appearance to the rear limit any impacts on the residential amenity of the neighbouring occupiers. However, the applicant must demonstrate in the reserved matters that the proposed dwelling will have a private garden, not invaded by upper-floor side-facing habitable room windows of the neighbouring dwellings to the east and west.

14.5.6 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.6 D) Access and parking

14.6.1 Access is a reserved matter (see Application Form).

14.6.2 From a highway and transportation perspective, the Highway Authority raised **no objections** in principle in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. However, further assessment and details will be needed for the determination of a suitable and safe access for this proposal at the reserved matters stage.

14.6.3 Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. The indicative drawings show 1 no. garage space and 1 no. cartlodge space of appropriate dimensions. However, a less cramped layout would allow space for an appropriate turning area to avoid reversing into the public highway; layout is one of the reserved matters. Bedroom numbers include, indicatively, 3 no. bedrooms (including the study). The development must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.4 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The LPA has a statutory duty to take decisions with certainty on impacts on protected and priority species and habitats under s40 of the NERC Act 2006 and to prevent wildlife crime under s17 of the Crime and Disorder Act 1998. The conditions refer to action in accordance with the appraisal recommendations, a Biodiversity Compensation and Enhancement Strategy and lighting scheme. Therefore, notwithstanding the concerns of nearby residents, the development complies with paragraphs 43, 174(d), 180(a) of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation, ecological and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer raised **no objections** subject to conditions to protect human health and the environment. The condition refers to potential land contamination.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

14.9 G) Archaeology

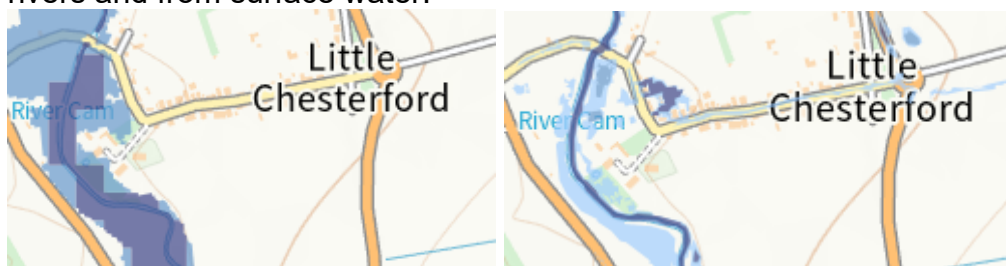
14.9.1 The Archaeology Officer raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area

excavation, to preserve in situ potential archaeological remains. The conditions refer to a written scheme of investigation, completion of the archaeological fieldwork, as well as a post excavation assessment, including analysis, a full site archive and a publication report.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The site falls within Flood Risk Zone 1, and as such, a Flood Risk Assessment (FRA) is not required and no material increase in flood risk is considered¹³. The following images show the extent of flooding from rivers and from surface water.



14.10.2 Overall, the proposal is acceptable in terms of flood protection, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is less than 0.1ha and for 1 no. dwelling, thus H10 is not relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties.

14.12 J) Other matters

14.12.1 Notwithstanding the issues that nearby residents raised about a potential miscalculation of the plot's area, this measurement does not play a direct role in decision-making, as the site and its surroundings were experienced first-hand in the case officer's visit. In addition, the applicant provided evidence to the LPA for the ownership of the land¹⁴.

¹³ Standing advice from, and contact information of, the Environment Agency can be found here: <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>.

¹⁴ Response to Comments, p.2.

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 In conclusion, the development is acceptable and complies with all relevant Local and Neighbourhood Plan policies, and the NPPF. In summary:

- The principle of the development is acceptable as an infill site.
- The appearance, scale, layout and landscaping details of the scheme are only indicative at this outline stage (reserved matters to be agreed in a subsequent application).
- The heritage impacts of the development are in-principle acceptable.
- The impact on the residential amenity for any neighbouring or prospective occupiers will be examined at the reserved matters application.
- The access is only indicative at this outline stage; highway safety implications will be examined at the reserved matters application.
- The development is acceptable in ecological terms.
- No contamination issues are raised by Environmental Health.
- The development does not increase flood risk on site or elsewhere.

- The potential archaeological implications of the development require planning conditions to secure an archaeological investigation programme.

17. CONDITIONS

17.1 The following conditions are necessary as per paragraph 56 of the NPPF:

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

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

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

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

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

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

- 4** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, to preserve the significance of the heritage assets, and to ensure the building is visually attractive, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Neighbourhood Plan, the Essex Design Guide, and the National Planning Policy Framework (2021).

- 5** Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 7** Following completion of the archaeological investigation and within six (6) months from that completion, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 8** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

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

- 9** Prior to any works above slab level, a Biodiversity Compensation and 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 compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) persons responsible for implementing the enhancement measures;

d) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the works shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

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

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

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 11** Prior to occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for the dwelling. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 12** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the

applicant/developer shall notify immediately and in writing the Local Planning Authority and work must be halted on the part of the site affected by the unexpected contamination. Any land contamination identified, shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2021).

- 13** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 14** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

Agenda Item 18



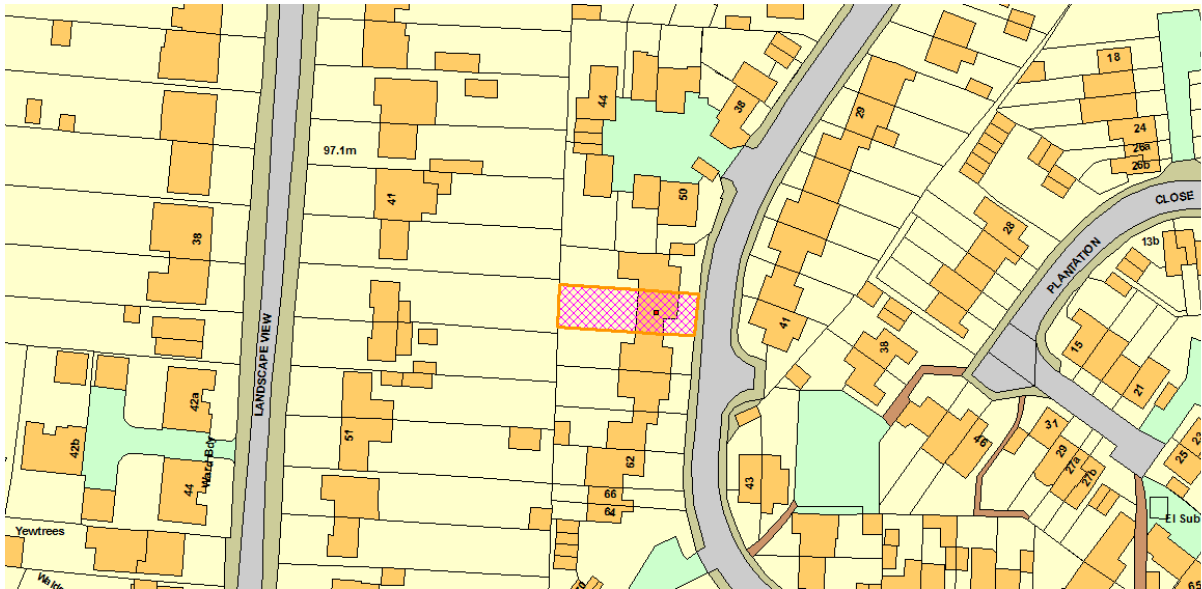
ITEM NUMBER: 18

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/23/0308/HHF

LOCATION: 54 ROSS CLOSE, SAFFRON WALDEN

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 10/03/23

PROPOSAL: Single storey rear extension

APPLICANT: Mr and Mrs D Archibald

AGENT: Mr A F Weaver

**EXPIRY
DATE:** 04 April 2023

**EOT Expiry
Date** 06 April 2023

**CASE
OFFICER:** Jonathan Pavey-Smith

NOTATION: Within Development limits

**REASON
THIS
APPLICATION
IS ON THE
AGENDA:** Former Staff Member

1. EXECUTIVE SUMMARY

1.1 Planning permission is sought for the construction of a single storey rear extension to the dwelling known as 54 Ross Close, Saffron Walden.

