



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 25th May, 2022

**Time:** 10.00 am

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

**Chair:** Councillor S Merifield

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

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

### Public Speaking

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

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

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

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

# **AGENDA**

## **PART 1**

### **Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 11

To consider the minutes of the previous meeting.
- 3 S62A Applications** 12

To note applications which have been submitted direct to the Planning Inspectorate.
- 4 Quality of Major Planning Applications** 13 - 27

To note the Quality of Major Applications report.
- 5 Longfield Solar Farm Development Consent Order** 28 - 34

To note the notification of this application.
- 6 UTT/21/3269/DFO - Land to the North West of Henham Road, ELSENHAM** 35 - 93

To consider application UTT/21/3269/DFO.
- 7 UTT/20/3354/FUL - Land at Auton Croft, SAFFRON WALDEN (Withdrawn)**

Please note that this item has been withdrawn.
- 8 UTT/21/2649/FUL - Malt Place, WIDDINGTON** 94 - 127

To consider application UTT/21/2649/FUL.
- 9 UTT/22/0391/OP - Highwood Farm, GREAT DUNMOW** 128 - 169

To consider application UTT/22/0391/OP.

**10 UTT/21/3626/FUL - Land to the East of Chelmsford Road, GREAT DUNMOW** 170 - 194

To consider application UTT/21/3626/FUL.

**11 Late List** 195 - 196

This document contains late submissions, updates or addendums to existing agenda items which are received up to and including the end of business on the Friday before Planning Committee. The late list is circulated after 3.00 pm and before 5.00 pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

## **MEETINGS AND THE PUBLIC**

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

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

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

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#### **General Enquiries**

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

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 11 MAY 2022 at 10.00 pm**

Present: Councillor S Merifield (Chair)  
Councillors A Coote (substitute for Councillor G Bagnall), J Emanuel, P Fairhurst, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, N Reeve and M Sutton

Officers in attendance: N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Shoemith (Development Management Team Leader), E Smith (Solicitor) and L Trevillian (Principal Planning Officer).

Public Speakers: Councillor G Bagnall, Councillor T Barber (Takeley PC), Councillor C Day, P Hewett, Councillor V Isham, D Jenkins and M Peachey.

## PC137 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor G Bagnall. Councillor A Coote substituted.

Non-pecuniary declarations of interest were made by:

- Councillor Sutton as Ward Councillor for Takeley (Items 6 & 7).
- Councillors Fairhurst, Freeman and Coote as Ward Councillors for Saffron Walden and Members of Saffron Walden PC (Items 5 & 8).

## PC138 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 27 April 2022 were approved.

## PC139 **SPEED AND QUALITY**

The Development Manager presented the Speed and Quality report; he said that reports would be brought back to every other meeting and would cover matters such as appeals trends.

The report was noted.

## PC140 **S62A APPLICATIONS**

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

The Chair indicated that procedural guidance for S62A applications for councils in special measures could be found on the Government website.

In response to questions the Development Manager confirmed that applicants could bring a pre-application to the Council and then move it to PINS and that if an applicant went direct to PINS then any appeal would be through a judicial review.

Councillor Fairhurst said that the public were entitled to know the procedures in place.

The report was noted.

PC141 **PINS S62A/22/0000002 & UDC UTT/22/1040/PINS FORMER FRIENDS SCHOOL, MOUNT PLEASANT ROAD SAFFRON WALDEN**

The Development Manager outlined the process in place for PINS applications. He said that we would ensure that appropriate information was available on the website.

In response to a question, the Council's Solicitor said that under S62A the Local Planning Authority was a statutory consultee and that its views had the same weight as those of the Highways Authority and Environmental Health and thus was greater than that of a private individual.

The Principal Planning Officer presented an application for the conversion of building and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping. He said that the report had been submitted to the Planning Inspectorate (PINS) for determination. He updated members in respect of the Saffron Walden Neighbourhood Plan (SWNP). He said that the Friends School Open space would be deleted from the SWNP and that it was officers' view that limited to moderate weight could be provided to the Plan due to its advancement in its preparation. He said that it was noted that at the time of assessment no weight had been given to the Plan.

The recommendation made was to request that PINS approve the application, subject to completion of a S106 and conditions as set out in Section 16 of the report.

Planning officers responded to questions from members:

- It was stated that the application was the equivalent of a full application.
- Vacant building credit applied to the scheme.
- There was no affordable housing in the scheme.
- The weight to be given to the SWNP was further clarified.
- Some clarification was given in respect of available communal space.
- Information was sought in respect of protected open spaces, alongside limited car parking spaces.
- There was a lack of clarity in respect of car parking spaces against the number of dwellings.

- Viability assessments were likely to be carried out through PINS.
- Concerns were expressed about the five entrances and exits to the development and that Highways had yet to comment on the proposal. It was suggested that the Town Council should contact Highways on this matter.

Members discussed:

- Concerns raised by more than 100 Saffron Walden residents, who generally supported the scheme; factual corrections had been identified, the possible addition of conditions had been raised, the lack of affordable housing had been accepted and the possibility of an independent viability test being undertaken had been raised. The Council's Solicitor re-iterated that the local planning authority was only a statutory consultee in this instance and that individual concerns should be taken up with PINS, while members could retain their community advocates' role if they so wished..
- Possible inadequate parking facilities.
- The need to request PINS to check floor space measurements.
- The very tight timeframes available to comment.
- The fact that if PINS approved the scheme then management of the S106 Agreement fell to the local planning authority; this could include the Town Council taking on responsibilities.
- When the sports provision should be available and the quality of provision.
- The need to request a phasing condition with conversion works high up the agenda and the old building to be fixed first.
- The need for a Construction Management Plan (CMP) that covered delivery times to site, work possibly commencing after school morning sessions start (say from 8.45 on), no off-site parking and names of contact persons. Traffic in Peaslands Road is regulated.
- Cycle parking arrangements.
- Bins stores and collection.
- Management of the public amenity; the Town Council would be interested.
- The rights of all individuals to advocate to PINS was highlighted again.
- The possibility of removing Permitted Development rights from houses on the basis of being too enclosed and unattractive and because of small gardens.

The Development Manager summarised the way forward in respect of PINS. He said that the revised officer's report, with errors corrected and the minutes would be forwarded to PINS. He summarised the headline issues to take forward to PINS as follows:

- The Neighbourhood Plan had moved on. This would be reviewed by the Policy Team.
- Public Open Spaces, community facilities and the on-going S106 Agreement.
- Urban design comments.
- Landscape.
- Parking, including parking.
- Size of gardens.
- Refuse strategy.
- The request to check the vacant building credit calculations.
- A request to have a phasing condition, to include conversion works taking priority.

- A CMP to cover pre- development engagement with the community, delivery times, no off-site parking and details of contact persons.
- Permitted Development Rights to be removed if amenity spaces and gardens not of sufficient size.
- If any pre-development conditions required to be formally discharged application would be made to UDC and the Council would receive the income.
- Timing of the delivery of sports facilities.
- Management and maintenance of community facilities; the Town Council are interested.
- Trees and hedges provision under the S106 Agreement.
- The need for renewable energy solutions, including solar panels and water harvesting.

Councillor Emanuel proposed that the Council requests that PINS approve the applications subject to completion of a S106 and conditions as set out in section 16 of the report, together with the headline issues highlighted above.

Councillor Reeve seconded the proposal.

RESOLVED that the Council requests that PINS approve the applications subject to completion of a S106 and conditions as set out in section 16 of the report, together with the headline issues highlighted above.

*The meeting was adjourned between 12.00 pm and 12.15 pm.*

PC142 **UTT/21/3311/OP LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY**

The Principal Planning Officer presented an outline application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

The application was recommended for approval subject to conditions.

*Following statements made by the public speakers, the meeting adjourned at 1.05 pm and Councillor Fairhurst left the meeting. He would not be returning after the lunchtime adjournment The meeting reconvened at 2.00 pm.*

The Principal Planning Officer responded to questions from members in respect of:

- The possibility of strengthening the condition to provide solar panels/ low-cost heating.
- The access to the site being reserved.
- The distance of the proposed development from the Grade 1 listed church being between 200 and 300 yards.
- The arrangements in place for the sale of discounted houses.
- The weight that could be given to Policy S7, Policy S8, the NPPF and the CPZ.



- The key heritage harm impact on the church and how this could affect the tilted balance debate.
- Sewage systems and the role of Thames Water in the process.

Members discussed:

- Policy S8 in respect of the erosion of the CPZ and the green countryside around the airport and how much weight could be given to this policy.
- Policy S7 in respect of the loss of agricultural fields and how much weight could be given to this policy.
- The NPPF implications.
- The absence of a 5 year land supply and Local Plan in respect of the tilted balance debate .
- The heritage of the Grade 1 listed Holy Trinity church and the sight lines.
- The limited infrastructure in Takeley.
- The impact on local health facilities, particularly in respect of parking difficulties at the two affected surgeries.
- The possible significant benefits provided by up to an additional 155 dwellings.
- Community facilities and education provision.

Councillor Reeve proposed that the application be approved in accordance with the recommendation.

Councillor Freeman seconded the proposal.

RESOLVED to approve the application, in accordance with the recommendation.

*Councillor C Day (speaking as a former Cabinet member for Communities), Councillor G Bagnall (speaking as a non-Committee member), Councillor V Isham (speaking as a resident), P Hewett (Chair of the Takeley Neighbourhood Plan Steering Group), M Peachey (resident) and Councillor T Barber (Takeley Parish Council) all spoke against the application.*

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

*Councillor Coote left the meeting at 2.50 pm.*

**PC143 UTT/21/2488/OP LAND EAST OF PARSONAGE ROAD, TAKELEY**

The Principal Planning Officer presented an outline 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. He highlighted the additional and amended wording that had been made to the existing conditions as outlined on the Late List.

The application was recommended for approval subject to conditions.

The Principal Planning Officer responded to questions from members in respect of:

- The buffer zone siting and size.
- The need for a policy on buffer zones to be included in the Local Plan.
- The siting of the children's playground.
- The possibility of a multi-use SUDs area.
- Paragraph 180 of the NPPF relating to significant impact on ancient woodland and consideration of the mitigating factors, including the buffer zone and the housing need.
- Confirmation that Priors Wood was an "open" wood, i.e. easily accessible to members of the public.
- Essex CC education requirements. The Development Manager said that he would take up primary education issues directly with County.

Members discussed:

- Paragraph 180 of the NPPF; harm to woodland that could be resolved by mitigation. The Development Manager said that this could not be used as a possible reason for refusal.
- The siting of dwellings and gardens in relation to the buffer zone and unadopted road. This could all be assessed under Reserved Matters.
- Two and a half storey buildings on the edge of the settlement.
- The same concerns in respect of health facilities as outlined in the previous application.
- The concerns about possible overdevelopment taking place in Takeley, which had very limited facilities.
- The possibility of a 30 metre buffer zone.

*The meeting was briefly adjourned at 3.55 pm and reconvened at 4.05 pm in order for discussions to take place with the applicant.*

The Development Manager reported that during discussions the applicant had suggested that a condition be attached to the outline parallel to the Reserved Matters, whereby they supply a brief dealing with the management of the ancient woodland, the location of the play area, the height of the dwellings and the adopted road.

The Chair added that she would like to see the Parish Council included in discussions.

Councillor Freeman proposed that the application be approved in line with the recommendation, together with the suggestions made by the applicant and the inclusion of the Parish Council in discussions.

Councillor LeCount seconded the proposal.

RESOLVED to approve the application in line with the proposed motion.

*Councillor G Bagnall (speaking as a non-Committee member), Councillor V Isham (speaking as a resident), P Hewett (Chair of the Takeley Neighbourhood*

*Plan Steering Group), M Peachey (resident) and Councillor T Barber (Takeley Parish Council) all spoke against the application. M Marriage (resident) was unable to attend the meeting and his statement against the application was read out.*

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

PC144 **UTT/22/0798/HHF 54 ROSS CLOSE, SAFFRON WALDEN**

The Development Management Team Leader presented an application for a single storey rear extension. The application had been submitted by a member of staff.

The application was recommended for approval subject to conditions.

The Chair proposed that the application be approved subject to conditions.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application subject to conditions

*The meeting ended at 4.10 pm.*

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

Applications which have been submitted direct to the Planning Inspectorate.

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site address:	Proposal:	Local Planning Authority Role:
26 April 2022	S62A/22/5000001	To be added	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 CB11 3EB	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

**Committee:** Planning Committee  
**Date:** 25 May 2022  
**Title:** Quality of Major Applications  
**Author:** Tracey Coleman

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## **Purpose**

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

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

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

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

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

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

		Incomplete Data						
		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	1		1	0.00%
Quarter 06	July - Sept 2021	5	2	1		1	0	20.00%
Quarter 07	Oct - Dec 2021	16	9	5			5	0.00%
Quarter 08	Jan - Mar 2022	8	4	1			1	0.00%
	total	68	31	18	5	6	7	8.82%
		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		

\*Not including the Stansted Airport Inquiry.

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

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

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

## Recommendation

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

### Impact

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

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3	3	3	Action Plan & Pathway work

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

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



MAJOR APPLICATION DECISIONS (QUALITY)  
April 2017 - March 2019

REFERENCE	ADDRESS	PROPOSAL	DECISION TYPE	DATE OF COMMITTEE	OFFICER RECOMMENDATION	DECISION	APPEAL STATUS	DATE OF APPEAL DECISION
UTT/15/1086/OP	Site 500 Coopers End Road Takeley Hertfordshire	Outline application for the erection of a multi-deck car park with all matters reserved	Committee	25-Aug-15	Approve	Approved		
UTT/15/3562/OP	Gresham Court Station Road Wendens Ambo Essex CB11 4LB	Outline application with all matters reserved except access and scale for the demolition of existing buildings and the erection of up to 11 two-storey residential dwelling units	Committee	10-Feb-16	Approve	Refused		
UTT/15/3809/DFO	Land North Of Ongar Road Dunmow Essex	Details following outline application UTT/1147/12/OP for the erection of 73 dwellings together with new vehicle and pedestrian access from Ongar Road - details of appearance, landscaping, layout and scale.	Delegated		Refuse	Refused		
UTT/16/0716/FUL	Fedex Cargo Warehouse Pincey Road Takeley Essex CM24 1FE	Extension to existing warehouse (Class B8), creation of a partially covered hardstanding staging area, extension to existing common use airside road, drainage, lighting and other ancillary works	Delegated		Approve	Approved		
UTT/16/1206/FUL	Shire Hill Garage Thaxted Road Saffron Walden CB11 3BJ	Erection of a mixed use building for flats and office / retail use with associated car parking and landscaping	Committee	21-Sep-16	Refuse	Refused		
UTT/16/2024/FUL	Land South Of Bury Grove Whiteditch Lane Newport CB11 3UD	Development of 20 no. dwellings including access road, cartlodges and associated landscaping	Committee	05-Jul-17	Approve	Approved		
UTT/16/3392/FUL	Land West Of Cambridge Road Newport	Variation of condition 13 on planning consent UTT/15/2364/FUL to 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwell	Committee	08-Feb-17	Approve	Approved		

UTT/16/3549/FUL	Whitehall Hotel Church End Broxted Dunmow Essex CM6 2BZ	Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings with new cartlodge. Extension to western section of form	Committee	08-Mar-17	Approve	Approved		
UTT/16/3566/FUL	Proposed Terminal At Gorefield RoadStansted Airport	A dedicated terminal facility for arriving passengers (34,384sqm); an associated forecourt; and altered access and service roads.	Committee	05-Apr-17	Approve	Approved		
UTT/16/3669/OP	Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green Great Hallingbury		Committee	10-May-17	Approve	Approved		
UTT/16/3696/FUL	Land East Of Field Farm Drive Great Chesterford CB10 1RP	New Crematorium together with associated landscaping and access. Revised scheme to that approved under UTT/15/3782/FUL	Delegated		Approve	Approved		
UTT/17/0255/FUL	Land To The West Of Lime Avenue Saffron Walden Essex	Erection of 31 no. Dwellings with associated roads, car parking and landscaping	Committee	14-Jun-17	Approve	Approved		
UTT/17/0335/DFO	Elsenham Nurseries Stansted Road Elsenham CM22 6LJ	Application for the approval of the details of layout, scale, landscaping and appearance reserved under condition 1 of outline planning permission reference UTT/14/2991/OP for the construction of 40 dwellings	Committee	05-Jul-17	Approve	Approved		
UTT/17/0355/OP	Land To The West Of Mill Hill Farnham	Outline application for the erection of approximately 26 to 30 residential dwellings, of which 40% will be affordable, with all matters reserved except for access	Delegated		Refuse	Refused		

UTT/17/0522/OP	Land At Little Walden Road Saffron Walden	Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, v	Committee	10-May-17	Approve	Refused		
UTT/17/0712/DFO	Land At Thorpe Lea Walden Road Great Chesterford Saffron Walden Essex CB10 1PS	Details following outline application UTT/15/2310/OP for 31 dwellings. Details of the layout, scale, landscaping and appearance.	Committee	05-Jul-17	Approve	Approved		
UTT/17/0924/FUL	Castle Maltings Lower Street Stansted CM24 8LP	Variation of condition 15 (Contamination) of UTT/1522/12/FUL and condition 12 (Contamination) of UTT/16/1242/FUL from pre-commencement to be discharged post completion	Committee	05-Jul-17	Approve	Approved		
UTT/17/1087/FUL	Site At Waltham Hall Farm Bambers Green Road Takeley	Change of use to a Coach Depot (Sui Generis) comprising: Change of use agricultural grain store to coach maintenance workshop, and associated land for access and parking forecourt; refurbishment works to Network House, a curtilage listed building; demoli	Committee	17-Jan-18	Approve	Refused	Allowed	30-Oct-19
UTT/17/1387/FUL	Land To The South East Of Round Coppice Road Stansted Essex	Construction of a two storey Professional and Technical Skills Centre (2,281 sqm GEA) to provide up to 10 classrooms, workshop, skills kitchen and ancillary facilities. Construction of a single storey storage building (150 sqm GEA). The provision of an ex	Committee	02-Aug-17	Approve	Approved		
UTT/17/1444/FUL	Former Molecular Products Ltd Mill End Thaxted Dunmow Essex CM6 2LT	Demolition of all structures on site (except designated Listed Buildings), demolition of 1.5m of the Listed brick wall. Redevelopment for 22 new dwellings and the conversion of the Listed Buildings to 7 dwellings with associated public open space, roads,	Committee	22-Nov-17	Approve	Approved		
UTT/17/1452/DFO	Land North Of Bartholomew Close Great Chesterford CB10 1QA	Details following outline application UTT/14/0425/OP for residential development of up to 14 dwellings - Details of access	Committee	30-Aug-17	Approve	Approved		

UTT/17/1533/FUL	Elsenham Golf And Leisure Limited Hall Road Henham CM22 6FL	Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green	Committee	11-Apr-18	Approve	Approved		
UTT/17/1561/DFO	Land At Bury Water Nurseries Whiteditch Lane Newport Essex	Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/16/0459/OP for a 40 bed care home facility and 81 extra care units plus associated communal facilities; vehicular parking; internal roads and footpaths; and ancillary works and s	Delegated		Approve	Approved		
UTT/17/1652/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Erection of 20 no. two bedroom apartments, layout parking, amenity space and landscaping.	Committee	20-Dec-17	Approve	Approved		
UTT/17/1673/FUL	Elsenham Golf And Leisure Limited Hall Road Elsenham CM22 6FL	Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10 (Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventu	Committee	20-Dec-17	Approve	Approved		
UTT/17/1782/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex CB10 2UR	Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency , lighting, drainage and remediatio	Committee	22-Nov-17	Approve	Approved		
UTT/17/1852/FUL	Land Adj To Coppice Close Dunmow Road Takeley Hertfordshire	Residential development of 20 dwellings with associated vehicular access points off Dunmow Road, open space, car parking and associated infrastructure.	Committee	09-May-18	Approve	Approved		
UTT/17/1854/FUL	Skyways House Parsonage Road Takeley	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	Delegated		Approve	Approved		