1.2 The application site is situated within the Development Limits of Saffron Walden whereby Uttlesford Local Plan Policy S1 is relevant.

1.3 The single storey extension complies with the relevant National, Local and Neighbourhood Plan Policies representing a modest addition that respects the size, scale and form of the original dwelling.

1.4 Due to the location of the proposed extension and its single storey nature there are no concerns regarding neighbouring residential amenity.

1.5 The site has previously been granted permission on the 12.05.2022 for a rear single storey extension under application UTT/22/0798/HHF. The main difference is this proposal is 0.4m longer than the previously approved scheme as well as the extension's position being against the boundary of the neighbouring property.

2. RECOMMENDATION

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises a two-storey semi-detached dwelling situated on a residential development to the south of Saffron Walden town centre.

3.2 The property has a single garage attached to the side. There is a driveway to the front of the garage.

4. PROPOSAL

4.1 This application relates to the proposed construction of a single storey rear extension.

4.2 The proposal will extend from the rear of the existing garage and part of the rear of the property with a depth of 4.6m and a width of 4.8m. The overall height would be 3m to the top of the flat roof. The garage will be converted to part habitable accommodation and part storage.

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
UTT/21/2440/PDE	Proposed single storey rear extension - extending 4.m from rear wall, maximum height 3m and height to eaves 2.7m	Withdrawn
UTT/22/0798/HHF	Single storey rear extension	Granted

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No Pre-App advice given

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 N/A

9. TOWN COUNCIL COMMENTS

9.1 SWTC – No Objections

10. CONSULTEE RESPONSES

10.1 N/A

11. REPRESENTATIONS

11.1 7 notifications letters were sent to nearby properties

11.2 No responses 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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021): (NPPF)

13.2 Uttlesford Local Plan 2005 : (ULP)

13.2.1 Policy S1 – Development within development limits

Policy GEN2 – Design Policy

Policy H8 – Extensions

Policy GEN8 – Parking Provision

Policy GEN7 – Nature Conservation

13.3 Saffron Walden Neighbourhood Plan (made 11 October 2022)

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- 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) Character and design

C) Neighbouring amenity

D) Parking

E) Ecology

14.3 A) Principle of development

14.3.1 The application site is situated within the development limits of Saffron Walden, therefore the principle of modest extensions and alterations are acceptable in accordance with ULP Policy S1.

14.4 B) Character and Design

14.4.1 Local Plan Policies GEN2 and H8 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 required that all development should respect the scale, height and proportions of the original house. Policy SW3 of the Saffron Walden Neighbourhood Plan advises that extensions should relate well to the local vernacular by using complementary materials and ensuring that height and scale is in keeping with neighbouring properties.

14.4.2 The proposed extension represents a modest addition to this property to provide a family room. The proposed extension will be finished in materials to match the existing dwelling where appropriate. There would remain adequate amenity space to serve a property of this size.

14.5 C) Neighbouring amenity

14.5.1 Local Plan Policies GEN2 And H8 state that development should not have 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 The proposed extension compared to the previous approval (UTT/22/0798/HHF) is now positioned against the boundary fence of the neighbouring property No52 and is now 0.4m longer in length. This will increase the level of overshadowing to No52 rear garden. Nonetheless, the impact of this overshadowing will be minor as No52 has an existing garden shed adjacent to the boundary. Due to the nature and location of the proposal there are no concerns regarding the neighbouring residential amenity. It should also be noted that No52 has also been extended to the rear at single storey.

14.6 D) Parking

14.6.1 The existing garage is currently not used for the parking of motor vehicles due to its restricted size. There will remain sufficient parking on the existing driveway and to the front of the property to serve a property of this size.

14.6.2 It should also be noted that the garage could be converted to habitable accommodation under the Permitted Development Rights of the property without requiring planning permission or additional parking provision to be provided.

14.7 E) Ecology

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

- 14.7.2** A biodiversity questionnaire has been completed and submitted as part of the application. Due to the nature of the proposal no issues arise in this respect. Therefore, the scheme is acceptable under Policy GEN7 and NFFP.

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 works are acceptable in terms of size, scale and design respecting the original dwellinghouse. The proposal therefore complies with ULP Policies S1, GEN2, H8, SPD1, Policy SW3 of the Saffron Walden Neighbourhood Plan and the NPPF.

- 16.2** The proposed works would not result in harm to neighbouring residential amenity or visual amenity therefore complying with ULP Policies GEN2, H8, SPD1 and NPPF.
- 16.3** The scheme is in accordance with regards to parking provision and ecology.
- 16.4** As such taking into consideration the assessment of the proposed development the application is recommended for approval subject to conditions.

17. CONDITIONS

- 17.1** 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.

- 17.2** 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.

- 17.3** 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 Policy GEN2 of the Uttlesford Local Plan 2005.



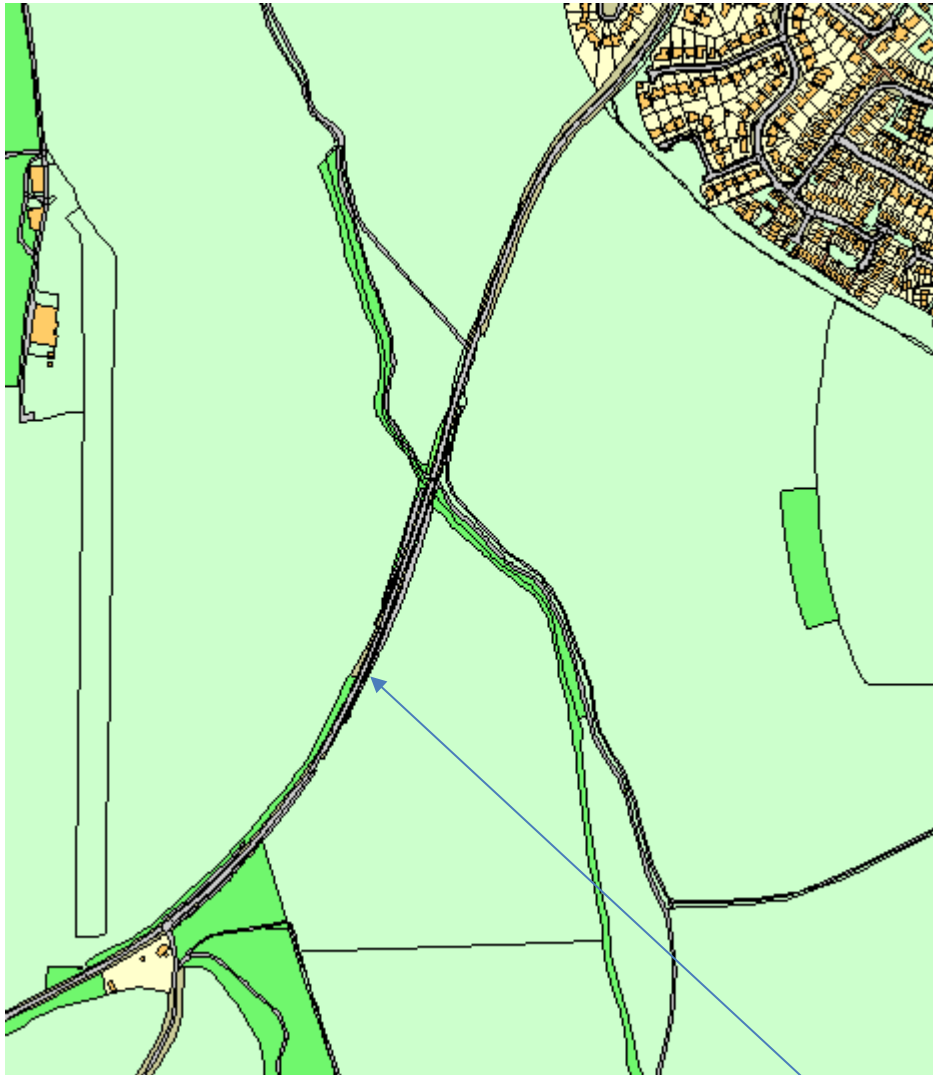
ITEM NUMBER: 19

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/22/3020/FUL

LOCATION: Newport Road
Saffron Walden

SITE LOCATION PLAN:



Proposed New Access

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Organisation: Uttlesford District Council Date: 17/03/23

PROPOSAL: Proposed agricultural access

APPLICANT: Mr Tilman Behrens

AGENT: Mrs Emma Thompson

EXPIRY DATE: 26.01.2023

EOT Expiry Date: 02.02.2023

CASE OFFICER: Jonathan Pavey-Smith

NOTATION: Outside Development Limits, Classified (B Road).

REASON THIS APPLICATION IS ON THE AGENDA: Cllr Light Call-In

1. EXECUTIVE SUMMARY

- 1.1** This application seeks full planning permission for the creation of a new agricultural access to enable the applicant to have an independent access onto their land. The proposed access is taken from Newport Road (B1052).
- 1.2** The proposed access can achieve the required visibility and forward visibility splays and would not result in any detrimental impact on the highways safety. The proposals will not have any undue adverse effects on ecology or landscape.
- 1.3** The proposal will not detract from or harm the significance of the Grade II Registered Park and Garden.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 16 of this report -

A) Conditions

3. SITE LOCATION AND HISTORY:

3.1 The application site comprises land to the north-east of the historic Shortgrove Park which is a Grade II registered Park and Garden.

3.2 The land is part of the agricultural holding owned by Longrove Farms Limited and comprises 650 acres of arable farmland. At present, the only way to gain access into the estate, is through a right of way which is owned by the residents of Shortgrove Park and within the limits of the registered historic park.

3.3 A previous planning application was granted (application UTT/20/2278/FUL) to widen the existing access to enable both cars and agricultural machinery to use the access without conflict and improving highway safety. It was established that the permission could not be implemented due to the applicant, whilst having a right of access, does not own the area of land where the widening was to take place.

3.4 As a result of this, the applicant has sought to find an alternative access so that they have their own independent access onto their land. Without an appropriate means of access, the applicant is land locked. A previous application for a new access was submitted (application reference: UTT/21/2893/FUL) but was subsequently refused due to it not being able to demonstrate the required visibility splays.

4. PROPOSAL

4.1 This application seeks full planning permission for the creation of a new agricultural access to enable the applicant to have an independent access onto their land. The proposed access is taken from Newport Road (B1052)

4.2 The proposed access has been designed to accommodate agricultural vehicles. The access is a width of 6m with 10m length.

4.3 The access would be gated, and this would be located at a minimum setback of 15m from the edge of the adopted highway to ensure that any agricultural vehicle with trailer can be accommodated off the public highway for highway safety reasons.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/21/2893/FUL	Proposed agricultural access	Refused (22/11/2021)
UTT/20/2278/FUL	Proposed widening of private way	Approved with conditions (27.08.2021)

7.

PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1

No Pre-App advice given

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 the following measures:

1. Prior to the first beneficial use, the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

2. Prior to the first beneficial use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions 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

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

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

4. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

i. 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 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

iii. There shall be no discharge of surface water onto the Highway.

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

8.2 Gardens Trust

8.2.1 Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Shortgrove Hall, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

9. TOWN COUNCIL COMMENTS

9.1 No Objections

10. **REPRESENTATIONS**

10.1 Site notice/s were displayed on site and 4 notifications letters were sent to nearby properties.

10.2 **Support**

10.2.1 N/A

10.3 **Object**

10.3.1 Comments raised include:

- Loss of biodiversity
- Considerable amount of earth moving and a much larger area than described in the application
- Shortgrove farm already has two existing points of access.
- These should be sufficient for occasional access without creating an additional unsuitable and unsafe access on a busy road.
- These should be sufficient for occasional access without creating an additional unsuitable and unsafe access on a busy road.
- The access could be used for larger residential development in the future.
- The landscape impact will be large with the earth works needed.
- The application does not explain that there is a significant drop between the highway and the field at the proposed point of access.

10.4 **Comment**

10.4.1 N/A

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 – Delete or keep this paragraph when it is relevant i.e

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 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

12. POLICY

12.1 National Policies

- 12.1.1** National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

- S7 – The Countryside Policy
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN4 - Good Neighbourliness Policy
- GEN7 - Nature Conservation Policy
- GEN8 – Vehicle Parking Standards
- ENV8 – Other landscape elements of importance for nature
- ENV9 - Historic Landscape

12.3 State name of relevant Neighbourhood Plan in this title

None

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 issues to consider in the determination of this application are:

13.2 A) Principle of the development and impact upon the character of the area

B) Highways and Access

C) Neighbouring Amenity

D) Ecology and Landscape

13.3 A) Principle of development and impact upon the character of the area

13.3.1 The application site is located outside of the development framework and therefore designated as countryside. Policy S/7 states that “the countryside will be protected and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new buildings and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”

13.3.2 Policy GEN2 states that development will not be permitted unless its design meets all the listed criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents. The proposed development is linked with farming at the applicant’s holding at Shortgrove Estate, without this new access the applicant is land locked as the current access into Shortgrove Park is unsuitable and unsafe for farm machinery to use. The applicant also only has a right of way to this access. Uses relating to agriculture and farming,

by their very nature are appropriate within the countryside. It is considered that the proposal is entirely appropriate to the rural area.

13.3.3

Shortgrove Park is a Grade II Registered Park and Garden. Whilst registered parks and gardens are not subject to any additional statutory controls, they are designated heritage assets for the purposes of local and national heritage planning policy, and any impact on their significance is a material consideration.