UTT/17/1951/FUL	Land To The South Of Bowling Lane Great Hallingbury	Construction of grassed playing pitches, drainage works, pedestrian footpath link and other related development including land grading works	Committee	27-Sep-17	Approve	Approved		
UTT/17/2075/FUL	Pelham Substation Park Green Lane Berden Hertfordshire	Amendments to design of scheme for a 49.99MW Battery Storage Facility connected to Pelham Substation approved under planning permission UTT/16/2316/FUL incorporating reduced site area, improved landscaping and additional equipment. Additional information	Committee	27-Sep-17	Approve	Approved		
UTT/17/2120/FUL	14 Cambridge Road Stansted CM24 8BZ	Removal of condition 10 (requirement for CCTV) from planning permission UTT/16/2632/FUL for mixed use development of 10 no. dwellings, retail unit and commercial building	Committee	27-Sep-17	Approve	Approved		
UTT/17/2238/FUL	Oaklands Ongar Road Dunmow Essex CM6 1EX	Demolition of Oaklands and erection of 25 no. dwellings and associated infrastructure	Committee	11-Apr-18	Approve	Approved		
UTT/17/2334/FUL	New World Timber Frame And Graveldene Nurseries London Road Great Chesterford CB10 1NY	Variation of conditions 2 and 14 of approved application UTT/14/0174/FUL. Variation of condition 2 to amend drawing to all plots and increase the total units from 42 to 45. Variation of condition 14 to change wording to 'The 2 m wide footway shown on Draw	Committee	22-Nov-17	Approve	Refused		
UTT/17/2336/OP	Gresham Court Station Road Wendens Ambo CB11 4LB	Outline application with all matters reserved except access and layout for the erection of up to 11 two-storey residential dwelling units	Committee	20-Dec-17	Refuse	Refused		
UTT/17/2542/DFO	Land North Of Leigh Drive Stansted Road Elsenham	Details of layout, scale, appearance and landscaping, following outline application UTT/15/3090/OP, for the provision of 20 dwellings with associated works including garages, open space and services	Committee	20-Dec-17	Approve	Approved		
UTT/17/2607/OP	Land To The South Of B1256 Little Canfield	1. Detailed application for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all	Committee	06-Jun-18	Approve	Refused		

		supporting infrastructure 2. Outline proposals for						
UTT/17/2745/DFO	Land North Of Bartholomew Close Bartholomew Close Great Chesterford CB10 1QA	The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP	Committee	20-Dec-17	Approve	Approved		
UTT/17/2822/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Removal of conditions C.8.29 (Code for sustainable homes) and C.8.32 (Renewable or low-carbon energy technologies) on planning application UTT/0406/08/FUL and Variation of Condition C28.1 of planning permission UTT/0406/08/FUL for the removal of lift rela	Committee	14-Feb-18	Refuse	Refused		
UTT/17/2868/OP	Land To The South Of Wicken Road Newport Essex	Outline planning application for the development of up to 150 dwellings (Use Class C3), provision of land for community allotments, associated strategic landscaping, open space, and associated highways, drainage and other infrastructure works, with all ma	Committee	09-May-18	Approve	Refused	Dismissed	30-Aug-19
UTT/17/2887/FUL	New Kestrel House Parsonage Lane Stansted Essex CM24 8GF	Variation of conditions C.3.1, C.4.1, C.4.2 and C.10.17 on planning permission UTT/0581/07/FUL (demolition of existing buildings and development of 15,424 Sq.m of B1 space, new access road and new drainage lagoons and electricity substations) in order to	Committee	20-Dec-17	Approve	Approved		
UTT/17/3038/DFO	Land BehindThe Old Cement WorksThaxted RoadSaffron WaldenEssex	Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.	Committee	14-Feb-18	Approve	Approved		
UTT/17/3111/FUL	Building 60 Chesterford Park Little Chesterford Great Chesterford Essex CB10 1XJ	Extensions, alterations and refurbishment to the existing building with car and cycle parking, landscaping and associated works. Construction of reservoir.	Committee	14-Feb-18	Approve	Approved		

UTT/17/3197/FUL	Land South Of School Lane Henham	Residential development for 36 dwellings and associated roads and parking, together with public open space, play area and associated Sustainable Drainage along with infrastructure improvements to Henham and Ugley Primary School including car parking, drop	Committee	14-Mar-18	Approve	Refused		
UTT/17/3323/FUL	De Salis Hotel Green Street Elsenham CM22 6DR	Expansion of DeSalis Hotel by raising the existing pitched roof to allow conversion of the roof space to accommodate 31 additional bedrooms, construction of a new two storey building within central courtyard to accommodate new conference room, laundry and	Delegated		Approve	Approved		
UTT/17/3334/FUL	Land Adj M11 Motorway Goose Lane Little Hallingbury Hertfordshire	Change of use of arable land to equestrian use and erection of stables	Delegated		Approve	Approved		
UTT/17/3413/OP	Commercial Centre Ashdon Road Saffron Walden Essex CB10 2NH	Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m2 of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m2) and the erection of up	Delegated		Refuse	Refused	Allowed	10-Oct-19
UTT/17/3426/OP	Land South Of Radwinter Road Saffron Walden Essex	Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access	Committee	09-May-18	Approve	Refused	Allowed	29-Nov-19
UTT/17/3429/OP	Land To The East Of Shire Hill Saffron Walden Essex	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.	Committee	09-May-18	Approve	Refused	Allowed	29-Nov-19
UTT/17/3538/DFO	Land To The North Of Stebbing Primary School And Rear Of Garden Fields And ParksideGarden FieldsStebbingEssex	Reserved matters application consisting of layout, scale, landscape & appearance following Outline Planning Consent UTT/14/1069/OP. Residential development comprising 30 dwellings, public open space, landscaping, new access and highways, associated and an	Committee	11-Apr-18	Approve	Approved		

UTT/17/3623/DFO	Land East Of St Edmunds Lane Dunmow	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	Committee	09-May-18	Approve	Approved		
UTT/17/3751/OP	Hft Bradley Resource Centre Pound Lane Ugley Bishops Stortford CM22 6HP	Hybrid application - full planning permission for the erection of a new residential autism facility comprising of 8 no. 1 bedroom flats, staff accommodation, parking and associated works on land at "The Orchard" including part demolition of the northern b	Committee	06-Jun-18	Approve	Approved		
UTT/18/0308/FUL	Land To The North Of Birchanger Lane Birchanger	Change of use of land to equestrian use. Erection of stables, creation of hardstanding and erection of fencing. New vehicular gated access off Birchanger Lane.	Delegated		Approve	Approved		
UTT/18/0313/FUL	New World Timber Frame And Graveldene Nurseries London Road Great Chesterford CB10 1NY	Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan	Committee	11-Apr-18	Approve	Approved		
UTT/18/0318/OP	Land West Of Canfield Road Great Canfield Essex	Outline planning permission for the erection of up to 135 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Great Canfield Road. All matters reserved except for means of access.	Committee	24-Sep-18	Approve	Refused	Dismissed	08-Aug-19
UTT/18/0440/OP	Land At Pound Hill Little Dunmow	Outline application, with all matters reserved except for accesses and structural landscaping, for a residential development comprising up to 18 dwellings (use class C3), vehicular accesses, public open space, sustainable drainage systems and all other as	Delegated		Refuse	Refused	Allowed	06-Dec-19
UTT/18/0691/OP	Land To The West Of Stortford Road Farnham Hertfordshire	Outline application, with all matters reserved except for access and layout, for the erection of 15 no. dwellings, including 6 affordable dwelling, with associated infrastructure including access, parking and pumping station. Provision of area of public o	Delegated		Refuse	Refused	Dismissed	11-Feb-19
UTT/18/0733/FUL	Skyways House Parsonage RoadTakeleyCM22 6PU	Variation of conditions 12 (hours of illumination) and 14 (hours of operation) of planning permission 17/1854/FUL(demolition of Skyway House and erection of two storey office building) to read - No lights hereby permitted shall be illuminated between the	Delegated		Approve	Approved		



UTT/18/0739/FUL	The Joyce Frankland Academy Cambridge Road Newport CB11 3TR	The erection of 24 dwellings with associated access, car and cycle parking and landscaping, drainage and acoustic fencing, construction of a new multi-use games area (MUGA) and floodlights, replacement floodlighting to existing artificial turf pitch, cons	Committee	21-Nov-18	Approve	Refused	Allowed	27-Mar-20
UTT/18/0750/OP	Land At Claypits Farm Bardfield Road Thaxted Dunmow CM6 3PU	Outline application for demolition of existing buildings and erection of up to 15 dwellings with all matters reserved except access and layout	Committee	26-Sep-18	Approve	Approved		
UTT/18/0784/OP	Land East And North Of Clifford Smith Drive Watch House Green Felsted	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	01-Aug-18	Approve	Refused	Allowed	20-Jun-19
UTT/18/0885/FUL	Land To The North Of Cornells Lane Widdington Essex	Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping	Delegated		Refuse	Refused	Dismissed	30-Jan-20
UTT/18/0911/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Removal of conditions C 8.29 (The development as designed specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3') and C 8.32 (The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10%	Delegated		Approve	Approved		
UTT/18/1011/OP	Land West Of Maranello Watch House Green Felsted Essex	Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping	Committee	01-Aug-18	Approve	Refused	Allowed	30-May-19
UTT/18/1026/OP	Land North Of Wicken Road And West Of School Lane Newport	Outline planning application for up to 74 dwellings including access, open space and landscaping with all matters reserved save for access	Delegated		Refuse	Refused	Dismissed	13-Dec-19
UTT/18/1303/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex	Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscap	Committee	29-Aug-18	Approve	Approved		

UTT/18/1467/FUL	Homebase Limited Elizabeth Close Saffron Walden Essex CB10 2NL	Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure	Committee	21-Nov-18	Approve	Approved		
UTT/18/1708/FUL	Land To The West Of Thaxted Road Debden Essex	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Committee	20-Feb-19	Approve	Refused	Dismissed	09-Sep-19
UTT/18/1730/OP	Land South Of Sampford Road B1051 Thaxted	The development of up to 104 dwellings, provision of land for a primary school, with associated landscaping, open space and highways, drainage and other infrastructure works, with all matters reserved for subsequent approval apart from the primary means o	Delegated		Refuse	Refused		
UTT/18/1775/FUL	Units 4 & 5 Brices Yard Butts Green Valance Road Clavering Saffron Walden CB11 4RT	Extension to existing industrial unit (unit 4) and erection of new industrial unit (unit 5). (amended scheme to that approved under planning permission UTT/12/5009/FUL)	Delegated		Approve	Approved		
UTT/18/1826/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - details of access into the site (amendments to the acc	Committee	21-Nov-18	Approve	Approved		
UTT/18/2366/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex	Construction of Use Class C1 hotel with ancillary restaurant; provision of car parking; landscaping; relocation of substation; and associated development.	Committee	19-Dec-18	Approve	Approved		
UTT/18/2400/OP	Land East And North Of Clifford Smith Drive Felsted	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	21-Nov-18	Refuse	Refused		

UTT/18/2420/FUL	Land South Of 2 To 7 Freshwell Gardens Saffron Walden Essex	Construction of 10 apartments with associated parking and access driveway including the creation of a public amenity area.	Delegated		Refuse	Refused	Dismissed	08-Nov-19
UTT/18/2609/FUL	Bumpstead Hill Land West Of A120 Chelmsford Road Dunmow CM6 1LL	Application to vary condition 2 (archaeology) from planning permission UTT/15/2318/FUL to revise layout to remove area of archaeological interest to enable development to take place.	Delegated		Approve	Approved		
UTT/18/3298/OP	Land South Of Whitehall Hotel Church End Broxted Essex	Outline application with all matters reserved for a residential development of 11 dwelling houses	Delegated		Refuse	Refused	Dismissed	29-Aug-19
UTT/18/3424/OP	Land East Of Station Road Little Dunmow Essex	Outline planning application for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Delegated		Refuse	Refused	Dismissed	23-Sep-19

# Agenda Item 5

**Committee:** Planning Committee

**Date:** 25 May 2022

**Title:** Longfield Solar Farm Development Consent Order

**Author:** Nigel Brown  
Development Manager

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## **Purpose**

1. For Committee to receive and note the notification of an application for a Development Consent Order for the Longfield Solar Farm between Boreham and Hatfield Peverel (in the Districts of Braintree and Chelmsford)
2. The notification is attached as Appendix 1.

## **Summary**

3. The proposal exceeds 50 megawatts (MW) as such forms part of a national Significant Infrastructure Project. Although the site lies outside of the boundaries of Uttlesford District Council, and away from our respective boundaries with Chelmsford City and Braintree District, this Council has been notified on the proposal and linkages to details of the proposal and required publicity.

## **Recommendation**

**It is recommended that the Committee notes the notification of this application.**

48248|000078|MOO|C  
Mr Peter Holt  
Uttlesford District Council  
Council Offices  
London Road  
SAFFRON WALDEN  
Essex  
CB11 4ER



25 April 2022

Dear Mr Holt,

**Longfield Solar Farm Development Consent Order Application (the “Application”) Notice of Acceptance of an application for a Development Consent Order (“the Order”) by the Secretary of State for Business, Energy and Industrial Strategy under section 56 of the Planning Act 2008 (the “Act”) and as applicable Regulation 16 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017**

This letter has been sent to notify you that the Secretary of State for Business, Energy and Industrial Strategy has accepted an application by Longfield Solar Energy Farm Limited (“the Applicant”) for a Development Consent Order under the Planning Act 2008 (the “Act”). Please find enclosed a notice of this event.

The Applicant is providing you notice as you are a person identified as falling within the categories of persons that must be notified of acceptance of the Application under section 56(2) of the Act. In addition to the enclosed notice, the Applicant has also enclosed a plan showing the location of the proposed Longfield Solar Farm (“the Scheme”). Further information about the Application is given in this letter.

**Why we are writing to you**

It is the duty of the Applicant to notify you of the acceptance of its Application for examination. The Secretary of State for Business, Energy and Industrial Strategy accepted the Application on 28 March 2022.

Following this decision, the Application documents are now all available to view and to download at the following link: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/>.

The enclosed section 56 notice provides further information on how to view the Application documents, including in hard copy.

## Summary of the Application

The Application is split into seven books. These are:

- *Book 1: Application Form* including the application covering letter, s55 checklist and guide to the application
- *Book 2: Plans, drawings and sections* including land plans, works plans and traffic regulations plans
- *Book 3: Draft Development Consent Order (DCO) and associated documents*
- *Book 4: Compulsory acquisition information* including the Book of Reference, Statement of Reasons and Funding Statement
- *Book 5: Reports and statements* including the Consultation Report and its appendices
- *Book 6: Environmental Impact Assessment and other assessments* including the Environmental Statement and its associated appendices and figures
- *Book 7: Other documents* including Statement of Need, Design Statement and Planning Statement

## Getting involved

The Application is now at the pre-examination stage. During this time, the Secretary of State for Business, Energy and Industrial Strategy will appoint an Examining Authority and will accept relevant representations from the public.

A relevant representation is a written summary of your views on the Application. By submitting a relevant representation, you can become an Interested Party and take part in the Examination of the Application. Please see the enclosed section 56 notice for further information on how to make a relevant representation.

**Please note that relevant representations must be received by the Planning Inspectorate by midnight on Thursday 02 June 2022.**

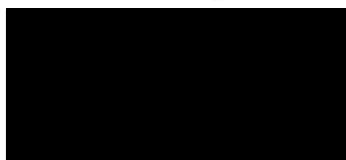
Following this date, Interested Parties will be invited to attend a preliminary meeting that will be chaired by the Examining Authority. The purpose of this meeting will be to discuss how the Application will be examined and to set the timetable for the Examination.

Following the Examination, the Examining Authority will prepare a report on the Examination and will issue a recommendation to the Secretary of State for Business, Energy and Industrial Strategy as to whether or not development consent should be granted or refused, who will then make a decision as to whether to grant consent.

## Find out more

Should you have any queries, please do not hesitate to contact us by emailing [info@longfieldsolarfarm.co.uk](mailto:info@longfieldsolarfarm.co.uk) or by calling 0800 0194 576. You can also make an enquiry in writing to Longfield Solar Farm Project, Freepost SEC NEWGATE UK LOCAL.

Yours sincerely,



James Pateman  
Project Manager

**NOTICE OF ACCEPTANCE OF AN APPLICATION  
FOR A DEVELOPMENT CONSENT ORDER BY THE PLANNING INSPECTORATE (ON  
BEHALF OF THE SECRETARY OF STATE FOR BUSINESS ENERGY AND  
INDUSTRIAL STRATEGY) UNDER SECTION 56 OF THE PLANNING ACT 2008**

**LONGFIELD SOLAR FARM DEVELOPMENT CONSENT ORDER**

REGULATION 8 OF THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE)  
REGULATIONS 2009  
REGULATION 16 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

Notice is hereby given that the Secretary of State for Business, Energy and Industrial Strategy ("the Secretary of State") has accepted an application by Longfield Solar Energy Farm Limited (company number 11618210) of Alexander House 1 Mandarin Road, Rainton Bridge Business Park, Houghton Le Spring, Sunderland, England, DH4 5RA ("the Applicant") for a Development Consent Order under the Planning Act 2008 ("the Application"). The Application (Reference No. EN010118) was submitted by the Applicant to the Secretary of State c/o the Planning Inspectorate on 28 February 2022 and was accepted on 28 March 2022.

**Summary of the Project**

The proposed Longfield Solar Farm is located in the districts of Chelmsford and Braintree in Essex, on farmland north east of Chelmsford and north of the A12 between Boreham and Hatfield Peverel. The Application is for development consent for the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating facility with a total capacity exceeding 50 megawatts (MW), an energy storage facility and an export/import connection to the National Grid, via an extension of the existing Bulls Lodge Substation. These elements taken together constitute Longfield Solar Farm ("the Scheme").

A map showing the location of the Scheme is enclosed with this notice and can be viewed on the National Infrastructure Planning website at the following link:  
[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010118/EN010118-000227-6.3\\_Figure%201-2\\_Order%20Limits.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010118/EN010118-000227-6.3_Figure%201-2_Order%20Limits.pdf)

Development consent is required to the extent that development is or forms part of a nationally significant infrastructure project pursuant to sections 14(1)(a) and 15(1) and (2) of the Planning Act 2008, as an onshore generating station in England with a capacity exceeding 50 megawatts (MW). It is for this reason that the project falls within the remit of the Secretary of State's decision making powers.

The Development Consent Order would authorise the compulsory acquisition of land, interests in land and rights over land, and the powers to use land permanently and temporarily. The Development Consent Order would also authorise the construction of temporary and permanent accesses to the Scheme, the temporary stopping up or diversion of public rights of way, street works and highway works, and the application and disapplication of certain legislation.

**Environmental Impact Assessment Development:**

The proposed works are environmental impact assessment (EIA) development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and accordingly an environmental statement accompanies the Application.

**Application form and accompanying documents:**

The application form and the accompanying documents, plans and environmental statement (ES) and Non-technical Summary (NTS) (“Application Documents”) can be viewed and downloaded free of charge online on the Longfield Solar Farm page of the Planning Inspectorate’s National Infrastructure Planning website under the documents tab: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/>.

The Application Documents will be available to view online at least until the Secretary of State makes his decision whether or not to grant the Development Consent Order.

If you require a copy of the Application Documents to be supplied on a USB stick, this can be provided free of charge (one USB stick per household). Please use the contact details for the Applicant below to request for this to be provided.

It is intended that, subject to access limitations or social distancing imposed as a result of the COVID-19 pandemic or any other reason, the Application Documents will be available via the Longfield Solar Farm page on the National Infrastructure Planning website (<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/>) accessed via computer or tablet and in hard copy from 14 April 2022 at the following Community Access Points:

Location	The documents will be available for viewing at the following times:
Boreham Village Hall, Main Road Boreham CM3 3JD	Opening times may vary, please contact venue to arrange access. Monday: 9am-12pm Tuesday: 9am-12pm Wednesday: 9am-12pm Thursday: 9am-12pm Friday: 9am-12pm Saturday: CLOSED Sunday: CLOSED
All Saints Church, Church Road Terling CM3 2PQ	Monday: 9am-4pm Tuesday: 9am-4pm Wednesday: 9am-4pm Thursday: 9am-4pm Friday: 9am-4pm Saturday: 9am-4pm Sunday: 9am-4pm
Hatfield Peverel Library, The Street Hatfield Peverel CM3 2DP	Monday: CLOSED Tuesday: 2pm-7pm Wednesday: 9am-1pm Thursday: CLOSED Friday: CLOSED Saturday: 9am-5pm Sunday: CLOSED

If you have any questions about the Application Documents, you can email [info@longfieldsolarfarm.co.uk](mailto:info@longfieldsolarfarm.co.uk), write to Longfield Solar Farm Project, Freepost SEC NEWGATE UK LOCAL, or contact the Applicant by telephone on 0800 0194 576.