13.3.4

The proposed access is located outside of but within the setting of the Grade II Registered Park and Garden of Shortgrove Hall. In terms of heritage impacts, it is considered that the proposal will not detract from or harm the significance of the heritage asset. In addition, there are no listed buildings in the immediate vicinity.

13.3.5

Under the previous refused application (UTT/21/2893/FUL) (which was refused on highway grounds) the advice received from Historic Buildings and Conservation raised no objection to the proposal of a new access. This proposal is similar in nature to the previously refused application, albeit the proposed access has moved further east to achieve the required visibility splays. The Gardens Trust have been contacted and wish to make no comment regarding the proposed access.

13.3.6

It is therefore considered that the design of the access is acceptable and accords with Policies S7, GEN2, ENV9 of the Uttlesford Local Plan (2005), the Essex Design Guide and the NPPF (2021).

13.4 B) Highways and Access

13.4.1 Policy GEN 1 states that states that “development will only be permitted if it meets all of the following criteria:

Access to the main road network must be capable of carrying the traffic generated by the development safely. The traffic generated by the development must be capable of being accommodated on the surrounding transport network. 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. 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. The development encourages movement by means other than driving a car.”

13.4.2 The proposed access is taken from Newport Road (B1052). The road is a typical semi-rural road passing the site without footways or street lighting. The Highway Transport Note, prepared by Andrew Moseley Associates demonstrates that the required visibility splays are acceptable and achievable and would not result in any detrimental impact on highways safety or the operation of the proposed access.

All vegetation within the proposed splay would be either cleared or set back behind the splays to remove any potential obstructions with vegetation maintained to ensure there is no encroachment across the splays.

13.4.3

The proposed access arrangement of a width of 6m with a 10m radii is a suitable design standard to accommodate all agricultural vehicle movements with an appropriate 15m setback to the gate to ensure that vehicles are off the public highway.

13.4.4

The Highway authority have stated no objections to the proposed access subject to the inclusion of conditions.

13.4.5

The proposal is therefore in accordance with Policy GEN1 of the Uttlesford Local Plan (2005), Essex County Council Highways Development Management Policies (adopted February 2011) and paragraph 105 of the NPPF (2021).

13.5 C) Neighbouring Amenity

13.5.1 As this application is for the creation of an access, by its very nature, there will be no impact on the residential amenity of occupants in terms of private amenity space. With regard to noise, odours and dust, there will be no material increase on the site that would give rise to significant detrimental harm to the amenity of neighbouring occupiers.

13.5.2 The proposal is therefore in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005) and the NPPF (2021).

13.6 D) Ecology and Landscape

13.6.1 ULP Policy GEN 7 (Nature Conservation) states that “where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligations or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.

13.6.2 Preliminary Ecological Appraisal carried out and prepared by Samsara Ecology is submitted in support of this planning application.

13.6.3 The site is a vegetated linear boundary comprised of hawthorn, blackthorn, field maple, ash, hazel, dog rose and bramble. It is categorised as a species-poor hedge with trees. (less than five species recorded in 30 m lengths) approximately 5 m high. The area in which the new access will be created is a sloped embankment, and there is little to no vegetation under the trees and scrub.

- 13.6.4** The ecology survey identified that the trees and scrub will be suitable for nesting birds and is considered to be important to a site level for nesting birds.
- 13.6.5** The survey also identified that the vegetation acts as a linear corridor for foraging and commuting bats and is therefore considered to have the potential to be important to a site level.
- 13.6.6** The site's habitats are also considered to provide opportunities for foraging, breeding and sheltering hedgehogs. It is therefore considered to have the potential to be important to a site level.
- 13.6.7** There was an unused single burrow which was the shape and size typically associated with a badger. There was no evidence of current use, and it could be a former outlier sett. Mammal paths were seen going through the vegetation, but no setts or latrines were found in the area of the proposed access or up to 30 m on either side. The site is also considered to be important to a site level for badgers.
- 13.6.8** In terms of mitigation measures the following are proposed:
It is recommended that any works to remove or cut back the hedge is only undertaken outside of the main bird breeding season between October and March.
- The new access will create a gap in the linear vegetated boundary; however, this will not be large enough to prevent bats from using it for commuting and foraging. Re-vegetate the existing access. This will create a linear feature similar to its current state.
 - It is recommended that the Site is checked up to 3 months before the beginning of construction to check for any new activity within the Site and/or evidence of sett creation. During construction, a fence should be erected around the boundary to prevent badgers from entering the works area.
 - All excavations should be covered at night or when not in use to prevent hedgehogs from being trapped during construction. Any arisings from the vegetation clearance should be removed carefully by hand to check for sheltering hedgehogs. The animals should be left to move away on their own accord if found.
 - The clearance of any arising from vegetation should be undertaken before the hibernation period for hedgehogs (which is typically between October and March). All construction materials should be kept off the ground on pallets or stored away to prevent them from becoming suitable for use by sheltering or hibernating hedgehogs.

- 13.6.9** In terms of biodiversity enhancement measures the following are proposed:
- It is proposed to provide two insect boxes, bird boxes and bat boxes which will be attached to mature trees along the linear boundary,
 - The existing gap in the hedge (the previous location of the proposed access refused under UTT/21/2893/FUL) will be infilled with similar vegetation to offset the loss of vegetation with the new access. This will create a negligible impact.
- 13.6.10** With regards to the landscape, the ecology report identified that the hedge is species poor and of limited value. It is proposed to infill the existing gap with native hedge planting to mitigate and offset the loss of vegetation created by the new access, which the applicant is more than willing to do. A condition that secures this mitigation has been added to the decision.
- 13.6.11** In summary, development of the site will impose minimal levels of harm on the ecological integrity of the site and provide opportunities to enhance the area's biodiversity and increasing the site's biodiversity net gain. Therefore, the proposed development complies with the environmental requirements of the NPPF (2021) and Policy GEN 7 of the Uttlesford Local Plan (2005).

14. ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

14.1.1 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.

14.1.2 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.

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

14.2 Human Rights

14.2.1 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

15. CONCLUSION

15.1 The proposed access can achieve the required visibility and forward visibility splays and would not result in any detrimental impact on the highways safety or the operation of the proposed access.

15.2 Highways have stated no objections to the proposal subject to conditions being imposed.

15.3 In terms of heritage impacts, it is considered that the proposal will not detract from or harm the significance of the Grade II Registered Park and Garden.

16. CONDITIONS

16.1 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.

16.2 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.

16.3 Prior to the first beneficial use, the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 16.4** Prior to the first beneficial use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions 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

- 16.5** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

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

- 16.6** No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 16.7** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Samsara Ecology, September 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 16.8** Prior to the access being in use a detailed landscaping scheme for the replacement hedgerow shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Late List –Planning Committee 05/04/23

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.