The Application Documents can be supplied in hard copy format on request at a cost of:

- Consultation Report, Planning Statement and Statement of Need - £537.42;
- Environmental Statement Report Volumes 1-3 - £1,259.38; and



- Total cost for all documents (including files, covers and spines) - £4,570.44.

For any bespoke document reproduction please contact us and we will provide the cost.

**Representations:**

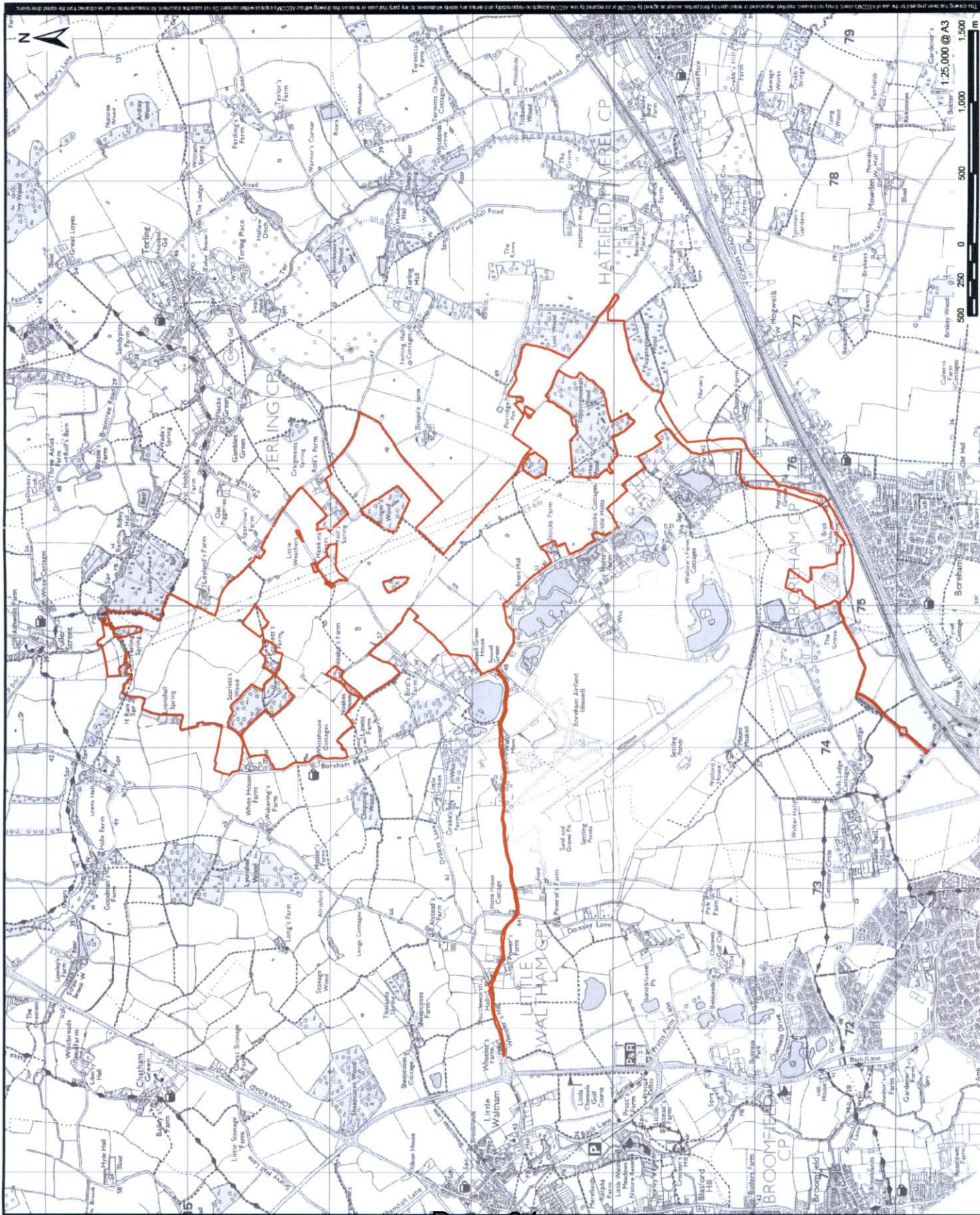
The period in which relevant representations are invited to be made to the Planning Inspectorate is between Thursday 14 April 2022 and midnight Thursday 02 June 2022. Any representations (giving notice of any interest in, or objection to, the Application) **must** be made on the Planning Inspectorate's Registration and Relevant Representation Form which can be accessed and completed online by following the relevant link: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/?ipcsection=docs>

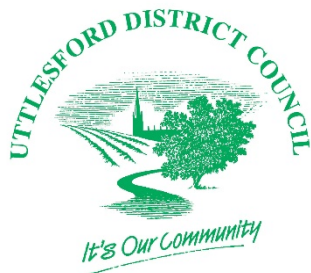
If you require guidance on, or other methods of, obtaining and completing a Planning Inspectorate Registration and Relevant Representation Form, please telephone the Planning Inspectorate on 0303 444 5000 or e-mail [LongfieldSolarFarm@planninginspectorate.gov.uk](mailto:LongfieldSolarFarm@planninginspectorate.gov.uk).

The Planning Inspectorate's Advice Notice 8.2: How to register to participate in an Examination, provides further guidance on how to register and make a relevant representation and can be accessed via the following link: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-2-how-to-register-to-participate-in-an-examination/>

Please note that representations must be received by the Planning Inspectorate by **midnight on Thursday 2nd June 2022**.

Representations will be made public and will be subject to the Planning Inspectorate's privacy policy at: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>





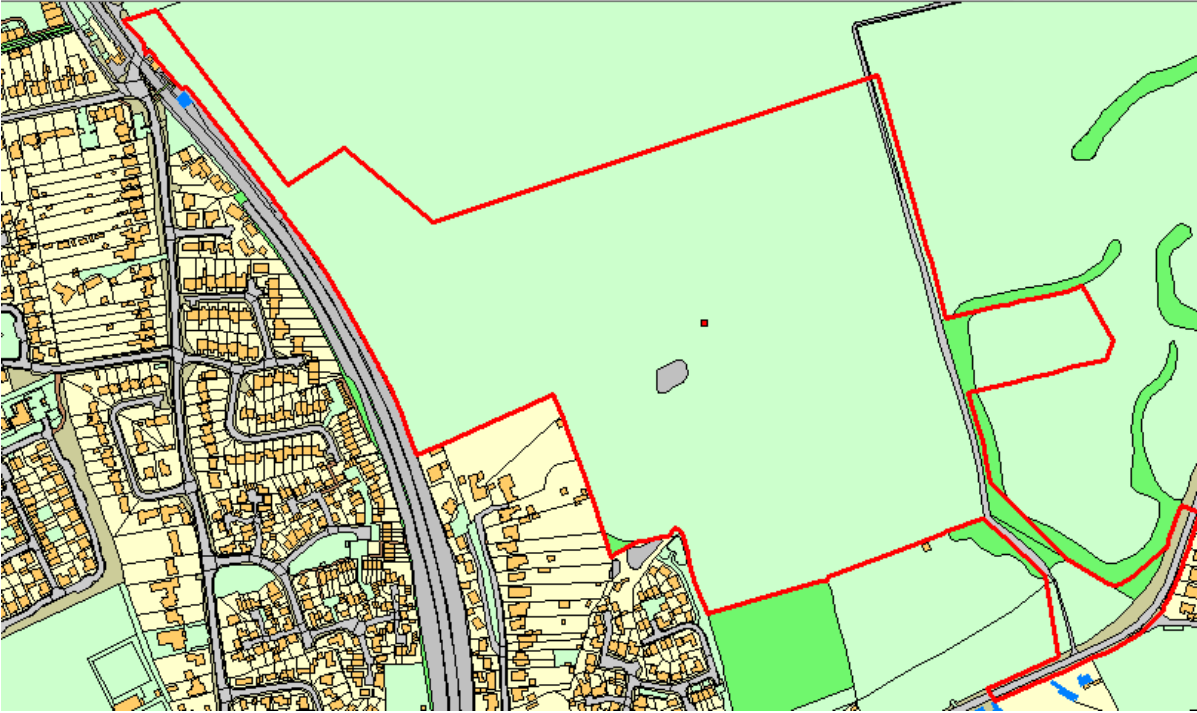
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 25 May 2022

**REFERENCE NUMBER:** UTT/21/3269/DFO

**LOCATION:** LAND TO THE NORTHWEST OF HENHAM ROAD,  
ELSENHAM

**SITE LOCATION PLAN:**



**© Crown copyright and database rights 2021 ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 14 April 2022**

**PROPOSAL:** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**APPLICANT:** Bloor Homes

**AGENT:** Nicky Parsons, Pegasus Group

**EXPIRY DATE:** 01 February 2022

**EOT Expiry Date:** 29 April 2022

**CASE OFFICER:** Nigel Brown

**NOTATION:** Outside Development Limits

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

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**1. EXECUTIVE SUMMARY**

**1.1** This application was reported to Planning Committee on 27.4.22, Members resolved to defer the determination of the planning application to allow clarification of the following matter

Clarification of the provision of the football facilities and the ongoing requirements of the community and football club.

Clarification over the footpath linkages for the site, specifically to Hailes Wood

Clarification over the parking arrangements, which includes the sharing of school drop-off parking with visitors 'parking

Consideration of the MAG objection to the altered water feature on the open space

To consider the Committee's concerns regarding garden sizes.

- 1.2** A meeting on site was held on 6 May 2022, between the Development Manager, Parish Council, Ward Councillor, Football Club and the Developer.
- 1.3** The Development Manager will clarify these points in detail to the Committee, but to summarise.
- 1.4** The football club has clarified its requirements regarding the proposed football pitches. To better compliment the proposed pavilion and the needs of the community and football club, there is a local requirement for the flexibility and capacity to provide an adult football pitch. The requirement secured through the outline planning permission and the subject S106 is very prescriptive. However, the developer has confirmed that they are prepared to provide the capacity for an adult football pitch, this would not require any variation to the S106.
- 1.5** The indicated footpath linkages will be clarified at the meeting. Currently there is an informal link between the existing development Hailes Wood onto the development site which directly adjoins it. The developer has no control of the access link onto Hailes Wood (the ownership is either retained by Persimmon Homes or is controlled through a management company). The developer is not promoting this as an active link (however desirable and well used it currently is). However, nonetheless it would retain the linkage on its side and would not compromise its continued informal provision.
- 1.6** At the Committee on 27.4.22 members did raise queries over the principle of using the visitors' car parking for school drop off. It should be noted that Essex County Highways are not supportive of school dropping off points. The use of visitors' car parking as drop off spaces for the confined periods of school dropping times is an acceptable use of these spaces and would not compromise the general visitor' car parking provision on the development.
- 1.7** Whilst not a statutory consultee the Council is required to notify MAG regarding any development within relatively close proximity of the airport, as regards safeguarding against bird strikes. This proposal does involve the clearing of vegetation and low-quality trees to open up an existing pond on the site. The pond is an important biodiversity feature, which has been struggling and choking due to the current vegetation cover. To remove some the vegetation would rejuvenate the pond. MAG are concerned that rejuvenated pond would attract larger wildfowl such as geese or swans. It is considered that due to the pond's modest size the pond would not be of significant size to attract cursory wildfowl. On balance it is considered that the retention and rejuvenation of the existing pond would be the preferred outcome.
- 1.8** The provision of the amenity space will be clarified at the meeting. It can be confirmed that as submitted indicates very few of these dwellings fall

below the Essex Design Guidance for garden sizes. Of those that fall below the guidance they are 90-95% of the requirement. Although the amenity space provision rates high on the scheme, the developer is striving to provide a further enhanced provision, members will be updated at the meeting.

**1.9** The layout, scale, landscaping and appearance is in general conformity with the approved outline scheme. Further enhancements have been made to further improve the visual amenities of the scheme and provide a good living environment for future occupiers.

**1.10** The scheme has evolved positively through liaison with the local community and UDC which has resulted in a good quality sustainable scheme.

**1.11** The scheme will deliver much needed accommodation in the district.

## **2. RECOMMENDATION**

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

A) Conditions

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

**3.1** The site lies on the north-west side of the B1051 Henham Road to the immediate north-east of the existing built-up area for Elsenham village.

**3.2** A listed residential property lies opposite the site on the south side of Henham Road, whilst further residential properties line the south-eastern side of the road just past the site after a gradual bend. Public footpath PROW 13\_21 traverses the site north-east/south-west and leads across an existing field track leading from Henham Road to the northern end of the site.

**3.4** The site covers approximately 18.531 hectares and was last in use for predominantly agricultural purposes.

**3.5** The land slopes gently with a number of gentle ridges; falling towards the south and the west. The highest point on site is approximately 105.65m AOD and occurs at the northeast corner of the site. The southeast corner has a level of 97.92m AOD.

## **4. PROPOSAL**

- 4.1 This Reserved Matters application (layout, scale, appearance and landscaping) relates to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion. However, this application does not include the education uses which are to be delivered by others.
- 4.2 Outline planning permission was granted for the development proposed is for up to 350 dwellings (Class C3); a One Form Entry primary school including Early Years and Childcare Setting for up to 56 places (Class D1); open spaces and landscaping including provision of junior football pitch and changing rooms; access from B1051 Henham Road with associated street lighting and street furniture; pedestrian, cycle and vehicle routes, including streets, squares, lanes and footpaths along with associated street lighting and street furniture; pedestrian and cycle link to Elsenham Station and potential pedestrian and cycle link to Hailes Wood; vehicular and cycle parking; provision and/or upgrade/diversion of services including water, sewerage, telecommunications, electricity and gas, and service media and apparatus; on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps; drainage works, sustainable drainage systems and ground and surface water attenuation features; associated ground works; and boundary treatments including construction hoarding, application reference UTT/17/3573/OP, Appeal Ref: APP/C1570/W/19/3243744 on the 22nd December 2020.
- 4.3 The approved outline scheme fixed the means of access. Furthermore, a reserved matters application ref. UTT/21/2799/DFO provided details on the road infrastructure to be provided. The extent and remit of the approved reserved matters application related to the inclusion of the proposed access point from Henham Road, and then part of the proposed access road leading from it, only relating to the above outline approved development,
- 4.4 The proposed development will include the following:
- 350 residential units
  - 140 of the units will be affordable (40% of the total).
  - sports pitch(es)
  - a sports pavilion,
  - play areas
  - areas of public open space
  - land retained for a future primary school with early years facility

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The approved outline scheme was supported by an Environmental Impact Assessment (EIA) and Environmental Statement (ES), which covered a



large number of matters including landscape impact, heritage, air quality, transportation and flood risk.

**6. RELEVANT SITE HISTORY**

**6.1**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/12/5497/SO	Scoping Opinion - Outline applications for 800 dwelling and 3000 dwellings	Opinion given
UTT/13/0192/SO	Scoping Opinion - Outline applications for 800 dwellings and supporting uses	Opinion given
UTT/13/0808/OP	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of class B1a and B1c employment uses; up to 1,400sqm of retail uses; a primary school; up to 640sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, and provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings.	Refused
UTT/14/3463/OP	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of class B1a and B1c employment uses; up to 1,400sqm of retail uses; a	Withdrawn

	primary school; up to 640sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, and provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings.	
UTT/17/3573/OP		Non determination appeal granted
UTT/21/2799/DFO	Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale.	Granted
UTT/22/0306/FUL	Variation of Condition 2	Pending consideration
UTT/22/0307/FUL	Variation of condition 1	Pending consideration
UTT/22/0308/FUL	Variation of condition 22	Pending consideration
UTT/22/0309/FUL	Variation of conditions 9 and 10	Pending consideration
UTT/22/0310/FUL	Variation of condition 11	Pending consideration
UTT/22/0311/FUL	Variation of condition 18	Pending consideration

UTT/22/0589/DOC	Discharge of condition 3	Pending consideration
UTT/22/0590/DOC	Discharge of condition 17	Approved
UTT/22/0642/DOC	Discharge of condition 21	Pending consideration
UTT/22/0691/DOC	Part discharge of condition 4 (Access)	Pending consideration
UTT/22/0699/DOC	Discharge of condition 6	Pending consideration
UTT/22/0700/DOC	Discharge of condition 8	Pending consideration

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

**7.1** Pre-application discussions with officers from Uttlesford District Council and various consultees were held.

**7.2** 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:

programme of engagement with community and stakeholders  
included meetings site meeting and virtual meetings  
virtual exhibition  
one-to-one meetings with local residents

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

### **8.1 Highway Authority**

**8.1.1** The Highways Authority are liaising with the developer to seek further information to improve the scheme further to their formal request for additional information.

18/01/22 they stated “The Highway Authority has assessed the layout of the development shown in drawing number ST161 there are a number of issues that need to be resolved and further information will be required from that applicant before a formal recommendation can be issued”.

### **8.2 Highways England - No Objection**

**8.2.1** No objection.  
Given the scale and location of this development, and the fact that this application is for reserved matters, it is unlikely that the application will result in a severe impact upon the Strategic Road Network

### **8.3 Natural England - No Objection**

**8.3.1** The proposed amendments to the original application are unlikely to have significantly different impacts on the natural

environment than the original proposal.

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

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

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

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

**8.4 Sport England - Offered Advice**

**8.4.1** Thank you for consulting Sport England on the amended plans and information that have been submitted in relation to the above application. Since our formal response dated 26th November 2021 was submitted the applicant has engaged with Sport England to address some of the comments made in this previous response focused around the sports ground layout and the pavilion design.

Following consideration of the amended plans I can advise that the comments made in our previous response about the sports ground layout and the pavilion design have been substantially addressed and that the proposed design of both the sports ground and the pavilion is broadly welcomed. However, I would wish to make the following advisory comments based on the amended plans based on sports ground layout, pavilion design and layout, ball stop fencing and the relationship with adjoining Cricket Ground. Conditions have been recommended.

I can therefore confirm that our position on the application remains as set out in our original response dated 26th November 2021 as supplemented by this response.

**9. PARISH COUNCIL COMMENTS**

**9.1** Elsenham Parish Council have objected on the following grounds:  
1.Communityinvolvement  
2.Plans  
3.CommunityHall (required)

- 4.Housing mix (bungalows welcomed but more scope for maisonettes and chalet bungalows
- 5.Design- bland and uninspiring
- 6.Number of storeys- 2x 3 storey blocks not acceptable
- 7.Domestic energy supply
- 8.Garden sizes- no amenity space for flats and diagram hard to read
- 9.Sports pavilion- plans are not fixed and should be
- 10.Sports pitches- smaller pitch is insufficient in size
- 11.Parking for residents all units should be allocated parking
- 12.Parking for visitors- poor distribution
- 13.Roads within the development
- 14.Speed limit
- 15.Construction vehicle route
- 16.Recreational walking
- 17.Lighting- welcomed in principle
- 18.Pond- welcomed in principle; however tensions between ecological and social need to be addressed.
- 19.Tree maintenance
- 20.Access via Hailes Wood
- 21.PhasingPlan

In conclusion “EPC takes the view that the applicants have not demonstrated that 350 dwellings can reasonably be accommodated, and that the proposals should be reconsidered accordingly”.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

#### **10.1.1** The affordable and market housing mix meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed. The affordable provision is also well integrated within the site.

There are however some observations regarding the affordable provision as in previous correspondence with the developer it was agreed that the 2-bedroom flats would be 4 person rather than 3 person yet the schedule still shows that they are 3 person.

Whilst it is acknowledged that the proposed properties will not meet the NDSS confirmation is required that they will meet the HQI space standards.

There does not appear to be a communal garden for affordable flat blocks plots 225 to 233 and plots 240 to 248 and this is required as it provides some amenity space and a drying area for clothes to prevent the need for tumble drying throughout the year. Clarification/confirmation is required that a communal garden is to be provided for the affordable flat blocks.

Some of the affordable plots do not have gardens that adhere to the minimum size recommended in the Essex Design Guide (EDG) and of

particular concern are the gardens proposed for the 3-bedroom affordable properties plots 14,15 and 16 which EDG recommends a minimum size of 100sqm yet they are 75sqm, 79sqm and 74sqm respectively. The market 4-bedroom house plot 321 also has a proposed garden size of 80sqm rather than the minimum recommended in the EDG of 100sqm.

## **10.2 UDC Environmental Health**

**10.2.1** The applicant has submitted an updated noise assessment prepared by 24Acoustics ref - R8931-1 Rev 2 dated 11th March 2022 which seeks to demonstrate compliance with these conditions.

The report concludes that calculations have been completed to determine mitigation measures such that acceptable internal noise levels would be achieved and that calculations have also been undertaken to address noise in external amenity areas. The report also suggests the noise mitigation measures to achieve the required to achieve the required level. . Whilst these appear to be satisfactory and would meet the condition if implemented in full the calculation (noise modelling) and the methodology is not included in the report.

## **10.3 UDC Landscape Officer/Arborist**

**10.3.1** The submitted tree protection plan, and proposed planting plans are considered satisfactory. The boundary treatment plan needs to be revisited. There is an issue with the legend which needs to be checked as it appears that a 2.4m high acoustic fence is proposed to be erected at the LEAP, which is clearly not the intention, and other fencing is not keyed.

## **10.4 UDC Urban Design Officer**

**10.4.1** When considered against the available policy (GEN2) taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the Building for Healthy Life guidance (material consideration) there are points for improvement which are detailed in this assessment.

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

**10.5.1** The application provides details of design, materials and landscaping for a development of 350 homes. There are a cluster of listed buildings to the south of the site, grouped around Henham Road. These include:

- Gardeners Cottage, (list entry no: 1171192)
- Thatched outbuildings and Barn to west of Gardeners Cottage, (list entry no: 1112339)
- Elsenham Place, (list entry no: 1112337)
- Barns to the west of Elsenham Place, (list entry no: 1171188)
- Dovecote to south west of Elsenham Place, (list entry no: 1112338)
- The Lodge (list entry no: 1391101)

There is a Grade II listed building to the north-west of the site, the waiting room at Elsenham Station (list entry no: 1305711). The principal considerations are the indirect effects to heritage assets due to change within their setting.

The development is predominantly two storey dwellings, constructed of brick with tiled or slate-effect roofs, with a cluster of single-storey dwellings at the southern border. The lower heights at this end will reduce the impact on the setting of the listed buildings to the south and the scale of the proposed development is considered acceptable.

While the use of mostly red brick for the elevations does not particularly reflect the Essex vernacular, it is in keeping with the modern development on the east side of the railway line, which is predominantly constructed of brick. There would be a preference for higher quality, natural materials such as timber windows and doors, clay roof tiles and natural slates, which would respond better to local character than uPVC windows or concrete roof tiles and would provide a more sympathetic wider setting to the listed buildings. Nevertheless, the choice of materials is unlikely to cause harm to the setting of the listed buildings because of the distances between the development and the heritage assets.

There is a field buffer between the development and the listed buildings along Henham Road and the south side of the development will be partially screened by existing mature hedgerows. The southern boundary appears to be formed from the hedgerows, without any walls or fencing (which would have an urbanising impact). The proposed boundary treatments are considered acceptable.

Upon review of the submitted documents, I do not consider the details of the scheme to result in any additional harm to the setting of the listed buildings. Therefore, I have no objection to this application.

## **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** The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The planning application contains a desk based archaeological assessment, a geophysical survey report and a built heritage impact assessment. The desk based assessment and the geophysical survey indicate the likely presence of archaeological deposits within the scheme, and on the present evidence interpret that unexpected deposits of national importance are unlikely to be located.

The desk-based assessment also indicates the requirements of a programme of works to be agreed to be undertaken if the application receives consent. The Historic Environment Record shows that immediately to the east of the application area multi-period deposits including burials have been recorded within Pledgdon Pit (EHER 4609-4614). Information from aerial photographs indicates the presence of cropmarks within the application area, comprising possible enclosures (EHER 18898).

RECOMMENDATION: An Archaeological Programme to be defined including Open Area Excavation

**10.8 ECC Waste and Minerals Team**

**10.8.1** No waste safeguarding implications were identified in relation to this application. On the basis of the above, the MWPA have no comments to make with regards to this application

**10.9 Crime Prevention Officer**

**10.9.1** 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.

**10.10 Thames Water**

**10.10.1** Thames Water have identified that some capacity exists within the foul water network to serve 190 dwellings but beyond that, upgrades to the waste water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

**10.11 Anglian Water**

**10.11.1** The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry.



The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals.

## **10.12 Manchester Airport Group**

**10.12.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We continue to object because whilst some changes have been made, many points previously made have not been addressed, and the site still has the potential to attract and support species of bird that are hazardous to aircraft. Biodiversity enhancements or mitigations do not overrule flight safety, and to allow them to do so would be irresponsible. Responsible biodiversity enhancement near an airport would seek to prioritise habitats which increase biodiversity without resulting in an exploitable resource for birds hazardous to aircraft.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 926 notifications letters were sent to nearby properties. A press notice was also issued.

### **11.3 Object**

**11.3.1** Congestion  
Noise pollution  
Traffic  
Lack of infrastructure  
Not in keeping  
Harm to landscape  
Impact on the environment  
Loss of agricultural land  
Loss of wildlife  
Over development

### **11.4 Comment**

**11.4.1** The objects have been considered within the main body of the report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

(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)

## **3. 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 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  
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**

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

## **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2** **A) Principle of Development**  
**B) Housing Supply**  
**C) Housing Mix**  
**D) Layout**  
**E) Scale**  
**F) Landscaping**  
**G) Appearance**  
**H) Highways**  
**I) Other Matters**

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

**14.3.1** Planning history  
Outline planning permission was previously granted on the site, following an appeal which was allowed (against non-determination) on the 22<sup>nd</sup> December 2020 appeal reference APP/C1570/W/19/3243744. This scheme will be referred to within this report as the 'approved outline scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly. The approved outline consent is a material consideration for the current Reserved Matters application as this permission establishes the principle of residential development on the site.

**14.3.2** Below are key headlines in relation to the approved outline scheme:

Up to 350 dwellings (Class C3  
A One Form Entry primary school including Early Years and Childcare  
Setting for up to 56 places (Class D1);  
Open spaces and landscaping including provision of junior football pitch  
and changing rooms;  
Access from B1051 Henham Road with associated street lighting and  
street furniture.  
Pedestrian, cycle and vehicle routes, including streets, squares, lanes  
and footpaths along with associated street lighting and street furniture;  
pedestrian and cycle link to Elsenham Station  
Potential pedestrian and cycle link to Hailes Wood; vehicular and cycle  
parking; provision and/or upgrade/diversion of services including water,  
sewerage, telecommunications, electricity and gas, and service media  
and apparatus;  
On-plot renewable energy measures including photo-voltaics, solar  
heating and ground source heat pumps; drainage works, sustainable  
drainage systems and ground and surface water attenuation features;  
associated ground works; and boundary treatments including construction  
hoardings

The approved scheme contained a Parameters Plan designed to 'fix' the  
key parameters of the proposal.

- 14.3.3** The site falls within the key rural settlement of Elsenham and falls within Policy S3 of the Local Plan. As such the principle of development is acceptable on the basis that Development is compatible with the settlement's character and countryside setting.
- 14.3.4** The Inspector concluded *"In my assessment, balancing the benefits and disbenefits detailed above indicates quite clearly that the adverse impacts of allowing this proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This means that the appeal proposal would constitute sustainable development, and this is a weighty material consideration in the appeal proposal's favour. In my assessment it is sufficient to outweigh the conflict with the development plan in this case."*
- 14.3.5** Effectively the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts.
- 14.3.6** Furthermore, compliance with the above policies as set out above was addressed at the outline stage, whereby the principle of the development was agreed, subject to a series conditions and Section 106 Agreement.
- 14.3.7** Overall, the Reserved Matters application is considered to accord with the principles of the approved outline consent and the associated parameter plans. The proposals have developed in response to the iterative design process undertaken between UDC officers and the applicant, resulting in

a high-quality scheme which accords with the principles already established.

#### 14.4 B) Housing supply

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

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

14.4.2 The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

#### 14.5 C) Housing Mix

14.5.1 Policy H10 Housing Mix of the adopted Local Plan requires new developments to provide a mix of dwelling types. Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%.

Please see below the amended housing mix, the changes from the original submission are identified in brackets:

	Open market	Affordable		Total	%
		Affordable rent	Shared ownership		
1-bed apartment	-	10	-	10	3%
2-bed apartment	-	8	-	8	2%
1-bed bungalow	-	5	-	5	1%
2-bed bungalow	4	2	-	6	2%
3-bed bungalow	7	-	-	7	2%
1-bed house	-	4	-	4	1%
2-bed house	61 (+2)	35	22	118 (+2)	34%
3-bed house	60 (+36)	29	20	109 (+36)	31%
4-bed house	65 (-39)	5	-	70 (-39)	20%
5-bed house	13 (+1)	-	-	13 (+1)	4%
<b>Total</b>	<b>210</b>	<b>98</b>	<b>42</b>	<b>350</b>	<b>100%</b>

14.5.2 A mixture of housing types are proposed to suit different needs. 140 of the units will be affordable (40% of the total). 95% M4(2) and 5% M4(3) compliant. The units are accessible on different streets. The housing and

enabling officer has stated that the affordable and market housing mix meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed. The affordable provision is also well integrated within the site.

- 14.5.3** There were concerns raised regarding the 2-bedroom flats would be 4 person rather than 3 person. This has now been resolved.
- 14.5.4** Whilst it is acknowledged that the proposed properties will not meet the NDSS confirmation is required that they will meet the HQI (Housing Quality Indicators) space standards. The applicant has confirmed that all affordable houses will meet HQI space standards.
- 14.5.5** Again, the housing officer raised concerns about the lack of provision for a communal garden for affordable flat blocks plots 225 to 233 and plots 240 to 248. This has now been provided.
- 14.5.6** It is considered that the housing mix complies with Policies H9 and H10 of the Local Plan.

## **14.6 D) LAYOUT**

- 14.6.1** National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.6.2** The layout refers to buildings, routes and open spaces within the development and how they are laid out. The layout has been designed to comply with the approved parameter plans forming part of the outline consent, following discussion with Officers and Members.
- The following is proposed:
- 14.6.3** The primary school is located on the north-eastern corner of the site.  
The attenuation basin is located in the north-western part of the site  
The sports area is within the area dedicated for open space in the south-eastern part of the site  
The developable area wraps around the site  
The proposed corresponds with the approved parameters plan.
- 14.6.4** The back-to-back distances vary from 25 – 31 metres which are considered sufficient to protect the amenities of the adjoining occupiers.
- 14.6.5** The local plan does not have a policy which specifies garden area, however the Essex Design Guide sets out a guidance. There are now approximately 3% of gardens which fall below the 100% compliance. Plot 312 has a shortfall of 10sqm and plot 17 shortfall of 9sqm; all other plots that have a shortfall, the shortfall is marginal.

The applicant state that there is also placemaking justification for the few gardens that do not fully meet standards, *The properties occupying these plots add to the character of the particular areas in which they fall. Forming village terraces, that maintain strong building lines or turning corners. All these plots have nearby access to public open space or pocket parking within a 1-to-3-minute walk*.

**14.6.6**

The masterplan comprises 4 main character areas:

1. Central Green- larger dwellings with varied set backs creating a 'village green'
2. The Avenue- terraced and semi fronting onto tree lined avenue
3. Green Edge- larger dwellings with varied set backs on the periphery
4. Core Housing – smaller terraces and semi-detached units higher density form

**14.6.7**

The Urban Design Officer was involved in the development of the scheme at pre-application stage. Following submission further comments have been made and the applicant has sought to address these concerns. Initially, a number of 'red' ratings were given to the scheme using the Building for Healthy Life toolkit, however following amendments all of the red elements have been removed, resulting in 7 'amber' ratings and 14 'green' ratings, demonstrating that the scheme achieves a good quality of design.

**14.6.8**

In conclusion the Urban Design Officer states "*When considered against the available policy (GEN2) taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the Building for Healthy Life guidance (material consideration) there are points for improvement which are detailed in this assessment*".

**14.6.9**

Changes have made following comments from the Urban Design Officer as follows:

General design changes

A new house type with a build over has been introduced

overlinks have been utilised between buildings

unique build over house type, materials and landscaping have also been utilised

Differing boundary treatments, comprising low brick wall, metal railings and landscaping to define front gardens

Flint on the elevations of houses on key corners

occasional use of black and white boarding on front elevations

a focal landmark has been created on the north-west corner – utilising 2.5 storeys

Eastern boundary: breaking up the vehicular route into

separate private drives arrangement, leading to a more informal and quieter edge to the development

#### LEAP and NEAP

The LEAP design has subsequently been made more bespoke, with play mounding elements of natural play and other features  
The LEAP will be bounded by fencing and a hedge, enclosing any children young enough to have a risk of wandering into the pond  
The northern side of the pond closest to the play area will also be enclosed by a shrub,

#### The NEAP

the NEAP will provide a zipline, obstacle course and table tennis table along with other play equipment

#### Incidental amenity

3 x new incidental greenspaces which will incorporate play on the way features such as hopscotch and climbing trunks trim trail has been incorporated on the eastern boundary along the shared cycleway / footway to encourage play by children on the way to and from school  
A climbing frame is also proposed in the north-west corner

- 14.6.10** Policy LC4 seeks to ensure large development incorporate adequate sports facilities. As part of the approved outline scheme a s106 agreement required sports facilities to be provided, details of which form part of this reserved matters submission. The approved outline permission requires provision of a junior football pitch rooms which need to meet the following requirements as set out in the S106.
- 14.6.11** The applicant has been liaising with Sports England to overcome the concerns previously raised. Sports England have contacted the LPA and have stated "Ground. As such it is considered that the main issued have been addressed and conditions have been included as recommended by Sports England.
- 14.6.12** 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.
- 14.6.13** The following sustainability measures are proposed:



31% reduction in emissions against the current Building Regulations standard  
Fabric first approach  
Sustainable construction and waste  
optimising layout (within constraints of the site) and building orientation to maximise benefits of solar gain  
energy efficient lighting and appliances  
Provision of rainwater recycling via rainwater butts  
Provision of PV panels

This would be in line with the Interim Climate Change Policy (2021) and have been duly conditioned.

**14.6.14** It is concluded therefore that the proposed layout adopts many of the positive design principles incorporated in the approved Parameter Plan set out within the Outline Planning Approval. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

**14.6.15** Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.6.16** The nearest residential properties are a considerable distance away from the proposed development. It is considered that the use of the site for residential purposes would be in keeping with the character of the area, and no undue noise or disturbance would likely be generated.

**14.6.17** The proposed properties are well spaced apart and sufficient separation distances have been provided. Habitable rooms to the rear face onto garden areas and landscaping.

**14.6.18** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policy GEN2.

## **14.7 E) SCALE**

**14.7.1** The scale refers to information on the size of the development including height, width and length of the proposed buildings.

**14.7.2** The masterplan has been designed to comply with the building heights parameter plan which is an approved plan and forms part of the outline consent UTT/13/2107/OP.

**14.7.3** The approved Parameters Plan showing a maximum height of 12m above finished ground level. The proposed masterplan conforms with this through the provision of the following:

Majority of homes 2 or 2½ storeys,  
2½ and 3 storey buildings marking key nodes and landmarks.  
2 x 3 storey buildings in key areas on the periphery of the development  
A significant proportion 2 storey buildings  
A small proportion of 2.5 storey buildings of the main avenue  
1 storey buildings on the southern extent of the site

**14.7.4** It is therefore concluded that the proposed master plan complies with the approved building heights parameter plan. The proposals are therefore considered to be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005,

## **14.8 F) LANDSCAPING**

**14.8.1** Landscaping refers to the improvement or protection of amenities of the site and surrounding area. Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

**14.8.2** The main route would be tree lined. Formal public open space, smaller areas of greenspace and soft landscaping have been provided across the site to ensure the scheme retains a green and village character.

**14.8.3** The applicant is providing 6.06ha of publicly accessible open space throughout the site including:

A Green heart (with Local Equipped Area for Play)  
2 junior sports pitches  
Pavilion (in accordance with Sport England requirements, providing changing rooms for 4 teams.  
Changing room  
A Mini sports pitch (above the parameters requirement)  
A Neighbourhood Equipped Area for Play (NEAP)

**14.8.4** This includes the attenuation basins which will be dry except in exceptionally rainy periods, therefore allowing amenity use. They are proposed to be landscaped and provide ecological enhancement.

**14.8.5** 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. Some matters of clarification have been raised by the Landscaping Officer which are in the process of being addressed by the applicant. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 of the adopted Uttlesford Local Plan 2005,

**14.8.6** Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its

functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’

**14.8.7** The following biodiversity enhancement measures are proposed:

enhancements of retained scrub, pond and hedgerows  
creation of attenuation basins  
wildflower and tussock grassland  
the installation of integrated and external bat boxes  
installation of bird nest boxes and Swift bricks

The scheme will provide a Biodiversity Net Gain of 6.56%, as well as a 192.8% net gain in hedgerow biodiversity.

**14.8.8** A response has now been provided to MAG on how the proposals for the pond will not increase bird risk in a revised Bird Hazard Management Plan, to overcome their concerns. However, it should be noted that the outline permission contains a pre-commencement condition (4) requiring the submission and approval of a BHMP.

**14.8.9** The submitted documents have been duly reviewed by the Place Services Ecologist who stated that no objection was raised subject to securing biodiversity mitigation and enhancement measures. Natural England consider that the proposal will be unlikely to have significantly different impacts on the natural environment.

Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.

## **14.9 G) APPEARANCE**

**14.9.1** Paragraph 126 of the NPPF states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. As such, the design quality of the proposal should be duly considered in the overall planning balance

**14.9.2** A character assessment has been undertaken to inform the proposals. The materials proposed centre around the character areas and include 5 different brick types (varying between red and buff); cream render is proposed; a mixture of cladding (flint, weatherboard white and weatherboard black); and roof tiles (slate, brown, redbrown and brown).

**14.9.3** The Inspector stated that there was harm afforded to the heritage assets, although overall, the public benefits of the scheme and benefits in general outweighed the harm. As such the impact on the heritage assets is acceptable.

**14.9.4** Notwithstanding the above, *the Heritage Team have commented on the proposals as follows “the development is predominantly two storey dwellings, constructed of brick with tiled or slate-effect roofs, with a cluster of single-storey dwellings at the southern border. The lower heights at this end will reduce the impact on the setting of the listed buildings to the south and the scale of the proposed development is considered acceptable. It is considered that the materials are in keeping with the modern development on the east side of the railway line, which is predominantly constructed of brick. Although there was a preference for higher quality materials, they considered that nevertheless, “the choice of materials is unlikely to cause harm to the setting of the listed buildings because of the distances between the development and the heritage assets; and they conclude that “I do not consider the details of the scheme to result in any additional harm to the setting of the listed buildings. Therefore, I have no objection to this application”.* It is also stated that the boundary treatment is considered to be acceptable.

**14.9.5** It is considered that the materials reflect the local vernacular and assimilate with the site. The detailing proposed and provides articulation including chimneys, gables and canopies.

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.

## **14.10 H) HIGHWAYS**

**14.10.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport. The access for the scheme was approved as part of the outline approval and previous reserved matters application. The applicant is working with the Highway Authority to provide additional information and minor alterations to improve the scheme.

**14.10.2** The applicant has sought to make have made walking and cycling an attractive option, especially to the school, through the provision of the shared footway / cycleway running from the main access and the train station access to the school, allowing safe and convenient walking and cycling opportunities. They have also provided trim trail playing equipment along the eastern boundary cycleway, and in the north-western corner again alongside the cycleway, to make walking an active and playful option.

**14.10.3** In terms of distribution of visitor parking, although the parking is not evenly distributed there are a number of plots (38 total) that are provided with an additional parking space, above that required by parking standards.

These extra spaces can be utilised as visitor spaces for those plots, freeing up formal visitor parking spaces for others.

**14.10.4** There are also pedestrian waiting areas which have been designed on the basis that most parents will walk to drop off and pick up students. It should also be noted that the school will provide parking for staff within its own land, so the visitor parking spaces will only be used by parents at drop off and pick up times.

**14.10.5** The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links, improvement to public transport.

## **14.11 I) OTHER MATTERS**

### **14.11.1 Noise**

**14.11.2** Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance

**14.11.3** The applicant has proposed a 2.4 metre high noise barrier along the western boundary with the railway line to prevent noise pollution which would be in keeping with Policy ENV10 of the Local Plan.