Statutory consultees are listed below:

Highway Authority
The Health & Safety Exec
Highways Agency
Local Flood Authority
Railway
Environment Agency
Historic England
Garden History Society
Natural England
Sport England

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

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
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7	<p>UTT/22/2744/FUL</p> <p>L</p> <p>Land Known as 7 Acres, Parsonage Down</p> <p>TAKELEY</p>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;">  <p>HWE ICB Hertfordshire and West Essex Integrated Care System</p> </div> <div style="text-align: right;">  <p>Hertfordshire and West Essex Integrated Care Board</p> </div> </div> <p>Mr Laurence Ackrill Principal Planning Officer Uttlesford District Council Council Offices London Road Saffron Walden Essex CB11 4ER</p> <p style="text-align: right;">hweicbwe.planning@nhs.net https://hertsandwestessex.icb.nhs.uk</p> <p>Date: 20th March 2023</p> <p>Dear Mr Ackrill</p> <p>Medical Facility Opportunity: UTT/22/2744/FUL – Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley</p> <p>Thank you for consulting with us on the above. We have had time to review our position and hold discussions with the Uttlesford practices and GP Federation. The current primary care healthcare infrastructure in South Uttlesford is already under immense pressure and therefore having the use of a new Medical Facility in the Takeley area would be very welcome. This will provide a good opportunity to address the needs of Takeley residents as well as the large developments towards Dunmow.</p> <p>Subject to being able to agree commercial terms which the District Valuer would support, which we recognise sits outside planning, we are in principle, supportive of this development and understand that the developer has confirmed that we have 5 years to commit to the use of the building which we consider is adequate. New health facilities bring with them significant cost pressures for which we are not financially resourced. Confirmation of the value for this medical facility need to be collectively planned and agreed.</p> <p>We have various models for use of this building to be discussed and agreed with our practice partners, primary care network and the GP federation. All requiring business case approval by Hertfordshire and West Essex Integrated Care Board (HWE ICB).</p> <p>If further housing developments were to arise in Takeley we would request S106 contributions as the system cannot absorb future housing and population increase.</p> <p>The ICB is keen to continue to work with Uttlesford District Council as well as future developers to ensure that patients access to healthcare is not compromised by other proposals and developments.</p> <p>In terms of identifying a project in full at this stage the following points must be considered:</p> <ul style="list-style-type: none"> ▪ All projects are subject to Full Business Case approval by the ICB, in some cases NHS England maybe required to give approval. ▪ A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money. ▪ A project identified and costed in response to the planning application may not meet the objectives of the current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of <p>The following correspondence to be included:</p> <div style="display: flex; justify-content: space-between;"> <p>Dr Jane Halpin, Chief Executive</p> <p>Rt. Hon. Paul Burstow, Chair</p> </div>
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implementation of the planning consent. It is therefore imperative that S106 are regularly reviewed to ensure that demand is mitigated by the impact of additional housing.

Subject to assurance from Uttlesford District Council that the medical facility will be available to the NHS healthcare and demonstrates value for money, the ICB does not raise an objection to this planning application.

Yours faithfully,


Sue Fogden
Assistant Director – Premises
NHS Hertfordshire and West Essex Integrated Care Board

Dr Jane Halpin, Chief Executive

Rt. Hon. Paul Burstow, Chair



8	UTT/21/0688/FU L Land at Cole End Lane WIMBISH	<p>The following amendments are due the ongoing S106 negotiations following the publishing of the committee report.</p> <p>Paragraph 1.2 of the committee report states: <i>'A S106 agreement has been completed and as per the requested this has been brought back to the Planning Committee to be ratified'</i></p> <p>It is confirmed the S106 agreement is still in draft form and therefore the details of Schedule 1 and 2 of the S106 as set out in the committee report are subject to amendments, however the principle of the decommissioning process are agreed. As requested this has been brought back to the Planning Committee to be ratified.</p> <p>Paragraph 14.1 of the committee report states: <i>'Evidence of the Decommissioning Cost projections for the 5th, 10th, 15th, 20th, 25th, 30th and 35th anniversaries of the Date of Final Commissioning'</i></p> <p>This should be amended to: <i>'Evidence of the Decommissioning Cost projections for the 5th, 10th, 15th, 20th, 25th, 30th 35th and 40th anniversaries'</i></p> <p>Paragraph 16.2 of the committee report states: <i>'The decommissioning cost will be provided prior to the commencement of the development and then every 5 years, if the cost to decommissioning the development would result in net loss to the developer then a decommissioning bond or deposit would be secured'</i></p> <p>This should be amended to: <i>'The decommissioning plan will be provided prior to the commencement of the development. Evidence of the Decommissioning Cost projections for the 5th, 10th, 15th, 20th, 25th, 30th 35th and 40th anniversaries will be provided, if the cost to decommissioning the development would result in net loss then a decommissioning bond or deposit would be secured'</i></p>
9	UTT/21/2461/DFO Land West of Isobel Drive	None

<p>10</p>	<p>ELSENHAM UTT/22/1718/FUL</p> <p>Land West of Colehills Lane</p> <p>CLAVERING</p>	 <p>The following additional conditions are suggested to be imposed on the decision if Members are mindful to approve the application in addition to those suggested in Section 17 of the Committee Report.</p> <ol style="list-style-type: none"> 1. Notwithstanding the details shown on the approved plans, prior to any above ground works of the development hereby approved, details of the proposed solar panels including materials, texture and colour for each of the dwellings shall be submitted and approved in writing by the Local Planning Authority. The details shall thereafter be carried out and maintained to the satisfaction of the Local Planning Authority. <p>Reason: In the interests of ensuring an appropriate design and the preservation of the character and historical setting of the abutting Conservation Area in accordance with Policies GEN2 and ENV1 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.</p> <ol style="list-style-type: none"> 2. The proposed works hereby approved shall be constructed in accordance with the 'Flood Action and Safe Access Route Plan' (March 2023) prepared by MTC Engineering unless otherwise agreed in writing by the Local Planning Authority. <p>Reason: To ensure safe emergency access for occupants in the case of a large storm event in accordance with Policy GEN3 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.</p> <p>It is also suggested that the drawing reference of Condition 3 as highlighted in Section 17 of the updated committee report should be revised from Drawing No. 1169-04A to Drawing No. 1169-04B to take account of the revised materials pallet submitted by the applicant.</p> <p>PARISH COUNCIL COMMENTS</p> <p>Clavering Parish Council</p>
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Chairman: Stephanie Gill
The Bower House, High Street, Clavering CB11 4QR
01799 550212
Clerk to the Council: clerk@claveringparishcouncil.gov.uk

++ by email +

Lindsay Trevillian
Case Officer
Planning and Development
Uttlesford District Council

31st March 2023

Dear Lindsay Trevillian,

Refer: UTT/22/1718/FUL SECOND Re-consultation
Full Planning Application for erection of 10no. dwellings with associated landscaping, access and parking.
Land West of Coleshill Close Middle Street
LATEST RESPONSE DATE FOR CONSULTEES: 3rd April 2023

Further to the letter of today's date on the above and referred to in the same letter, please find below photographs of the proposed flood evacuation route onto Coleshill Lane byway.