### **14.11.4 Flooding**

**14.11.5** 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.

**10.11.6** The approved Parameter Plan showed approximate locations of 3 SuDS attenuation basins located in the east, south-west and north-west of the site.

**14.11.7** This remains the same within the proposed scheme, however the drainage basis to the south has been moved slightly east to be adjacent to the sports pitches. Following infiltration testing this was considered more appropriate. It is considered that this minor change is appropriate and would not impact on the layout of the development.

**14.11.8** The proposed drainage strategy is to convey surface water run-off from the development to three attenuation basins located on the eastern, southern and north-western boundaries of the site.

**14.11.9** A pumping station is proposed adjacent to the north-western attenuation basin. This area was previously shown in the parameter plan as open space. The submitted site layout plan highlights that this is a newly proposed area. The applicant states that this is required because of the

topography of the site and to allow flows from low lying areas to be pumped to the proposed foul connection point. It is considered that this is acceptable given the general conformity with the parameter plan and would compromise a minor alteration in the context of the site area and development proposals.

**14.11.10** The Local Lead Flood Authority have raised no objection subject to conditions.

**14.11.11** Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

**14.11.12 Contributions**

**14.11.13** Policy GEN6 seeks Infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development.

**14.11.14** Contributions were sought and secured by s106 agreement relating to Education Land for a primary school also formed part of the s106 agreement. Within the north-east extent of the site land has been retained within the site which will be offered to Essex County Council for the future provision of the Primary School and Early Years Childcare Facility. This concurs with the parameters plan. In accordance with the s106 agreement, the primary school site totals 1.093ha and the early years site totals 0.13ha.

**14.11.15 PLANNING BALANCE**

**14.11.16** The LPA are unable to demonstrate a 5-year housing land supply, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.

**14.11.17** The inspector undertook a planning balance exercise as part of the appeal scheme and stated *“I have concluded that the economic benefits should carry moderate weight; and that significant weight should be given to the provision of up to 350 much needed new dwellings, with significant weight also being given to the provision of up to 140 affordable homes. The provision of new public open space, including a new junior football pitch and changing rooms carries moderate weight, with modest weight going to the environmental and ecological benefits. The provision of land for a primary school, and an Early Years and Childcare facility attracts modest weight, whilst enhancement of the local bus service attracts moderate weight. Finally, the provision of a direct pedestrian and cycle link from the proposed development to the rail station attracts modest weight. Set against these benefits, the harm to the character and appearance of the countryside carries limited weight; great weight has to be attributed to the heritage harm; and finally, the loss of BMV land attracts very limited weight”*. In conclusion, the Inspector considered that *“the adverse impacts of allowing this proposal would not significantly and demonstrably*

*outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

- 14.11.18** Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 14.11.19** The design of the scheme has evolved positively during the application. The scheme would provide good quality housing and design and although there are some elements which could be improved somewhat, the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable.
- 14.11.20** Outlining the positives of the scheme, the public benefits include the contribution of 350 residential units towards the districts housing target. It is further acknowledged that the Council is currently unable to demonstrate a 5 YHLS and as such the proposed housing would make a very significant contribution towards this shortfall and this weighs strongly in favour of the scheme. The applicant has also agreed to 40% of the total provision and this also weighs in favour of the scheme. There will be clear economic benefits to the local and wider area through construction of homes, and the spending of future occupiers
- 14.11.21** Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh any harm.

## **15. ADDITIONAL DUTIES**

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

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

## 15.2 Human Rights

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

## 16. CONCLUSION

16.1 The submitted Reserved Matters would accord with the development plan and National Planning Policy Framework 2021, and no material considerations indicate that the application should be refused.

16.1 The application accords with policy, will provides an important contribution to housing land supply position in a high-quality design led scheme.

It is therefore recommended that approval be granted subject to conditions

## 17. CONDITIONS

1. Landscaping  
If within a period of 10 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

2. 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, and Uttlesford Local Plan Policy GEN1.

3. a) No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy LC4 of the Uttlesford Local Plan.

4. No development of the natural turf playing field shall commence until a schedule of playing field maintenance including a programme for implementation covering the period prior to handover to the management body has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following practical completion of natural turf playing field the approved schedule shall be complied with in full.

REASON: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy LC4 of the Uttlesford Local Plan.

5. No development of the playing fields shall take place until details of the ball stop fencing to be provided around the boundary of the sports pitches will be submitted to the Local Planning Authority for approval.

REASON: To protect the amenities of the adjoining and future occupiers in accordance with GEN2 and GEN4.

- 6.** Prior to the first occupation of any dwelling, details of solar photovoltaic panel arrangements shall be submitted to and approved in writing by the Local Planning Authority, confirming the details and location of the photovoltaic panels within each phase of development of the site.

REASON: To ensure an acceptable standard of development in accordance with Policy GEN2 and the Interim Climate Change Policy.

## Statutory Consultee responses

Your Ref: UTT/21/3269/DFO  
Our Ref: TST/SD/KMW/  
Date:- 18/01/2022



**Essex County Council**

Andrew Cook  
Director of Highways and Transportation

CC: by email Cllr Gooding

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Response

Application No. UTT/21/3269/DFO  
Applicant Bloor Homes C/o Pegasus Group  
Site Location Land To The North West Of Henham Road Elsenham  
Proposal Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

The Highway Authority has assessed the layout of the development shown in drawing number ST161 there are a number of issues that need to be resolved and further information will be required from that applicant before a formal recommendation can be issued. The matters that require further consideration are listed below:

## **1. Cycle connections**

- a. Details of the access to the cycle route from Old Mead Road should be provided, this should include visibility splays and any barriers or signing required.
- b. Provide forward visibility splay around the corner adjacent to the pumping station to ensure it is kept clear of fencing and vegetation.
- c. A walking/cycle connection between the roads serving plots 287 and 286 should be provided to serve the west of the site.
- d. The hoggin path to the east of the site near plots 1-6 will be a natural pedestrian and cycle desire line to the school from the should and it would be better if it was a hardwearing surface cycle/pedestrian route.
- e. Dropped kerbs should be provided to allow cyclists to access the cycleway when coming from the side roads.

## **2. Spine Road**

- a. There is a section of the spine road that is different to the approved application UTT/21/2799 (the addition of a layby adjacent to the playing fields). It should be ensured this is clear of the visibility splays for the access to the playing field.

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Clarification is needed and the correct process agreed with the planning authority.

- b. If the layby is intended for coaches and mini-buses it should be signed as such.
- c. A visibility splay should be provided from the access to the playing fields.
- d. A footway/cycleway should be provided to the playing fields from the spine road.

a. A footway/cycleway should be provided to the playing fields from the spine road.

### **3. Playing fields**

- a. A footway/cycleway should be provided to the Pavillion so pedestrians and cyclists do not have to walk through the carpark. footway/cycleway required above.
- b. Cycle parking should be provided for the playing fields in accordance with the Essex parking standards

### **4. Road Layout**

- a. Visibility splays should be shown for all junctions within the site (visibility splays will be adopted and harden).
- b. The required 0.5m maintenance strip for shared surfaces should be shown on the plans
- c. The refuse vehicle used to track the sites is shorter than that used by UDC, which has a length of 10.324m details are at the end of this letter.
- d. To ensure a 20mph speed limit throughout the development traffic calming should be shown and should adhere to the latest regulations and guidance
- e. Shared surfaces should be 6m in width.
- f. Footways should taper where the road transitions from D or E type road to a shared surface
- g. ECC does not adopt lighting on shared surfaces.
- h. A crossing point is shown at plot 342 which crosses onto a verge and should connect to the footway
- i. The turning heads at 288/297, 284/280 do not conform to the Essex Design Guide. The tracking of the turning heads on the northern boundary show the vehicle going across the walking/cycling links into the site and also into the primary school land.
- j. Accesses should be at right angles to the highway plots 58 and 57 should be reconsidered.

## 5. Parking

- a. The concentrations visitor parking around the school and green mean that 59% of the visitor parking is in these two areas and other areas of the development do not have any or very few visitor parking spaces. This could lead to inappropriate parking on footways or blocking the road.
- b. We would not want vehicles reversing in the area of the school where children are walking and cycle to school. Any parking provided should be parallel parking. The preference is for high quality walking and cycling facilities rather than a large amount of parking.
- c. There is a large number of dwellings where vehicles will be triple parked, these might not be used properly and parking inappropriately might occur, so these should be avoided.
- d. Any dwellings without a garage should be provided with secure cycle parking on plot, these should be identified on the plan.
- e. It is not clear where cycles will be parked in the home office garages as only 6m x 3m of the internal space is available for parking and other storage which does not comply with the Essex Parking Standards.

- 
- f. The cycle parking for flats would be improved and make better use of space if double doors were provided and put on the longer side, as bikes could be more easily manoeuvred and it would be more convenient.

The highway authority would not want the application approved until the comments above have been addressed.

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



Henrietta Ashun  
Uttlesford District Council  
Planning Services

Date: 13<sup>th</sup> April 2022  
Our Ref: SUDS-005629  
Your Ref: UTT/21/3269/DFO

Dear Henrietta Ashun,

**Consultation Response – UTT/21/3269/DFO - Land To The North West Of Henham Road Elsenham**

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

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

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

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

**Lead Local Flood Authority position**

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

**Condition 1**

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

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

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

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- Detailed engineering drawings of each component of the drainage scheme.
- 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.

### **Condition 2**

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

### **Reason**

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

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

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

### **Condition 3**

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

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

### **Reason**



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

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

#### **Condition 4**

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

#### **Reason**

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

We also have the following advisory comments:

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

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

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

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### **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);

3

- 
- Sustainability of the development.

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

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

## INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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

Essex County Councils  
**Minerals & Waste Planning**  
County Hall  
Chelmsford  
Essex CM1 1QH



Your ref UTT/21/3269/DFO  
Our ref:  
Date: 09 November 2021

Dear Sir / Madam

**Nature of Response:** To address minerals and waste safeguarding implications arising through Application UTT/21/3269/DFO.

**Proposal:** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**Location:** Land To The North West Of Henham Road, Elsenham, Hertfordshire

Thank you for your email received 5<sup>th</sup> November 2021 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.

The MWPA previously entered a representation in relation to Application Reference UTT/17/3573/OP on 7<sup>th</sup> August 2019. This stated that having reviewed the Mineral Resource Assessment (MRA) Addendum 2019, the MWPA accepts the overarching conclusion that the prior extraction of mineral underlying the application site is not practicable.

No waste safeguarding implications were identified in relation to this application.

On the basis of the above, the MWPA have no comments to make with regards to this application.

Yours sincerely,



**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](mailto:PlanningEE@highwaysengland.co.uk)

**To:** Uttlesford District Council

**CC:** [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@highwaysengland.co.uk](mailto:spatialplanning@highwaysengland.co.uk)

**Council's Reference:** UTT/21/3269/DFO

**Location** Land to the North West of Henham Road Elsenham

**Proposal** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

Referring to the consultation on a planning application dated 16 March 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);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

**National Highways Planning Response (NHPR 21-09) September 2021**

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

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

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

<b>Signature:</b> 	<b>Date:</b> 21 March 2022
<b>Name:</b> Mark Norman	<b>Position:</b> Spatial Planner
<b>National Highways</b> Highways England   Woodlands   Manton Lane   Bedford   MK41 7LW	

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

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



Date: 09 December 2021  
Our ref: 374469  
Your ref: UTT/21/3269/DFO



Clive Theobald, c/o planning@uttlesford.gov.uk

**BY EMAIL ONLY**

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

T 0300 060 3900

Dear Mr Theobald

**Planning consultation:** UTT/21/3269/DFO - Approval of reserved matters(layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**Location:** Land To The North West Of Henham Road, Elsenham

Thank you for your consultation on the above dated 05 November 2021 which was received by Natural England on the same date.

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

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

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

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

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

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Natural England is aware that the outline planning permission which governs this reserved matters application (ref UTT/17/3573/OP) is subject to a Section 106 agreement which requires the owner to pay a specified "Hatfield Forest Contribution" (a sum of £44,323 for the provision of visitor monitoring and mitigation works carried out by or on behalf of the National Trust at Hatfield Forest) prior to the commencement of the development.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. Accordingly, in order to mitigate the adverse impacts of the associated increase in visitor pressure, the Local Planning Authority should ensure that the Hatfield Forest Contribution referred to above is secured prior to commencement of the development, as required by the Section 106 Agreement.

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

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

### **Further advice on mitigation**

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

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

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24<sup>th</sup> September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust. In this regard it is noted that the outline planning permission which governs this reserved matters application (ref UTT/17/3573/OP) is subject to a Section 106 agreement which requires the owner to pay a specified "Hatfield Forest Contribution" (a sum of £44,323 for the provision of visitor monitoring and mitigation works carried out by or on behalf of the National Trust at Hatfield Forest) prior to the commencement of the development. This planning obligation is required in order to make the development acceptable in planning terms and the Hatfield Forest Contribution should therefore be secured prior to commencement of the development to ensure the necessary mitigation can be undertaken.

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

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

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England considers that there is clear justification for the securing of the "Hatfield Forest Contribution" referred to above, to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site provision, such as green infrastructure is sufficiently designated to provide mitigation, prior to the determination of this application.

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

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

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. However, as noted above, the governing outline planning permission (ref UTT/17/3573/OP) is subject to a planning obligation which secures mitigation for the off-site impacts of increased recreational pressure at Hatfield Forest SSSI/NNR. This planning obligation is required in order to make the development acceptable in planning terms and the Hatfield Forest Contribution should therefore be secured prior to commencement of the development to ensure the necessary mitigation can be undertaken.

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

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

### **Other advice**

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

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

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

### ***Protected Species***

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

### ***Environmental gains***

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

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

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

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

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

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

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

### ***Biodiversity duty***

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

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

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

If you have any queries relating to the advice in this letter please contact me at: [tessa.lambert@naturalengland.org.uk](mailto:tessa.lambert@naturalengland.org.uk)

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

Yours sincerely

**Subject:** [External] App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham  
**Date:** 26 November 2021 16:23:14  
**Attachments:** [pitch sizes \(metric\) 2013.pdf](#)

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For the attention of Clive Theobold  
Dear Mr. Theobold

**App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham (Sport England Ref: PA/21/E/UT/60088)**

Thank you for consulting Sport England on the above application.

**Summary:**

An **objection** is made to the planning application due to a range of issues being raised about the design, layout and management of the proposed sports ground as set out in this response. Advice is provided on solutions for addressing these issues. Advisory comments about the design and layout of the proposed development with respect to active design considerations which are **requested** to be considered before the application is determined.

**Sport England – Non Statutory Role and Policy**

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

This application falls within the scope of the above guidance as it relates to the creation of one or more playing pitches.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Further advice is provided in Sport England's Planning for Sport guidance which can be found here:

<https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>.

**The Proposal and Assessment against Sport England's Objectives and the NPPF**

***Sports Ground***

The planning application involves the approval of reserved matters for the residential development on land to the north west of Henham Road in Elsenham that was granted outline planning permission (UTT/17/3573/OP) through appeal in 2020. The development includes a sports ground to the south of the site that has been designed to accommodate a 9v9 junior football pitch, a 5v5 mini football pitch, a NEAP, sports pavilion and an ancillary car park. I would wish to make comments on the following matters:

- **Sports Ground Layout:** While the principle of providing sufficient space to accommodate a 9v9 junior football pitch and a 5v5 football pitch is welcomed, there are the following issues with the proposed layout:
  - **Junior Football Pitch Run-off:** A run-off area to the south of the 9v9 junior pitch is not shown. An unobstructed run-off area of at least 3 metres is required around the whole of the pitch is required for safety reasons. The hedgerow/trees along the southern boundary cannot form part of the run-off area;
  - **5v5 Mini Football Pitch Dimensions:** While the FA no longer uses imperial measurements, the FA's dimensions for a 5v5 mini football pitch are 43 x 33 metres (40 x 30 yards) with a minimum 3m perimeter run-off area. The dimensions shown on the plan are 46 x 50 yards although when measured off the Site Plan appear to be approximately 39 x 27 yards. It would therefore appear that the 5v5 pitch shown would not meet the recommended dimensions (in metres or yards);
  - **Potential 7v7 Mini Football Pitch:** Most sports grounds designed for junior and mini football provide space for accommodating the full range of junior and mini football pitches to provide the flexibility for clubs to meet all of their needs on the same site. While the layout shows a

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9v9 junior and a 5v5 mini pitch, it is unclear whether the layout would offer the flexibility to provide a 7v7 mini pitch instead of a 5v5 pitch if required by the users of the site. It is therefore requested that the site layout shows how a 7v7 pitch could be accommodated as an alternative to a 5v5 pitch if required.



an alternative to a one pitch requirement.

- **NEAP and Car Park:** To provide more space for accommodating football pitches in order to allow a potential 7v7 football pitch to be marked out and to allow pitch markings to be realigned from season to season to address wear, it is requested that consideration be given to reviewing the siting and size of the NEAP and the siting of the car park. It is unclear whether all of the space shown for the NEAP is required and positioning it next to the football pitches is not ideal because when the football pitches are in use this can create conflicts between the users of the NEAP and the football pitches due to the risk of ball strike from the football pitches. The siting of the car park is set back from the road (Main Avenue) and creates some open space between the road and the car park which does not appear to have any function. Collectively the NEAP and car park siting do not make the most efficient use of the space available and if possible the NEAP should be sited away from the football pitches. A reconfiguration of the NEAP and car park on the east side of the sports ground could help address these matters.

To address the above issues, it is requested that a revised layout of the sports ground is prepared which addresses the above points. Dimensions of pitches should be shown in metres rather than yards and should accord with the attached FA guidance

- **Football Pitch Construction and Design:** No details have been provided with the planning application about the proposed construction and design of the football pitches. In order to assess the suitability of the site to accommodate sports pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration due to the need to understand the implications of topography, soils, drainage, surface preparation etc. Without this there is a risk that the pitches will not be fit for purpose because they will suffer from problems such as waterlogging and uneven surfaces. This matter would usually have been dealt with as a requirement of a planning condition imposed on the outline planning permission but such a condition has not been included. It is therefore requested that a sports pitch feasibility study (undertaken by a sports turf specialist/agronomist) is prepared before the application is determined which would assess the ground conditions of the site and recommend a scheme for preparing the playing fields to the required specification. A detailed construction specification would then be prepared based on the study recommendations. Detailed guidance on the issues that require consideration in a feasibility study is set out in Sport England's guidance 'Natural Turf for Sport' <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>. Examples of feasibility studies, details of sports turf consultants etc can be provided upon request. If the Council is of the view that this matter can be addressed through a planning condition being imposed requiring the feasibility study and construction specification to be submitted and approved prior to any construction starting on the sports ground then a model planning condition can be provided upon request.

- **Interim Sports Pitch Maintenance:** Linked to the construction and design, there is a need to ensure that an appropriate maintenance programme for the new sports pitches is put in place to ensure that the pitches are maintained to a suitable standard following their completion prior to handover to the management body. Without this, there is a risk that the quality of the pitches will quickly decline following their completion due to an inadequate or inappropriate maintenance regime being applied. While the section 106 agreement makes provision for a maintenance contribution to fund long term maintenance post handover it does not make provision for interim maintenance by the applicant in advance of the handover. Sport England has experience of local authorities not accepting transfer of sports pitches provided in developments because they have not been adequately maintained during the interim period between construction works being completed and the handover which can sometimes be a considerable time period. To address this, it is essential that an appropriate maintenance programme is delivered by the applicant until the pitches are handed over. It is therefore requested that provision is made for an interim maintenance programme to be prepared which could form part of the above requested playing field construction specification. If the Council is of the view that this matter can be addressed through a planning condition being imposed requiring the interim maintenance programme to be submitted and approved prior to completion of the transfer of the sports ground to the management body then a model planning condition

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can be provided upon request.

- **Ball Stop Fencing:** It is noted that a 2.5 metre chain link fence is proposed around the northern and western boundaries of the sports ground to prevent balls entering the adjoining residential properties and road. While ball stop fencing is welcomed, 2.5m is not considered to be sufficiently high to address ball stop especially behind the goals to the north of the sports ground. The Football Association recommend that 4.5 metre high fencing is provided to provide adequate ball stop. An alternative to fencing is netting or a combination of fencing and netting. It is therefore requested that the height of the proposed fencing is reviewed to address potential residential amenity and highway safety issues arising. A planning condition is also requested that makes provision for the detailed design of the fencing to be submitted and approved.

- **Pavilion and Parking Facilities:** The planning application does not include a floor plan of the proposed pavilion. It is therefore not possible to provide informed advice to the Council on whether the pavilion would meet the specification requirements of the section 106 agreement which are set out in paragraph 5.88 of the Design Compliance Statement. It would not be appropriate to consider the detailed design of the pavilion at a later date through a separate reserved matters application because if the footprint is inadequate for meeting the requirements of the section 106 agreement this may have consequential implications for the layout of the remainder of the sports ground which is being determined through the current application. It is therefore requested that a floor plan is provided to allow an informed assessment to be made. In relation to the car park, the above comments on the siting of the car parking should be considered with a view to maximising the space available for football pitches. Sport England does not provide advice on the quantity of parking provision so it is therefore recommended that the Council considers whether the proposed 25 spaces is adequate for meeting needs
- **Relationship with adjoining Cricket Ground:** The cricket ground to the south of the sports ground has been used in the past by Stansted Hall & Elsenham Cricket Club. This is currently disused for cricket for a number of reasons including the lack of pavilion facilities but the ECB has advised that potential exists for cricket to return to the site in the future. While the applicant has no obligation to design the proposed sports ground to help support the re-establishment of cricket on the adjoining site, the provision of the pavilion and car parking would offer the opportunity to facilitate the re-establishment of cricket which would benefit the residents of the new development which is pertinent given that the proposed sports ground is suitable for football but not cricket. The ECB have therefore requested that the pavilion is designed to support cricket use as well as football use. Sport England and the ECB can provide further guidance on this matter upon request but minor design amendments such as the floor area of the changing rooms can allow the pavilion to be suitable for cricket as well as football. If possible, it is also requested that the layout of the sports ground is designed to facilitate a potential pedestrian access through the hedgerow that separates the sites.
- **Facility Management:** It is understood that following completion of the sports ground, it would be transferred to either Elsenham Parish Council, Henham Parish Council or Uttlesford District Council. It is considered essential that in view of the issues raised above, the views of these bodies in their potential capacity as the future management body of the sports ground are taken into account as decisions taken on the design and layout of the sports ground will have implications of the long term management and sustainability of it.

It is considered that all of the issues raised above require consideration and addressing before the planning application is determined. Without this, the proposed sports ground may not be fit for purpose from a design perspective and may not be responsive to the needs of the community it is intending to serve. There may also be implications for its operational sustainability over a long term period. In view of the range of issues raised above, an **objection** is made to the planning application. I would be willing to review this position if the issues identified above were considered and appropriately addressed as part of the planning application. In view of the range of issues raised above, I would encourage the applicant to discuss the proposals with Sport England before making any amendments to the application as further advice can be provided and any queries can be answered.

to answer.

### **Active Design**

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015) <https://www.sportengland.org/facilities-planning/active-design/>, a guide to planning new developments that create the right environment to help people get more active. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards

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the Government's desire for the planning system to promote healthy communities through good urban design which is consistent with section 8 of the NPPF. Sport England commends the use of the guidance in the master planning process for new residential developments. It should also be noted that the current version of the Essex Design Guide (February 2018) <https://www.essexdesignguide.co.uk/> has embedded the Active Design principles into the guide. The development proposals offer opportunities for incorporating the active design principles and some of the proposals are welcomed and considered to be consistent with the principles. During consideration of the planning application, it is recommended that particular consideration is given to the following matters:

- The pedestrian access to key facilities such as Elsenham Station and bus stops is welcomed. The connection point and supporting pedestrian route to Elsenham Station has also been designed considerably with dwellings overlooking the footpath within the site area to provide natural surveillance and use of street lighting to create a safer environment at night. Furthermore, urban design principles such as permeable development blocks with dwellings fronting the public realm, use of focal buildings, openness and enclosure and the use of materiality on dwellings and shared surfaces, combine to provide a legible, attractive and safe environment for pedestrians. The majority of car parking is on plot, removing cars from the public realm to reduce the dominance of cars. A hierarchy of streets has been applied with a good network of footpaths and pedestrian cycle connections included within the street typologies. However, there is a large amount of 'primary route' in the central and northeast part of the site and we would suggest that some of these streets be downgraded to secondary streets to provide streets that are smaller in size and more focused on pedestrian movement as oppose to vehicular routes.

- There does not appear to be a travel plan included within the proposals and we would request that one is developed to assist with the promotion of active travel opportunities for the site. An important feature of travel plans include welcome packs which provide information on walking and cycling for future residents. This is a simple way to encourage active travel and form new habits to reduce car use as residents move into the site. As the design of the of the school and sports pavilion are developed, we would expect to see supporting cycle equipment such as secure cycle parking, showers and lockers included to encourage users and employees to cycle to the facilities.
- The central location of the LEAP is welcomed and it provides natural surveillance to make space attractive and usable. The open space strategy includes a 'playable landscape' approach with formal play spaces, pedestrian routes that offer a varied activity network utilising landform and natural features. To enhance this aspect of the scheme, informal play and exercise features should be added along the green routes, features such as naturalistic play equipment and trim trail workout equipment would encourage further activity for instance.
- The Building for a Healthy Life Assessment states that rest stops will be provided along the green routes within the scheme to assist visitors with mobility issues and encourage people to connect with nature. However, the landscape proposals appear to only show two benches in the LEAP. To comply with this ambition we would expect to see further benches added to the scheme in key areas such as the green routes, attenuation basin footpaths, the primary school and sports pavilion.
- Potential exists for greater connectivity between the various green spaces proposed within the development and for the creation of a circular footpath around the development for walking and running. For example, there does not seem to be any pedestrian linkages between the central village green, the attenuation basin to the south west of the site and the sports ground. The same would apply to the links between the central village green and the attenuation basin to the north west of the site. There is the potential to connect them up through creating a green link around the western periphery of the site but this opportunity has not been taken. A footpath could connect them all to provide a chain of green spaces for recreational use but instead they would appear to be a series of self-contained green spaces. While there appears to be a continuous footpath around the periphery of the east and north of the development this does not extend to cover the other parts of the development to create a loop;
- It is positive to see integration of landscaping and some integration of SuDS within the site, particularly the eastern attenuation basin has a footpath that activates the space and enables

users to access the amenity benefits of SuDS features. Information boards and viewing platforms should be used to enhance the amenity value of these SuDS features. The attenuation basins to the north west and south west of the site should be supported by circular footpaths and seating to encourage residents to walk to them and around them for informal recreation as the basins provide an additional opportunity for informal recreation. The attenuation basin to the east of the site should be supported by seating at key points on the perimeter footpath;

- The central village green should provide an open area not constrained by landscaping, ponds etc that can be used for community events as this will encourage residents to visit the green for activities;
- Cycle parking should be considered in prominent locations at the front of properties rather than in rear gardens to encourage cycle use.

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries. We would be grateful if you would advise us of the outcome of the application in due course by forwarding a copy of the decision notice.

Yours sincerely

# Agenda Item 8



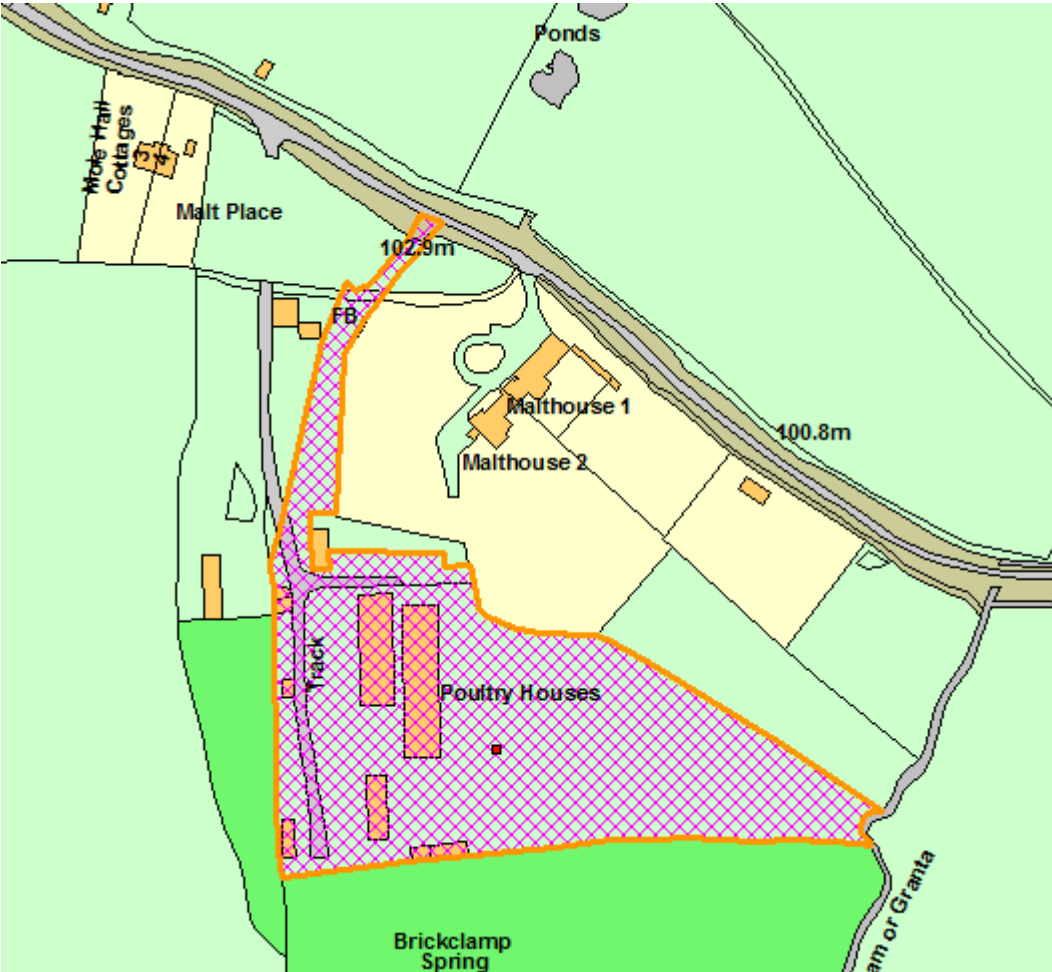
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 25 May 2022

**REFERENCE NUMBER:** UTT/21/2649/FUL

**LOCATION:** LAND REAR OF MALT PLACE, CORNELLS LANE, WIDDINGTON

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022

**PROPOSAL:** Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

**APPLICANT:** Mr M King

**AGENT:** Mr Christopher Hennem (Pelham Structures Ltd)

**EXPIRY DATE:** 23 October 2021

**EOT Expiry Date:** EOT Agreed to 1 June 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits

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

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**1. EXECUTIVE SUMMARY**

- 1.1** This application was presented to members of the planning committee on 13<sup>th</sup> April 2022 with a recommendation for approval subjected to suggested conditions.
- 1.2** Members concluded and reached an agreement to defer making a decision at this meeting and requested officers to negotiate with the applicant for an offsite affordable housing contribution.
- 1.3** Members of the planning committee will recall that the proposals did not include the provision of on-site affordable housing or a financial contribution towards off-site affordable housing. In terms of affordable housing there is none proposed as part of the extant schemes and there is no net increase in dwellings proposed by the revised. However, in policy terms affordable housing should be sought by the council but only if it is viable to do so.
- 1.4** Following the committee meeting officers contacted the applicant and discussions were held regarding the potential of providing an off-site financial contribution towards affordable housing. The discussions, followed by a conclusion are summarised below.



- 1.5 The applicant has confirmed that they don't wish to construct the current approved schemes that can still be lawfully carried out as it is the applicant's opinion that this would not be reflective of the high quality that they strive to achieve with their developments.
- 1.6 The applicant submits that if this revised scheme isn't approved then the site will have to be sold to another third party. The applicant has advised and provided evidence that they have received an offer for the site based on the existing permissions (offer not disclosed as it contains private and confidential information). However, it is the applicant's preference to see a better development delivered on the site, provided it doesn't significantly diminish their financial return. Hence, the applicant has advised that they are happy to pursue the revised application.
- 1.7 The applicant has confirmed that in respect to the ability of the site to provide affordable housing, the issue is thereby in respect to viability. It has been presented to officers that both schemes whether for the existing permissions or this application seeking the new builds will deliver a similar land value for them.
- 1.8 This is because the conversion scheme will be cheaper to complete but will generate lower end values and the new build scheme will be more expensive to deliver but will generate higher end values. One offsetting the other in financial terms.
- 1.9 The applicant has advised that they would prefer to see the higher quality scheme delivered and is therefore willing to accept a lower premium and is therefore willing to offer a £25k offsite affordable housing contribution.
- 1.10 It is also reminded as demonstrated in this report and presented at the previous committee that 9 of the 10 units proposed consist of 1 and 2 bed units meaning that they will likely be some of the most affordable properties in the area.
- 1.11 Officers concluded that the revised scheme will be a much-improved development providing much needed smaller properties in the village, helping people get onto the property ladder and that the additional offer of a £25,000 as an offsite contribution towards affordable housing is a fair and reasonable offer.

## 2. **RECOMMENDATION**

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

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

**And**

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

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this planning application relates to the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington, Essex'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site is located on the southern side of Cornells Lane approximately 275m east of Mole Hall Lane on the outskirts of the village of Widdington. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography is relatively level. The site has an area of approximately 1.4 hectares. The application site is accessed from Connells Lane.
- 3.3** The site is a former poultry farm, with extensive boundary vegetation, several substantial existing structures and a large area of meadow land. The former poultry buildings are proportionate in size to this topography and are located in an open area and have a utilitarian agricultural appearance that integrates with the rural landscape. The buildings on the site are not in a good state of repair.
- 3.4** There are some dwellings along this part of Cornells Lane that spread out from the village. Three are in reasonably close proximity to the north of the application site and have large gardens. Large arable fields used for agriculture are located to the south, east and west of the site.

**4. PROPOSAL**

- 4.1** The applicant seeks planning permission for the demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings along with associated access, parking and landscaping.
- 4.2** Various applications have been granted planning permission recently under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL. Full details of these application are provided below in Section 6 (History) of this report.
- 4.3** Collectively the extant permissions listed above have granted permission to allow for the demolition of three existing buildings, to convert two existing buildings into 4 and 5 residential dwellings respectively, and for the erection of a single detached dwelling. In total, permission has been

granted for creation of 10 dwellings on the site which can still be lawfully carried out.

**4.4** This full application thereby sets out to combine the above granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development in order to create a higher quality environment.

**4.5** The proposals in large remain almost the same as that of which has already been collectively granted consent for with the exception of a few minor alterations as summarised below:

**4.6** A change of elevational treatment of the buildings to appear as more traditional farm buildings, with external boarding and slate grey roofs. The two larger buildings to be demolished and replaced with new buildings.

The relocation of the western building 2.5m to the west to increase the separation between the two buildings.

Additional parking and garden space to be provided to plot 10.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

**6.1** A search of Council's records indicates that there is extensive planning history for the application site with the most relevant to the proposals being those applications outlined below:

**6.2**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/20/2154/FUL	Conversion of Existing agricultural buildings to 5no. dwellings with associated parking and landscaping.	Allowed by appeal APP/C1570/W/20/3264013 15 June 2021
UTT/20/0876/FUL	Replacement of Existing Single Storey Agricultural Building with 1no. dwelling (Revised scheme to approved UTT/17/2960/PAP3Q)	Granted 11 June 2020.
UTT/20/3016/FUL	Conversion of existing single storey agricultural building to 4 no. residential units.	Granted 16 April 2021.

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

7.1 No pre-application of public consultation was carried out prior to the submission of the application.

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

### **8.1 Highway Authority - 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.

### **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 based on suggested conditions as shown in Section 1 of this report.

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Widdington Parish Council**

The Parish Council objects to this application on the following grounds:

The application is in conflict with Policy GEN 1 Access, located almost a mile from the centre of the village, which is serviced by an irregular and infrequent bus service, and on a single-track protected land with no pavement but which leads to several businesses so is frequently used by large vehicles, the development can in no way encourage movement by means other than driving a car.

The application is in conflict with Policy GEN 2 Design on several levels including compatibility with scale, layout and appearance, alongside the removal of environmental features of the setting, which sits alongside ancient woodland.

WPC do not support development outside the village envelope.

The Parish Council notes that previous applications to demolish and replace these sheds UTT/18/3523/FUL and UTT/20/0860/FUL were refused because of the harm caused to the area and the inappropriate style of the development.

The Parish Council also notes a number of inaccurate statements in this application, including;

- There is no 30mph limit in this section of Cornell's Lane.
- The site is almost 1 mile from the village, not adjacent to or within a short distance of.
- The roads are only suitable for experienced cyclists and the footpaths are for recreational use and are unsuitable for work access.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer – Advice Given**

**10.1.1** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 hectares which applies to this application as the site is 1.4 hectares. The application is for 10 units and so 4 affordable housing units are required.

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

**10.2.1** In making my response I note that previous applications for this site have gone to appeal and I have referenced Ref: APP/C1570/W/20/3264013 and noted the conditions therein. I consider that these remain valid and recommended approval subject to conditions as highlighted in Section 17 of this report.

### **10.3 Cadent Gas – No Objection**

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

### **10.4 Gigaclear Ltd – No Objection**

**10.4.1** Confirmed that they had no objections and requested that details regarding the location of their assets be made available to the applicant or anyone carrying out any works that may affect their apparatus.

### **10.5 National Grid – No Objection**

**10.5.1** An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High-Risk zone from National Grid Electricity Transmission plc's apparatus and can proceed.

### **10.6 NATS Safeguarding – No Objection**

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

### **10.7 Stansted Aerodrome Safeguarding**

**10.7.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to Conditions as highlighted in Section 17 of this report.

**10.8. Anglian Water – No Objection**

**10.8.1** Wastewater Treatment

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

Used Water Network

The Drainage Statement and Strategy states that the foul drainage from the development will discharge via an onsite package treatment plant. This is outside of our jurisdiction for comment, we therefore have no comments to make on the drainage strategy.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

**10.9 Affinity Water – No Objection**

**10.9.1** We have reviewed the development and do not have any comments to make.

**10.10 ECC Place Services Ecology – No Objection**

**10.10.1** Confirmed that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions.

**10.11 Crime Prevention Tactical Adviser – No Objection**

**11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the

local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

## **11.2 Object**

**11.2.1** The additional home would result in further vehicles within the locality and thereby result in more noise and air pollution to local residents.

Construction works would result in further unacceptable noise and disturbance.

The proposals has the potential to see a huge increase of vehicles using a single track country lane which is a 'no through' road. It is already experiencing access and exit problems particularly when heavy farm vehicles like combine harvesters trundle up and down.

Verges are continually being irreparably damaged and eroded by delivery van, lorries and supply vehicles.

The village infrastructure and its environment cannot sustain further developments of this magnitude.

The proposals will clearly open the door for the next tranche of applications to achieve a large urban development in open countryside.

The proposals will cause a visual effect to the countryside.

The proposals will be unsustainable. There are no shops, schools or employment within walking or cycling distance, and the bus service is limited and under threat.

The proposals will harm protected species and their habitats

Allowing residential development on this site will cause significant harm and also create a precedent that will encourage other such projects and hence cause further damage.

Supporting document has misleading or inaccurate information.

## **11.3 Comment**

**11.3.1** The above concerns raised within the representations are covered in full detail within the main assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

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

“Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

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

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

(c) any other material considerations.

## **12.4 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

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

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

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV11 – Noise Generators

ENV14 – Contaminated Land

H9 – Affordable Housing



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

Accessible Homes and Place Space (November 2005)  
Energy Efficiency and Renewable Energy (October 2007)  
Urban Place Supplement to the Essex Design Guide (March 2007)  
Essex County Council Adopted Parking Vehicle Standards (2009)  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Countryside Impact**
  - C) Character and Design**
  - D) Housing Mix and Tenure**
  - E) Neighbouring Amenity**
  - F) Parking and Access**
  - G) Landscaping, open space**
  - H) Nature Conservation**
  - I) Contamination**
  - J) Flooding**

### **14.3 A) Principle of Development**

**14.3.1** It is acknowledged that planning permission has already been granted under three separate applications for the conversion of replacement of existing buildings on the site to form a total of 10 residential units. Although the works approved as part of these applications have not commenced to date, the time in which these permissions as confirmed by relevant imposed planning conditions has not expired. Thereby these granted permissions remain extant and can still be lawfully carried out. This is a material consideration in the assessment of this application.