As an informative and further to the questions raised by the Planning Committee at their meeting on 22nd February to Planning Officers, the flood evacuation route of the three properties Oaklands, Mulberry House and Beech House, sited opposite the application site and on the lane adjoining the application site:

Documents submitted under UTT/13/0956/FUL when the application went to Appeal with the Inspectorate , clearly states in its revised Flood Risk Assessment dated May 2013,

		<p><i>4.5 Should the vehicular access become temporarily unuseable during flood event on Mill Hill, this would be a short duration event and the site would provide a safe haven for residents. In the event that an emergency pedestrian access was required it would be possible to access Middle Street via The Wheelhouse if it were unsafe to use the existing access and Mill Hill due to flooding.</i></p> <p>This evacuation route allowed safe, unfettered access onto Middle Street, on an elevation higher than the road alongside the Stort, and thence to the Pelham Rd and Stortford Rd, on which is an Emergency Refuge Centre for Clavering (Christian Centre); once past the curtilage of The Wheelhouse, the evacuation route is on tarmacked paths and roads.</p>
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		<p>Coleshill Lane Byway – taken from opposite side of byway to where emergency evacuation route would enter the byway and looking towards road next to River Stort. 21st March 2023 Reproduced by kind permission Family Gill</p>
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		<p>Coleshill Lane Byway – taken from opposite side of byway to where emergency evacuation route would enter the byway and looking north, ie away from road next to River Stort. 21st March 2023 Reproduced by kind permission Family Gill</p>
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		<p>Colehills Byway - Hazards on proposed evacuation route to immediate north of proposed entrance onto byway. Note also that water enters Byway from drainage ditch just to north of this utility cable.</p> <p>21st March 2023 Reproduced by kind permission Family Gill</p>
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		<p>– Continuation north of the evacuation route taken from previous photograph and looking towards road next to River Stort. Note surface water runs along centre of byway here 21st March 2023 Reproduced by kind permission Family Gill</p>
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		Coleshill Lane Byway – Continuation north of the evacuation route taken from previous photo and looking towards road next to River Stort. Note deep gulleys cut by water here 21 st March 2023 Reproduced by kind permission Family Gill
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		<p>Coleshill Lane Byway – Continuation north of the evacuation route to be taken from previous photo and looking towards road next to River Stort, which is obviously on lower contours. Note deep gulleys cut by water here. Also ground still muddy and uneven, despite being near apex of route. 21st March 2023 Reproduced by kind permission Family Gill</p>
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		<p>– Further continuation north of the evacuation route to be taken from previous photo and looking away from road next to River Stort, which is obviously on lower contours. Note deep gulleys cut by water here. Also ground continues as muddied and uneven.</p> <p>21st March 2023 Reproduced by kind permission Family Gill</p>
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Entrance to Coleshill Byway still under water after adjoining road flooded and was impassable December 2020.
14th December 2022 Reproduced by kind permission Family Gill

Clavering Parish Council

Chairman: Stephanie Gill

The Bower House, High Street, Clavering CB11 4QR

01799 550212

Clerk to the Council: clerk@claveringparishcouncil.gov.uk

[++ by email +](#)

Lindsay Trevillian

Case Officer

Planning and Development

Uttlesford District Council

31st March 2023

Dear Lindsay Trevillian,

Refer: UTT/22/1718/FUL SECOND Re-consultation

Full Planning Application for erection of 10no. dwellings with associated landscaping, access and parking.

Land West of Coleshill Close Middle Street

LATEST RESPONSE DATE FOR CONSULTEES: 3rd April 2023

Further to the letter of today's date on the above and referred to in the same letter, please find the link to the UDC Strategic Flood Risk Assessment update in the Public Domain, as delivered to the UDC Local Plan

Leadership Group on Monday 29th November 2021 authored by UDC Luke Mills, New Communities Senior Planning Officer.

<https://uttlesford.moderngov.co.uk/documents/s25826/Strategic%20Flood%20Risk%20Assessment%20update.pdf>

Clavering Parish Council determined in its consideration of the Re-consultation of this application and given the questions raised by the Planning Committee at their meeting on 22nd February to Planning Officers that the following informative statement concerning the nature of the road adjoining the application site be made: With reference to the published document, which also appears on the UDC website as being for consideration under planning matter, Uttlesford Protected Lane Assessment. (Published March 2012 by Essex County Council.), Clavering Parish Council has always understood this lane to be a Protected Lane.

See <https://www.uttlesford.gov.uk/article/4940/Historic-environment>

The map on page 8 of the document clearly shows the extent of the protected lane as extending past the byway and onto the junction of the B1038.

It is noted that the Protected Lane is called 'Cock Lane' in this document.

As UDC is aware, the extended section of Cock Lane between the road bearing away to lead to Langley and the B1038 keeps being given various names. The UDC Planning Department has referred to it in various applications as Mill Hill, Mill Lane, Plantation Hill, and Middle Street. The UDC Electoral Roll shows it as Middle Street. Locally the name for this is Lower Way; it is observed that it is the Lower Way exit of Cock Lane onto the main road through Clavering (the B1038) to the Pelhams. Cock Lane also exits onto the main road at Starlings Green, an area at the parish boundary on a higher elevation to its exit next to the River Stort in the valley.

Yours sincerely,

Cllr Stephanie M. Gill
Chairman

In absence of an appointed Clerk to Clavering Parish Council



Clavering Parish Council

Chairman: Stephanie Gill

The Bower House, High Street, Clavering CB11 4QR

01799 550212

Clerk to the Council: clerk@claveringparishcouncil.gov.uk

[++ by email +](#)

Lindsay Trevillian

Case Officer

Planning and Development

Uttlesford District Council

31st March 2023

Dear Lindsay Trevillian,

Refer: UTT/22/1718/FUL SECOND Re-consultation

Full Planning Application for erection of 10no. dwellings with associated landscaping, access and parking.

Land West of Coleshill Close Middle Street

LATEST RESPONSE DATE FOR CONSULTEES: 3rd April 2023

Mr Nigel Brown advised that the Parish Council's formal objection letter was to be received by 17.00hrs on 31st March to be passed to the Planning Committee as a 'late item'

Accordingly, photos and any documents mentioned as attached will follow under separate cover.