**14.3.2** It is the applicant's intention with the submission of this application to combine the granted applications into effectively one single application with some minor modifications.

**14.3.3** It is considered that this will help to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment rather than a piece meal development of the site that would not ideally link or relate to one another.

**14.3.4** Although the application represents new built form rather than the conversion or replacement of existing rural buildings that have been granted permission, the proposals will incorporate the same number of residential units which will be of a similar design and layout.

**14.3.5** Given that the principle of developing the site for residential use has already been assessed and found to be appropriate including that of its location and sustainability, it is concluded that this application that would deliver a more cohesive development is appropriate in principle subject to other planning merits as assessed per below.

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

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

**14.4.2** It is acknowledged that the surrounding landscape consists of gently undulating arable fields, stitched together with tree-lined hedges and small pockets of mixed woodland with open views over the existing countryside.

**14.4.3** The application site presents a deep soft landscaped buffer to all boundaries in the form of mature trees and hedgerows and additional soft planting will provided as part of the proposals. The application site's boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of built form outside its immediate boundaries.

**14.4.4** When seen from a distance it is not just the siting of a building which is apparent but also its scale. Tight clusters of buildings generally look more settled in the landscape than scattered ones. The new buildings are single storey in height, would not stand in isolation and forms part of a cluster of buildings.

**14.4.5** The amount of built form would replicate the existing buildings that are proposed to be removed from the site, and as such there would be not significant increase of development compared to that of exiting conditions. Furthermore, the proposals would not be significant larger in scale and size compared to that of which could be lawfully carried out under the extant planning permissions.

**14.4.6** In outlying views towards the site, the landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.

**14.4.7** The development proposal would have limited visual influence on the rural surroundings and the rural landscape context would not be notably altered or harmed. The new building would be screened and contained within the established natural structure of the site when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the site set behind the established boundary treatments

**14.4.8** Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

## **14.5 C) Character and Design**

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

**14.5.2** Although the principle of the development of the site has been established via the granting of previous permissions, the built-form context is an important material consideration to successfully reinforce the Essex building tradition against bland and inconsiderate design. The interplay between buildings and spaces and the scale of these relationships can largely determine local character, even before architectural appearance and style is considered.

**14.5.3** It is regarded that the proposed layout has taken into account the design principles of the previous granted schemes and incorporated these to make the best and most efficient use of the site, whilst preserving and enhancing the natural and built environment, respecting the character of the surrounding locality and the amenities of surrounding buildings.

**14.5.4** The layout positively responds to the site constraints and the arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development.

**14.5.5** The layout is similar to the extant permissions but with several minor alterations to allow and improve the quality of the scheme. The two larger buildings that are currently approved for conversion for 4 and 5 dwelling retrospectively are now proposed as new builds centrally within the site. This now enables the relocation of the western building to be set back a further 2.5m to the west of the eastern building thereby creating a more spacious separation between the two buildings and improving the living standards of future occupiers.

**14.5.6** It is also proposed to amend the area around the detached dwelling so that it has a larger garden and shares the access drive with the other dwellings.

- 14.5.7** In terms of height, the applicant has taken the opportunity to provide single storey buildings. The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings. Furthermore, the scale of the proposed will be comparable to the approved schemes.
- 14.5.8** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. Overall, a simple palette of materials that includes variation in facing bricks, roof tiles and weatherboarding is proposed.
- 14.5.9** The architectural treatment has been designed to provide a cohesive development as a whole, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.5.10** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.5.11** For 1 and 2-bedroom dwelling units, the provision of 50sqm of amenity area and 100sqm for a 3 bedroom or more has found to be acceptable and a workable minimum size that accommodates most household activities in accordance with Policy GN2 of the Adopted Development Policies and the Essex Design Guide.
- 14.5.12** Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.5.13** The overall design of the development has also been heavily influenced by amenity considerations relating to the level of amenity likely to be experienced by future occupiers of the site and neighbouring properties. As a result, individual dwelling relationships and separations have been designed to ensure no adverse impacts by way of overlooking, overshadowing, visual intrusion or loss of privacy are likely between dwellings.

## **14.6 D) Housing Mix and Tenure**

- 14.6.1** The NPPF refers to the objective to create mixed and balanced communities, and within this context, requires the size, type and tenure of housing needed for different groups to be assessed and reflected in local planning policies. Policy H10 of the Local Plan requires that on large sites, a significant proportion of market dwellings should be small properties.
- 14.6.2** The application proposes the same number of units and mixed as to that of the extant schemes. The mix includes:

2 x one-bedroom dwellings  
7 x two-bedroom dwellings  
1 x three-bedroom dwelling

**14.6.3** The development will provide a genuine mix of dwelling types and sizes, which will create a sustainable, mixed and balanced community at the site and contribute to the range of house types and sizes in the local area.

**14.6.4** It is National Planning Policy that for applications involving major development (10 or more units in total or sites of 0.5 hectares or more in area) the provision of on-site affordable housing is required.

**14.6.5** It is acknowledged that no on-site or off-site affordable housing provision is proposed as part of the application which is contrary to policy. However, when one takes into consideration that history of the site which allows for 10 market dwellings, the lack of affordable units is not regarded to be significant as this would not be materially different to what can currently be built out. It is also considered to be unreasonable under the circumstances.

**14.6.6** Furthermore, and as defined above, nine of the ten dwellings are to be of 1 or 2-bedroom units which will be generally affordable to some extent compared to larger housing and thereby allowing for first time home buyers or those struggling to get on the property ladder affordability to be able to purchase an affordable residential unit in the local community.

**14.6.7** On balance, it is thereby considered that the lack of specific on-site affordable housing is by no means a reason to refuse the scheme.

#### **14.7 E) Neighbouring Amenity**

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

**14.7.2** The proposals have been designed such that all proposed dwellings comply with the Essex Design Guide requirements. The relative separation, orientation of the dwelling in respect to their relationship with adjoining properties are such that this ensures that high levels of amenity are achieved and there are no unacceptable impacts such as those identified in Policy GEN2.

#### **14.8 F) Parking and 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 not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 14.8.2** The existing access of Cornells Lane will provide the main ingress point in and out of the site. The location of the vehicle access will remain unchanged from that approved under the extant permissions. A shared driveway will extend up to the dwellings and lead to several parking courts where off-street parking is provided for future residents.
- 14.8.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld. The application was consulted to the Lead Local Highway Authority who concluded that they had reviewed the supporting documentation and that they had no objection subject to imposing condition as highlighted in Section 17 of this report.
- 14.8.4** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards', which require a minimum of 1 off street parking space for a 1-bedroom unit and 2 off street parking spaces for either a 2 or 3-bedroom dwelling.
- 14.8.5** Parking spaces for all dwellings are provided in accordance with the UDC requirements. All proposed plots have the use of 2 off street parking spaces each. A total of 26 spaces have been provided, including visitor spaces.
- 14.9 G) Landscaping, open space**
- 14.9.1** All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.9.2** The proposals would include the retention of hedgerows and trees along the boundaries of the site. The applicant stipulates that as with the extant permissions, it is proposed to plant new hedging and trees to separate the proposed gardens and further planting will also be created to screen parking areas so that they blend into the landscape.

**14.9.3** This will help the development to define spaces and soften the building forms. It will also help to provide natural screening of the development and enhance the public realm in order to enrich the open spaces to achieve a better sense of wellbeing and place making for future residents.

#### **14.10 H) Nature Conservation**

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

**14.10.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.

**14.10.3** The application is supported by an Ecology Survey report which has been reviewed by Places Services Ecology Officer. They concluded that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions. The proposals would thereby comply with Policy GEN7 of the Adopted Local Plan and the NPPF.

#### **14.11 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.

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

**14.12.3** In respect to drainage, the application is supported by a Flood Risk Assessment. Essex County Council who are the lead local flooding authority have assessed the documentation and confirm that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing conditions requesting

further documentation is submitted prior to works commencing on the site to ensure appropriate sustainable drainage infrastructure is provided and to minimise the risk of flooding on the site and elsewhere. Subject to appropriate mitigation measure being put in place, the proposals comply with both Policy GEN3 and the NPPF.

## **15. ADDITIONAL DUTIES**

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

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

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

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

### **15.2 Human Rights**

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

## **16. CONCLUSION**

**16.1** The submitted application seeks permission to remove the existing three modest size buildings on the site and replacing them with ten residential units with associated vehicle access, parking and landscaping.

**16.2** Although the principle of the proposals would normally be one of which the 'tilted balance' would normally apply as they cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS, in this instance the principle of the development of the site for residential has already been established through the



granting of previous applications for a total of 10 new dwellings either through the conversion or replacement of existing buildings.

- 16.3** This application thereby sets out to combine the granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment. The principle of the development of the site for residential is appropriate as it generally accords to the design values of the extant planning applications.
- 16.4** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 16.5** The proposals seek to respond to the location of the site on the edge of the settlement and provide a good quality development as the village is approached from the west. The proposals have developed iteratively, and the design proposed is considered to optimise the site for residential development, whilst responding appropriately to local housing need and the surrounding context.
- 16.6** The dwellings would nestle into a largely contained and framed site, thereby resulting in a limited influence beyond the site itself and its immediate setting. The proposed development would not be harmful to the character and appearance of the landscape or local countryside.
- 16.7** The proposals would amount to an appropriate mix of housing to provide for a balance community and provide appropriate levels of internal and external amenity provisions to meet future residents. Although there is no provision of affordable housing as part of this application, on balance, and for the reason provided in this report, this is appropriate.
- 16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.9** It is therefore recommended that the application be approved subject to the suggested conditions below.

**17. S106 / CONDITIONS**

**S106 HEADS OF TERMS**

- (i) Financial contribution of £25,000.00 towards off-site affordable housing.
- (ii) Monitoring cost
- (iii) Pay the Council's reasonable legal costs

## **CONDITIONS**

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

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

- 2** The development hereby permitted shall be constructed in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works are carried out as assessed and in respect to the visual amenity of the areas in accordance with Policy GEN2 of the Adopted Local Plan.

- 3** Prior to any of the development hereby permitted is commenced, details of all materials to be used in the external finishing of the building shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with Policy GEN2 of the adopted Local Plan.

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

- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- b) Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the

half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

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

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy GEN3 and the NPPF.

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development on accordance with Local Plan Policy GEN3 and the NPPF.

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

maintenance company, details of long term funding arrangements should be provided.

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the adopted local plan and the NPPF.

- 8** Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity.

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

- 9** Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

- 10** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety in accordance with adopted local plan policy GEN1, GEN8 and the NPPF.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with adopted local plan policy GEN8 and the NPPF.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with NPPF.

- 14** Each pond should be planted with dense marginal aquatic vegetation around the peripheries, and throughout the basin, to reduce the attractant to hazardous waterfowl and, in particular, breeding feral geese. The developer should demonstrate a commitment to the SUDs maintenance plan being in place for the lifetime of the site.

REASON: In the interests of flight safety in accordance with NPPF.

- 15** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Tree Protection Methodology BS 5837:2012 (A. R. Arbon, September 2021) and updated Ecology Report (A. R. Arbon, May 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), Policy GEN7 of the adopted Local Plan and the NPPF.

**16** The following sett closure shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998, policy GEN7 of the adopted local plan and the NPPF.

**17** A Precautionary Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021, Policy GEN7 of the adopted Local Plan and the NPPF.

**18** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) policy GEN7 of the adopted local plan and the NPPF.

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

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

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

## STATUTORY CONSULTEE RESPONSES:

### Highway Authority & ECC SUDs

Your Ref: UTT/21/2649/FUL  
Our Ref: 19781  
Date: 31<sup>st</sup> January 2022



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

Andrew Cook  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/21/2649/FUL  
Applicant Mr M King  
Site Location Land Rear of Malt Place Cornells Lane Widdington  
Proposal Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

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

1. Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.
3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. **Reason:** To ensure that appropriate parking and turning is provided in the interests of highway safety.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to



occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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

Informative:

- i. The site has previously been granted numerous planning approvals which permit a total of 10 dwellings.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding)

*FMassie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Sophie Currey  
Telephone: 03330 133058  
Email: [sophie.currey@essex.gov.uk](mailto:sophie.currey@essex.gov.uk)

## Lead Local Flooding Authority:

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



Lindsay Trivillian  
Uttlesford District Council  
Planning Services

Date: 20<sup>th</sup> Jan 2022  
Our Ref: SUDS-005492  
Your Ref: UTT/21/2649/FUL

Dear Lindsay Trivillian,

### **Consultation Response – UTT/21/2649/FUL– Land Rear of Malt Place Cornells Lane, CB11 3SP**

Thank you for your email received on 22/11/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

#### **Lead Local Flood Authority position**

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

##### **Condition 1**

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### **Reason**

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

#### **Condition 2**

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

#### **Reason**

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will

cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

### **Condition 3**

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

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

### **Reason**

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

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

### **Condition 4**

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

### **Reason**

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

We also have the following advisory comments:

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

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

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

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

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

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

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

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

### **INFORMATIVES:**

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

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

Yours sincerely,

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

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

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

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- Sustainability of the development

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

# Agenda Item 9



**ITEM NUMBER:** 9

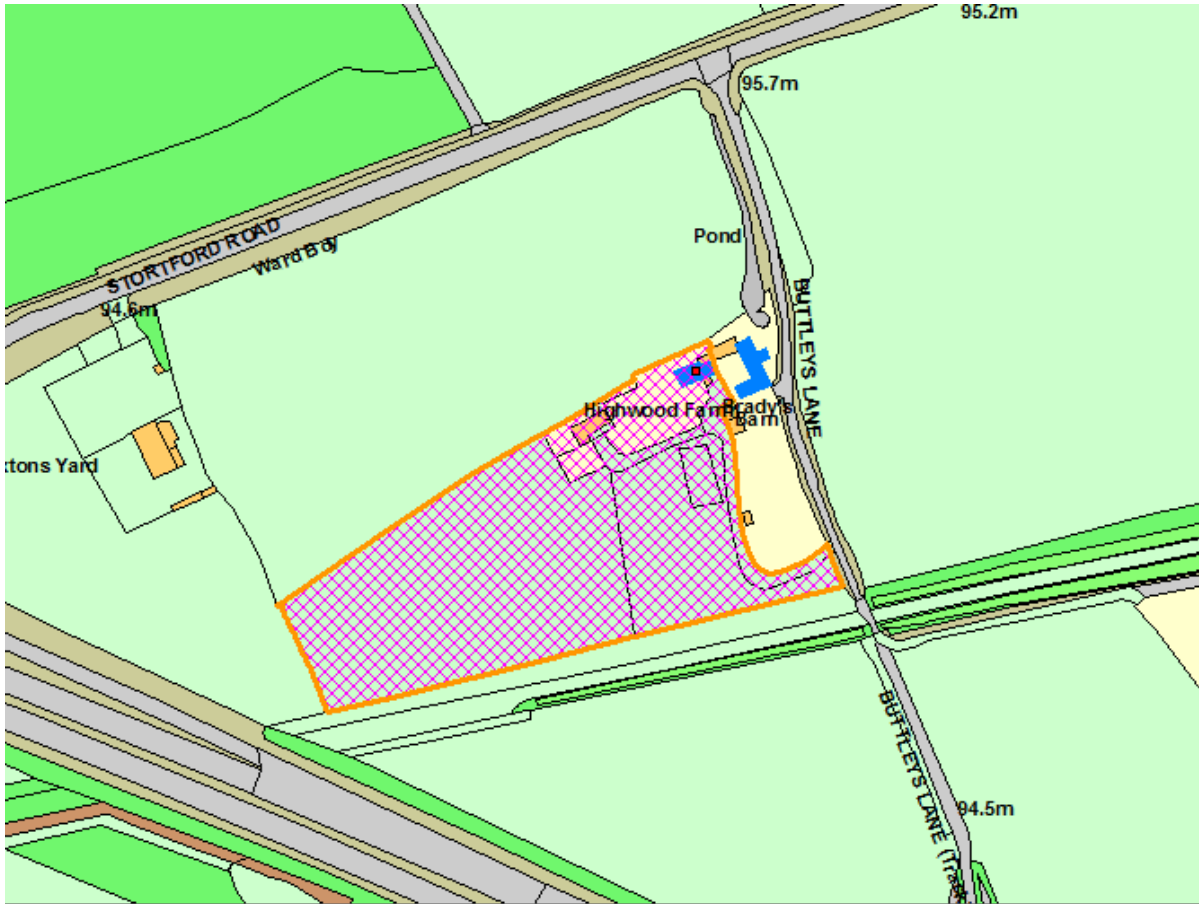
**PLANNING COMMITTEE DATE:** 25 May 2022

**REFERENCE NUMBER:** UTT/22/0391/OP

**LOCATION:** HIGHWOOD FARM, STORTFORD ROAD,  
DUNMOW



**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10<sup>th</sup> May 2022

**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:** 27 May 2022

**EOT Expiry Date**

**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.

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## **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** 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 policy GEN1

**1.3** The proposals do not comply with the requirements of Policies S7 and ENV2 which seek, to protect the character of the area and the setting of listed buildings. The proposals also fail 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 Interim Director of Planning and Building Control be authorised to **REFUSE** permission for the development for the reasons set out in section 17

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

- 3.1** The applications it 1.3 hectares (approximately) is located to the west of Buttley's Lane and to the south of Stortford Road (B1256) to the west of Great Dunmow.
- 3.2** Access is from Buttley's Lane, a single lane track.
- 3.3** The Flitch 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 has been approved 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** 60 dwellings have been approved to the site to the north under UTT/19/2354/OP
- 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  
 Tree Survey  
 Suds Checklist

4.3 The application is supported with an indicative master plan and a set of guiding design principles and a plot passport.

4.4 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.

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
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 new access Change of use from agricultural land to garden use	Approved with conditions
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 conditions	with
UTT/13/1370/LB	Conversion of barn and stable to dwelling including internal alterations	Approved conditions	with
UTT/15/2046/HH F	Proposed new access/drive way with the erection of new gate/fence.	Approved conditions	with
UTT/15/2326/FUL	Conversion of barn and stable to dwelling (amendments to planning application UTT/13/1284/FUL)	Approved conditions	with
UTT/15/2329/LB	Conversion of barn and stable to dwelling (amendments to listed building consent UTT/13/1370/LB)	Approved conditions	with
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	<p>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.</p> <p>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</p>	Approved conditions	with

	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.

## **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 - Objection**

8.1.1 The impact of the proposal is not acceptable to the Highway Authority.

### **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 conditions

### **8.3 Historic England - No Advice Given**

8.3.1 Do not wish to advise

### **8.4 Manchester Airport Group - No Objection**

8.4.1 No objections subject to conditions.

## **9.0 TOWN COUNCIL COMMENTS**

9.1 No comments received.

## **10. CONSULTEE RESPONSES**

10.1 UDC Environmental Health - No Objection

**10.1.1** I have no objection in principle to this development and recommend the following conditions that could be imposed at the reserve matters stage.  
Comments  
Noise Impact Assessment on the proposed Dwellings from Existing Environmental Noise Sources.

The site is in close proximity to the A120 which will provide the predominate noise source. There is one other potential noise source from the from the activities of the existing Dunmow Fencing Supplies which borders the west of the proposed site.

For this reason, a noise assessment report will be necessary to consider the impacts of noise and the possible mitigation measures.

I therefore recommend the following condition:

No above residential development shall take place until noise assessment is undertaken to assess the impact of road traffic noise, and other sources on the proposed development. Noise monitoring should be a minimum a 3-day noise survey shall be undertaken and submitted to the Local Planning Authority prior to any reserved matters application to fully assess the noise environment in this location.

Should it be determined that the baseline monitoring is affected by the existing activities of Dunmow Fencing Supplies, in accordance with the requirements of BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound', the character of the noise emission(s) would inform the addition of rating penalties (to account for impulsive, tonal, intermittent, or other identifiable characteristics) to the baseline noise measurements. A combination of the existing baseline noise levels and applied rating corrections would need to be taken into consideration when considering the appropriate noise mitigation measures. the assessment of site suitability.

The glazing, façade, and ventilation specification of the dwellings shall be designed to achieve the following environmental noise limits internally: Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax. Living Rooms (07.00-23.00 hrs) 35 dB LAeq External amenity areas shall be screened against road traffic noise where necessary to achieve LAeq16h not exceeding 55dB in at least part of each garden.