	<p>Thank you for the invitation to the Clavering Parish Council as statutory consultees, to comment on the submission of documents on 13th March, some 19 days after the Planning Committee deferred determination of this application, of a revised Flood Action and Safe Route Access Plan plus a Summary of Flood Risk at the Site and Development Measures/Impact on Flood Risk.</p> <p>Clavering Parish Council called and Extraordinary Meeting on 27th March – the earliest I could do to deliver a valid summons and be quorate, in order to determine its response.</p> <p>Clavering Parish Council considers that the new documentation submitted does not overcome the objections raised previously. Please refer to the letters of objection sent by Clavering Parish Council on 18th July 2022 and 24th November 2022.</p> <p>The documentation submitted shows an evacuation route via Coleshill Lane – a byway. This must be accessed from the planned development via steps down as the byway is at a lower level than the site. The byway is extremely uneven and muddy, even when there is no flooding taking place on the road adjoining the River Stort, and carries surface water from the fields along the byway – sited to the north of the development site.</p> <p>The attached photos were taken recently, at least three days after the last rains in Clavering and when there had been no recent flooding situation on the road adjoining the River Stort. Also attached is a photo of the area post flooding where the byway meets the road adjoining the River Stort. Note the byway at this point is below the road and remains flooded when the river is high as the drain cannot function due to the non- return valves at the river’s edge. Further, the Council remind UDC Planning Officers that at a refused appeal, UTT/19/1275/FUL, and Inspector determined that this byway, when it was mooted for pedestrian use for a proposed new property in Stickling Green.</p> <p><i>14. It is not lit, nor formed of a robust hard surface. Indeed a wet, muddied and uneven surface was in evidence during Inspection.</i></p>
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		<p>The photos provided show that there are deep gulleys in this byway cut by water flow. The claim in the documents submitted that there will be a dry evacuation is clearly not evidenced by these photographs or by anyone visiting the site.</p> <p>The Parish Council also queries the reliance in the newly submitted document that the flood risk to the development site is 1 in 1000yrs occurrence. This is not borne out by recent experiences in the past 10 years alone.</p> <p>Then Parish Council considers the evacuation route shown to be extremely dangerous to anyone using it, let alone those who may have any form of restrictive movements/known disabilities. It is unconscionable that a district council should permit such an evacuation route in an area of known, recent recorded flooding</p> <p>Clavering Parish Council was not able to trace any sequential flood risk assessment for this site when it considered this application on 27th March.</p> <p>It has traced Uttlesford's Strategic Flood Risk Assessment pub May 2016 which states: <i>4.3.2.1 Sequential Approach must be followed for all types of development</i> <i>4.3.2.2(there) must be wider sustainability benefits to the Community that outweigh the flood risk</i></p> <p>Also traced was a Strategic UDC Report dd 29th Nov 2021 – as attached which stated <i>The district is relatively unconstrained in terms of flood risk, such that it should be possible to allocate sites outside such areas</i></p> <p>Clavering Parish Council repeats its previous objections in brief for good order.</p>
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	<p>It further considers that the relocating of dwellings onto marginally higher ground on the site does not reduce the risk of flooding, but actually causes greater harm to the countryside by increased visibility from the neighbouring public rights of way, and is to the detriment of the adjoining conservation area.</p> <p>Clavering Parish Council still considers that it is unconscionable for a developer to promote a scheme to build housing on an area known to flood and where all access routes promoted on and from the development are in known flood risks zones and there are recent recordings of flood occurring in this area. Flooding has occurred on Lower Way, cutting off this site in 2012, twice in 2014, and at least seven times 2020-2021. Historic flooding has also taken place at the site and is recorded. Colehills Lane byway is always under water at time of heavy rains and is cut off at times of flood, yet this continues to be promoted in the application as a safe access from the site.</p> <p>Clavering Parish Council is aware that it is the responsibility of Uttlesford District Council to manage the flood risk for this development, which includes determining the safety and acceptability of the proposal and reminds UDC of this.</p> <p>As the Clavering Parish Council understands matters, it is the responsibility of UDC to have their own valid, independent information on the following to enable UDC to determine if permissions should be granted:</p> <ul style="list-style-type: none"> • Sequential test in relation to fluvial flood risk • Safety of people • Safety of the buildings • Flood recovery measures • Sustainability of the development <p>A proposed 'safe refuge' for the housing must illustrate how, at flood times, the dwellings may be accessed by emergency services/evacuated.</p> <p>Clavering Parish Council OBJECTS to the above planning application as it FAILS the Uttlesford District Council (UDC) Local Plan (2005) policies S7 Protection of Countryside</p>
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		<p>ENV1 Conservation Area ENV2 Design ENV7 Protected Lanes GEN1 Access GEN2 Design GEN 7 Nature</p> <p>At today's date, it is known that UDC has only a 4.85 years housing land supply and therefore the 2005 Local Plan is not saved, Clavering Parish Council OBJECTS to the planning application as it is CONTRARY to the National Planning Policy Framework It FAILS all three tests of sustainability – economic, environmental and social. Is contrary to:</p> <table border="0"> <tr> <td>Para. 8 c</td> <td>Natural Environment</td> </tr> <tr> <td>Para 85</td> <td>Impact on local roads</td> </tr> <tr> <td>Para 104 and 111</td> <td>Highway Safety</td> </tr> <tr> <td>Para 126</td> <td>Effective Community Engagement</td> </tr> <tr> <td>Para 130 a</td> <td>Adding to the quality of the area</td> </tr> <tr> <td>Para 130 c</td> <td>Local character ...and landscape setting</td> </tr> <tr> <td>Para 174 b</td> <td>Countryside</td> </tr> <tr> <td>Para 202</td> <td>Local character and distinctiveness</td> </tr> <tr> <td>Para 185 c</td> <td>Artificial light</td> </tr> <tr> <td>Para 163 & 170</td> <td>Ensuring development does not increase flood risk elsewhere</td> </tr> </table> <p>There has been no effective community engagement.</p> <p>This site is recognised as sitting in the Langley Chalk Uplands Landscape Character Assessment, this is acknowledged to have a high sensitivity to change.</p> <p>There are plans to widen Lower Way, which is the correct name of the road that the development is to sit on. This would damage the Protected Lane that this road is and also would remove old hedgerow. UDC's attention</p>	Para. 8 c	Natural Environment	Para 85	Impact on local roads	Para 104 and 111	Highway Safety	Para 126	Effective Community Engagement	Para 130 a	Adding to the quality of the area	Para 130 c	Local character ...and landscape setting	Para 174 b	Countryside	Para 202	Local character and distinctiveness	Para 185 c	Artificial light	Para 163 & 170	Ensuring development does not increase flood risk elsewhere
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Para 163 & 170	Ensuring development does not increase flood risk elsewhere																					

	<p>is drawn to the Planning Appeal in Clavering which contain the Inspector's comments that there is a need to preserve Protected Lanes.</p> <p>No swept path analyses have been shown in this application. As UDC has larger than the usual refuse collection trucks, this must be demonstrated for an all matters except access application.</p> <p>There is NO connectivity with the rail station at Newport or Audley End, as there is no daily public transport. (The school buses do not connect with the rail stations either) It may be possible to cycle to the rail stations but there are no safe cycle paths to either station There is no connecting safe pedestrian link from the proposed site to the village amenities of the shop, school, village hall & etc. Residents have questioned ownership of land proposed by the developer for a new pavement.</p> <p>Regarding the three strains of Sustainability, this application fails as follows:</p> <p>Economic Role There is no long term contribution to the economy of Clavering as the application does not provide places of employment. Though it may be that the site could be developed by local contractors there is no guarantee of this.</p> <p>Environmental Role The proposed development has a significant impact on the countryside as detailed above and also does not introduce positive biodiversity as it brings about a loss of habitat on a gravel site/flood plain. The proposed development shows housing details which are contrary to the existing in this conservation area of Clavering There is a potential of increased flood risks to other local areas, despite a 'flood water holding tank' proposal.</p> <p>Social Role Clavering was the RCCE Essex Village of the Year in 2014 and its vibrancy was cited. Throughout the Covid-19 pandemic the community worked together in many ways supporting other community members; its Platinum Jubilee Celebrations were coordinated by parishioners – not with just the Parish Council at the helm. There are thriving groups from Beavers and Cubs through Cricket and Bowls teams to a History</p>
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		<p>Group which carried out an archaeological dig in 2021 – there is no need to introduce housing to revitalise the village. There is a lack of safe transport links and connectivity other than by car.</p> <p>As this application must be considered under the NPPF, given the lack of housing land supply for 5 years in UDC, the tilt of the balance of harm will be employed.</p> <p>Clavering Parish Council believes that this application does NOT address the reasons for the refusal for the previous application (UTT/21/0977/OP) for the same number of dwellings at this site and which was considered under the NPPF.</p> <p>Clavering Parish Council (CPC) believes that the provision of housing generated by this application in providing 10 houses to a 0.15 year deficit in the housing supply is not outweighed by the damage caused to the countryside, in its wider agrarian setting, and a historic rural settlement. CPC pays heed to the opinion of the Inspector at the last appeal in Clavering that ‘Clavering is sustainable for certain locations’ and this site is not at a location he identified.</p> <p>Accordingly this application should be REFUSED</p> <p>Yours sincerely,</p> <p>Cllr Stephanie M. Gill Chairman In absence of an appointed Clerk to Clavering Parish Council</p>
11	UTT/22/3013/OP	none

	Highwood Farm, Stortford Road GREAT DUNMOW	
12	UTT/22/3298/OP Lane South of Cannons Lane HATFIELD BROAD OAK	TBC – awaiting conditions from Highways. The following condition to be added: Prior to the first occupation of the development, details of all enclosures around the site boundary (fencing, walling, openings etc) at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed design, height and materials. The approved works shall be completed prior to occupation of the development and shall be permanently retained thereafter. Reason: In the interest of public safety and security and to protect the visual amenity of the locality consistent with Policy GEN2 of the Uttlesford Local Plan 2005.
13	UTT/22/1014/OP Land North of Hammond Road HATFIELD BROAD OAK	The Heads of Terms for the s106 agreement in paragraph 17.1 of the committee report should be amended as follows: <ul style="list-style-type: none"> • The phrase “a minimum of” should be amended from the provision of 40% of affordable housing. Policy H9 requires 40% affordable housing on developments, not a minimum of 40%. This change was requested by the applicant. • The Employment and Skills Plans should be omitted from the s106 agreement. Notwithstanding its recommendation by the Essex County Council (ECC) Infrastructure (Education), Table 2 in page 24 of ECC’s Developers’ Guide to Infrastructure Contributions (Rev 2020) sets a trigger of 50 no. units for such a contribution. Condition 17 in section 17 of the committee report shall be amended to include the phrase “shall be implemented” as follows: Prior to occupation of the development hereby approved, a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green shall be implemented as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant, and shall include: <ul style="list-style-type: none"> • Footway widening/siding out/resurfacing.

- Pedestrian warning signs.
- Improvements to/provision of dropped kerb crossings.
- Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

REASON: In the interests of highway safety and accessibility, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

The above follows a clarification from Essex County Council Highways:


 Matthew Bradley - Strategic Development Manager (North) <[redacted]>
 To: Avgerinos Vlachos
 You replied to this message on 24/03/2023 17:43.

[redacted]

On another note I have realised that my recommended condition 3 does not actually indicated that the works should be implemented, you may have picked up on that, if not are we able to make that clear on the update sheet issued before Committee?

3. *Prior to first occupation of the development a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant to include:*

- *Footway widening/siding out/resurfacing.*
- *Pedestrian warning signs.*
- *Improvements to/provision of dropped kerb crossings.*
- *Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.*

Have a good weekend.

Matthew Bradley | Strategic Development Manager (North)

Strategic Development



The phrase “in situ” is omitted from the reasons for conditions 4 and 5 in section 17 of the committee report, as per the applicant’s request. The same phrase shall be omitted from condition 12 in the same section. As currently worded, the reasons are not clear as they seemingly require the preservation of any potential

		<p>archaeological remains in situ regardless of their significance, which would be unreasonable. These changes do not affect the purpose of the conditions and make them compliant with paragraph 56 of the NPPF.</p> <p>The Parish Council provided further comments on 31 March 2023; a summary of the key points that have not been covered in paragraph 9.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Visibility splays should comply with the Design Manual for Roads and Bridges. • Deliverability issue of proposed footway due to ownership. • Highway issues should be addressed prior to the grant of planning permission. <p>A summary of the additional representations received for the application that have not been covered in paragraph 11.3.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Visibility splays not as shown by the developer. • Flood risk concerns. • Cumulative impacts to already compromised drainage systems. • Visual harm to the entrance of the village. • Overbearing impacts. • Devaluation of the road.
14	<p>UTT/22/2977/DFO</p> <p>Land East of Shire Hill</p> <p>SAFFRON WALDEN</p>	none
15	<p>UTT/22/1452/FUL</p> <p>Bluegates Farm, Stortford Road</p> <p>LITTLE CANFIELD</p>	The Planning Service has received the following comments on 28.03.2023: The Highway Authority are satisfied that the largest of vehicles proposed to enter the site can enter and leave the highway in a forward gear, and have the ability to manoeuvre within the application site.
16	<p>UTT/21/3563/FUL</p> <p>Land East of St Edmunds Lane</p>	None

	GREAT DUNMOW	
17	<p>UTT/22/3321/OP</p> <p>Land R/o Woodene</p> <p>LITTLE CHESTERFORD</p>	<p>Paragraph 14.3.16 of the committee report is a comparison between a previous appeal scheme on the same site and the current application. The images shown at the end of this paragraph are screenshots of the (dismissed) appeal drawings. Members can compare those refused drawings with the ones included in the file of the current application. It is standard practice not to reproduce the drawings of an application within the officer's report to avoid lengthy reports.</p> <p>The last phrase in paragraph 14.4.4 of the committee report should not be interpreted as if the Conservation Officer assessed the principle of the development as acceptable because of the revised indicative elevations or any other drawings. The response from Conservation dated 20 February 2023 contains a preliminary assessment of the revised indicative details submitted that should be considered by the applicant at the next stage. These indicative details shall be scrutinised again and finalised at the reserved matters application (if outline permission is granted). The indicative drawings were not the reason why Conservation raised no objections to the principle of the development. The principle of the erection of a detached dwelling on this location was the sole consideration in Conservation's position.</p> <p>The Parish Council provided further comments on 10 March 2023; a summary of the key points that have not been covered in paragraph 9.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Previous objection still stands. • Any scheme on the plot unacceptable. • Site too small for a single storey dwelling. • Countryside location / confirmed by the Examiner of the Neighbourhood Plan. • Responses from Conservation and Landscape support the objections. • Construction Management Plan not enough for extended periods of excavations. • Awkward parking layout. • Revised drawings – more traditional appearance. • Conditions in case of approval: <ul style="list-style-type: none"> o Limited height to one storey. o Limited loss of the historic bank. o Minimisation of overlooking. o Replacement hedgerow. o Biodiversity enhancement measures.

		<p>o Construction Management Plan.</p> <p>A summary of the additional representations received for the application that have not been covered in paragraph 11.3.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Previous comments are still relevant. • Pre-app expressed concern. • Previous decisions are material considerations. • Consistency in decision-making necessary. • Harm to the effectiveness of the Neighbourhood Plan. • Ecological and biodiversity concerns. • 1 no. dwelling is a minimal benefit. • Tandem garage under the house / on-street parking concerns. • Heritage Statement not balanced. • Land ownership issues. • Construction Management Plan not enough. • Visibility from streetscene and footpath. • Responses from Conservation and Landscape support the objections. • Unacceptable living conditions for the occupants of the proposed dwelling.
18	UTT/23/0308/HHF 54 Ross Close SAFFRON WALDEN	none
19	UTT/22/3020/FUL Newport Road SAFFRON WALDEN	none

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.