A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic and other sources will need to be submitted to and approved in writing by the local planning authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014

The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

Dining - Dining room/area 40 dB LAeq,16hour

Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dB LAeq,16hr. If a threshold level relaxation to 55 dB LAeq,16hr is required for external areas full justification and explanation should be provided.

Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

Noise from the system will not present an adverse impact on occupants  
The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

The alternative means of ventilation shall be maintained thereafter.

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

There is no indication of the installation of air source heat pumps. If this is 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.

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

## 2. Air Quality

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles.

*A condition requiring a charging point for electric vehicles is requested.*

## 3. Contaminated land

Whilst we have no evidence that the proposed site land is contaminated, as a minimum a precautionary land contamination condition is recommended.

Phase 1 Contaminated Land



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. No part of the development should be occupied until all remedial and validation works are approved in writing. Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Suggested informatives

Renewable Technologies:

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.

Construction

Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

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

**10.2.1** Built Heritage Advice pertaining to an 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.

The site is a field to the south and west of Highwood Farm. There are two Grade II listed buildings affected by the application:

Highwood Farmhouse (list entry no: 1323789), a late fifteenth-century farmhouse, timber-framed and plastered with a half-hipped crosswing and red plain tile roof.

Barn at Highwood Farm (list entry no: 1142502), a seventeenth-century timber-framed and weatherboarded barn with red pantile roof, of four bays with gabled midstrey to east, now in residential use.

Historically, the application site was a field, closely associated with the historic farmstead as part of its core agricultural land. Historic England guidance on *The Setting of Heritage Assets (2017)* identifies various attributes of setting which contribute to significance, including

*‘surrounding landscape, views, tranquillity, remoteness and land use’.* The application site makes a positive contribution to the setting, experience and appreciation of Highwood Farm as an historically isolated farmstead surrounded by agricultural land, providing a rural context for the listed buildings.

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:

UTT/13/2107/OP development of 790 homes on the north side of Stortford Road

UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings

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

The Built Heritage Statement (August 2019) accompanying application UTT/19/2354/OP identified that development on the field directly to the north of the listed buildings would result in a moderate level of less than substantial harm to the heritage assets at Highwood Farm.

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 therefore needs to be considered.

The Heritage Statement submitted as part of the suite of application documents concludes that:

*Whilst the proposed scheme is considered to cause a low degree of harm (low end of the less than substantial) to the setting of the listed buildings as it would erode some of its rural setting, this harm has been minimised, and that the remaining harm is justified.*

I consider that this conclusion underestimates the harm that the proposals would cause to the setting and significance of the heritage assets. 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.

Given that moderate harm was identified as a result of the development to the north, I consider 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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special regard to the desirability of preserving a designated heritage asset or its setting, while NPPF (2021) para 199 requires local authorities to give great weight to a designated heritage asset's conservation.

Overall, it is considered that 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

### **10.3 Place Services (Ecology) - No Objection**

**10.3.1** No objection subject to securing biodiversity mitigation and enhancement measures

### **10.4 Place Services (Archaeology) - No Objection**

**10.4.1** An Archaeological Programme of trial Trenching followed by an Open area of Excavation is recommended,

### **10.5 Cadent Gas - No Objection**

**10.5.1** No objections

### **10.6 Flitch Way Action Group**

**10.6.1** I am Secretary of Flitch way action Group and Uttlesford area representative for Essex Bridleways Association. I welcome the reduction from 35 to 14 houses. However, I believe the access route for this development will have a detrimental impact on users of nearby public rights of way. Buttleys Lane is a single-track rural lane giving access to a network of footpaths, bridleways and byways. It is a key route for walkers, horse riders and cyclists. The connecting public rights of way include Footpath 18\_32 to the east which is to be upgraded to a bridleway as part of the new bridleway linking the severed sections of the Flitch Way, Byway 18\_34 to the south connecting with the Flitch Way, Bridleway 33\_37 (the section of the Flitch Way rerouted to allow for the A120 dual carriageway) to the west, Bridleway 18\_33 to the north alongside High Wood.

Buttleys Lane is part of National cycle Route 16. Local equestrians ride it and Essex Bridleways Association run an annual ride which attracts anything up to 120 riders along it (September 4<sup>th</sup> this year).

The sight lines along Buttleys Lane are poor: contrary to the photographs accompanying this application, you can't see to the B1256 from the exit suggested for this development. Drivers won't be able to see riders, cyclists and walkers and the narrow width of the road won't allow for them to step aside out of harm's way. If motorised users could be relied upon to follow the new Highway Code provisions designed to protect pedestrians, cyclists and horse riders, there would be less cause for concern since drivers would not attempt to pass a cyclist or horse rider on Buttleys Lane.

But realistically it is to be expected that drivers will try to pass and put vulnerable road users at risk. If this application is approved, I ask that the exit route be via the development immediately to the north thus avoiding the risk of unpleasant encounters between motorised traffic and walkers, horse riders and cyclists? The new national speed limit signs at the entry to Buttleys Lane do nothing to encourage drivers to proceed slowly and with care. If Buttleys Lane must serve as the access to this development, I ask that these signs be replaced with 10mph signs, speed bumps and warnings to look out for and give priority to walkers, horse riders and cyclists.

## **10.7 Stansted Airport Aerodrome Safeguarding authority - No Objection**

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

All future design details will need to be checked by the aerodrome safeguarding authority.

Reason: Flight safety – elements of design can pose a hazard to flight safety.

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

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

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

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

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

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

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

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

## **10.8 Essex Police**

**10.8.1** 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 Self Build award, see Self Build 2019 Guide: <https://www.securedbydesign.com/guidance/design-guides> . 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.

## **10.9 Anglian Water - No Comment**

**10.9.1** No comment

## **10.10 MOD**

**10.10.1** The pipeline has been declared as redundant.

## **10.11 Thames Water - No Objection**

**10.11.1** No objection

## **10.12 UK Power Networks**

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

## **10.13 Affinity Water - No Comment**

**10.13.1** No comment

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 101 notifications letters were sent to nearby properties. The application was advertised on the 10<sup>th</sup> March 2022

### **11.2 Summary of Representations**

Highways Safety  
Lack of provisions for cyclists and walkers  
Impact on Flitch Way  
Impact of privacy

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

### **12.4 The Development Plan**

**12.5** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)

Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

### **13. POLICY**

#### **13.1 National Policies**

#### **13.2 National Planning Policy Framework (2021)**

Planning Policy Guidance

#### **13.3 Uttlesford District Plan 2005**

Policy S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 -Flood Protection Policy  
GEN4 - Good Neighbourliness Policy  
GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H9 - Affordable Housing,  
H10 - Housing Mix Policy  
H1 – Housing Development  
ENV2 - Development affecting Listed Buildings Policy  
ENV3 - Open Space and Trees, Policy  
ENV7 The protection of the natural environment designated sites  
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

#### **13.4 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.

### **13.5 Supplementary Planning Document or Guidance**

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

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Highways Safety and Parking Provision**
  - C) Design and Amenity**
  - D) Biodiversity**
  - E) Impact on setting and adjacent listed building**
  - F) Affordable Housing/Housing Mix**
  - G) Contamination**
  - H) Drainage and Flooding**

**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 five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 YHLS. The latest housing delivery test is 99%.



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

A provision of 14 residential dwellings would make a valuable 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 5 YHLS. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.52-YHLS. 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 5 YHLS.

**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.

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)..It is therefore necessary to assess whether the application proposal is sustainable development.

- 14.3.9** The proposal seeks the erection of 14 self-build dwellings together with access from and improvements to Butleys Lane.
- 14.3.10** 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.
- 14.3.11** 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.
- 14.3.12** 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.
- 14.3.13** 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.
- 14.3.14** 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).

- 14.3.15** 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. effect that would be harmful to the setting and character of the countryside. Great Dunmow has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

- 14.3.16** 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.

- 14.3.17** 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.

- 14.3.18** 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 (the impact on the Heritage assets are considered below) The proposal would have a detrimental

impact on the character and setting of the Listed building, which would need to be weighed against the benefits.

- 14.3.19** In view of the adjacent approved applications (allocated and at appeal), taking into account the lack of 5 YHLS, 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. 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.

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.

- 14.4.2** The proposals are indicated to have one point of access onto Buttleys Lane.

- 14.4.3** Access falls to be considered for this outline application. Essex County Council Highways 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 Flitch 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.

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 and every effort should be made to achieve this.

**14.4.4** As such there is insufficient information has been supplied for the application to comply 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.

**14.4.5** 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](http://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.

**14.4.6** 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.

**14.4.7** 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 25m<sup>2</sup> 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 GEN 2 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 sated on the master indicative plan.

**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 view of the sites 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.

**14.5.15** 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.

**14.5.16** 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.

**14.5.17** As appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made. Notwithstanding this, the indicative layout shows that the proposed development could eb accommodated on site without giving rise to residential amenity.

## **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. 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](http://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** The following listed buildings are adjacent to the site:

Highwood Farmhouse (list entry no: 1323789), a late fifteenth-century farmhouse, timber-framed and plastered with a half-hipped crosswing and red plain tile roof.

Barn at Highwood Farm (list entry no: 1142502), a seventeenth-century timber-framed and weatherboarded barn with red pantile roof, of four bays with gabled midstrey to east, now in residential use.

**14.7.4** Paragraphs 199, 200 and 1202 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.

**14.7.5** 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:

UTT/13/2107/OP development of 790 homes on the north side of Stortford Road

UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings

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

- 14.7.6** The Built Heritage Statement (August 2019) accompanying application UTT/19/2354/OP identified that development on the field directly to the north of the listed buildings would result in a moderate level of less than substantial harm to the heritage assets at Highwood Farm.
- 14.7.7** 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 therefore needs to be considered.
- 14.7.8** The Heritage Statement submitted as part of the suite of application documents concludes that:  
*Whilst the proposed scheme is considered to cause a low degree of harm (low end of the less than substantial) to the setting of the listed buildings as it would erode some of its rural setting, this harm has been minimised, and that the remaining harm is justified.*
- 14.7.9** Specialist conservation advise is that this conclusion underestimates the harm that the proposals would cause to the setting and significance of the heritage assets. She states that 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.
- 14.7.10** 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.

- 14.7.11** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special regard to the desirability of preserving a designated heritage asset or its setting, while NPPF (2021) para 199 requires local authorities to give great weight to a designated heritage asset's conservation.
- 14.7.12** Overall, it is considered that 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.
- 14.7.13** Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 14.7.14** The proposal would include limited public benefits of 14 dwellings.
- 14.7.15** 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.
- 14.7.16** Policy ENV4 seeks to protect archaeological heritage assets. Like Policy ENV2 this policy 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 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV4 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV4.
- 14.7.17** The County Archaeologist has identified that the site lies within an area of known archaeological deposits. The proposed development area is located adjacent to cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075) to the north of the proposed development recent excavations have identified various features and phases of occupation including those of Iron age, Roman and medieval date. Also to the north is the roman road of Stane Street , Medieval coins and Bronze Age pottery has been identified just south of the propose development. Therefore, there is potential for multi-period deposits being impacted on by the proposed development.
- 14.7.18** 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. This would be sufficient mitigation to off-set the harm to the heritage assets and as such the proposals would comply with Policy ENV4 and the NPPF.

#### **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.

#### **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.

**14.9.2** Environmental Health officers have been consulted and they state that a precautionary contaminated land condition is recommended.

**14.10 H) 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 proposals comply with Policy GEN3 and the policy set out in the NPPF.

**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. 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 harm.
- 16.2** The access to the 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 proposed 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.
- 16.7** The proposal subject to conditions would accord with ULP policy ENV14.
- 16.8** The site is at low risk of flooding.

**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, 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.



Statutory consultee responses for UTT/22/0391/OP

### **ECC Suds comments 10<sup>th</sup> March 2022**

Consultation Response –UTT/22/0391/OP- Highwood Farm Stortford Road Great Dunmow Essex CM6 1SJ

Thank you for your email received on 28 February 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

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

#### Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission 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: 2

- • 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 2.6l/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 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 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 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:

- The detailed consideration of features such as swales will be conditioned.
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

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

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

Summary of Flood Risk Responsibilities for your Council 4

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

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

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

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

#### INFORMATIVES:

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

- of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

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

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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

making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

### **Highways Authority 26<sup>th</sup> April 2022**

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 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 Flich Way), and wider highway network.
  - f. Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

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 i. 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 and every effort should be made to achieve this.

Informative:

i i. To obtain a copy of the highway boundary, please email – [Highway.Status@essexhighways.org](mailto:Highway.Status@essexhighways.org)

i 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.

i 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](mailto:roadsafety.audit@essexhighways.org)

### **Historic England 17<sup>th</sup> March 2022**

T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990  
HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW, ESSEX , CM6 1SJ  
Application No. UTT/22/0391/OP

Thank you for your letter of 28 February 2022 regarding the above Outline planning 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.

Historic England provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the

merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological

advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

Yours sincerely

Sheila Stones  
Inspector of Historic Buildings and Areas

### **MAG London Stansted Airport**

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

- All future design details will need to be checked by the aerodrome safeguarding authority.

Reason: Flight safety – elements of design can pose a hazard to flight safety.

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

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

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

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds

in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

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

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

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

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.



Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN

Informatives:

- ▶ No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:-
  - ▶ Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft or any person in an aircraft.
  - ▶ Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

- ▶ The applicant’s attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Exclusion Zones) Direction 2009.

# Agenda Item 10

**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 25 May 2022

**REFERENCE NUMBER:** UTT/21/3626/FUL

**LOCATION:** LAND EAST OF CHELMSFORD ROAD, DUNMOW

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10 May 2022

**PROPOSAL:** Installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid.

**APPLICANT:** Biogas Technology Ltd

**AGENT:** Clive Fagg

**EXPIRY DATE:** 01 March 2022

**EOT Expiry Date** 03 June 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits. Within Flood Plain Zones, 2 and 3, Contaminated land, Archaeological Site.

**REASON THIS APPLICATION IS ON THE AGENDA:** Called in by Cllr. Jones  
Policy ENV8 (UDC Local Plan 2005) - specifically the near locality of the river Chelmer (river corridor).  
Policy ENV11 - Noise Generators.  
Policy S7 - Countryside  
Policy Gen2 - specifically 'minimisation of the environmental impact on neighbouring properties by appropriate mitigating measures'.  
Policy Gen7 - 'Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.' Specifically, the River Chelmer corridor and Chelmer Valley Wildlife Corridor (GDNP)

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**1. EXECUTIVE SUMMARY**

**1.1** The application is for the installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid via the local distribution network. The scale and design of the proposal is considered on balance to be appropriate on this site.

**1.2** The Proposed Development would be located outside the Great Dunmow settlement boundary but located between an existing sewage works and land that has permission for a refuse lorry depot. The proposal is considered acceptable in terms of highway safety

- 1.3 There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- 1.4 The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document

2. **RECOMMENDATION**

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

- a) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site, 0.14 hectares, is located to the east of B1256 in Great Dunmow.
- 3.2 To the south of the site is an electricity substation and beyond that is a sewage works.
- 3.3 There is an extant planning permission UTT/19/1219/FUL for refuse lorry depot, classic car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development on adjacent land to the northeast. The application site overlaps the southwestern corner of that approved application. The area closest to the application site was designated for five parking spaces, three portacabins, a washdown area, and a proposed emergency access road from the roundabout
- 3.4 Access to the site is via an existing access approximately 200m north of the B1256 roundabout at Great Dunmow.
- 3.5 There are residential properties opposite the side to the west of the B1256 and to the north of the B1256. (Including Listed properties)

4. **PROPOSAL**

- 4.1 Installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid via the local distribution network.
- 4.2 The proposal would comprise 3 containerised engines on site with exhaust flues and cooling radiators. The metal containers are soundproofed and each one would measure approximately 14.6m x 3.4m x 3.6m and would be finished in matt dark green.

- 4.3** Each container would include a bank of radiators located on the roof, approximately 1.8 m high, to assist in cooling the generators, together with an exhaust stack of 7.4m from ground level or 1.2m from the radiator top, to allow for safe dispersion of exhaust gases.
- 4.4** The ancillary infrastructure would consist of a switch room, control room and transformers.
- 4.5** The site office would provide ancillary facilities for the field service engineer and any other visitors when on site as well as storage for consumables. It would provide welfare (4.4m x 2.4m x 3.2m) and storage (6.4m x 2.4m x 3.2m) facilities. The finish of this building would be matt fern green
- 4.6** The switch room building would contain the electrical switchgear equipment to connect the generators to the electricity substation. It would be 9.6m x 2.4m x 3.0m and sited on 1.6m stilts to allow easy cable routing. The finish of this building would be matt fern green
- 4.7** The gas reception kiosk would consist of a GRP container and would be finished in a matt fern green colour. The container would be approximately 6.1m x 3.0m x 3.0m. the building would be used to meter gas use. The gas fuel supply for generation would connect from the local gas distribution network adjacent to the site by underground pipework. There would be no bulk storage of gas on the site.
- 4.8** The electricity substation and metering station houses point of connection for the export of electricity to the grid and the metering equipment to measure the amount of electricity generated on the site. The design and appearance are specified by the Distribution Network Operator and is required to be a Glass Reinforced Plastic (GRP) construction. The building would be approximately 3.6m x 3.6m x 3.0m and would be coloured matt fern green,
- 4.9** Security lighting and CCTV cameras would be positioned at strategic locations to ensure safe working and security.
- 4.10** The site would be enclosed by 2.4m high, palisade style fencing and would be finished in matt darg green.
- 4.11** The application is supported by:  
Planning Statement  
Tree Survey  
Noise Impact Assessment  
Heritage Statement  
Ecology Report  
Construction Traffic and Environment  
Air Quality Assessment  
Flood Risk Assessment

## Visual Assessment

### 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 Due to its relatively small scale the Proposed Development is not considered that the development would trigger a requirement for Environmental Impact Assessment.
- 5.3 The Proposed Development does not fall within the scope of any description set out under Schedule 1 of the 2017 Regulations.
- 5.4 Where development may constitute Schedule 2 development under the 2011 Regulations, it is necessary to consider whether EIA is required with reference to the criteria at Schedule 3. These include the size, resource demand, waste production, emissions and safety implications of the scheme. They also include the location (e.g. in reference to sensitive areas) and characteristics of impacts including the extent of the impact, its magnitude and complexity, probability, duration, frequency and reversibility.
- 5.5 Section 3 to Schedule 2 sets out energy industry related developments which may require EIA. It includes "industrial installations for the production of electricity." The threshold for classifying such a development as Schedule 2 development is an area exceeding 0.5 ha.
- 5.6 The site area threshold has not been exceeded and the Proposed Development Site is not within a Schedule 3 sensitive area

### 6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/19/1219/FUL	Full application for Refuse Lorry Depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development.	Approved subject to s106

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

- 7.1 None

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority - No Objection**

8.1.1 Proposal is acceptable subject to conditions.

**8.2 Environment Agency - No Objection**

8.2.1 No objection.

8.2.2 The site is mainly in flood zones 1 and 2, whilst there is some flood zone 3 nearby this does not encroach into the red line boundary area. The site does contain a main river– tributary of the River Chelmer – and thus the applicant will require a permit to undertake their work. There appears to be no other constraints that would fall into our remit at this site.

8.2.3 The applicant may require an environmental permit to undertake their work

**9 Town Council comments**

9.1 No comment

**10 CONSULTEE RESPONSES**

**10.1 UDC Environmental Health - No Objection**

10.1.1 No objection, subject to conditions in relation to noise and air quality.

**10.2 UDC Landscape Officer**

10.2.1 The proposed development would detrimentally visually impact on this part of the valley. Whilst the backdrop of existing trees would to some extent ameliorate the prominence of the facility in views taken from the north, the structures would be prominent in the rural landscape. The applicant proposes a planting belt of 5m on this basis I have no objection to the proposal,

**10.3 Aerodrome Safeguarding - No Objection**

10.3.1 No objection.

**10.4 Place Services (Ecology) - No Objection**

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures

**10.5 Climate Change Project Officer - No Objection**



**10.5.1** There is no objection to the principle of the use of gas for energy generation. However, I would like to draw the applicant's attention to the possible future changes to Government policy on Carbon Capture Readiness. The call for evidence recently closed. While neither the detail of the changes nor the timelines are finalised, the Government's Net Zero Strategy (Chapter 3 paragraph 13) states that the Government aims to implement the updated requirements by 2023.

**References:**

Decarbonisation Readiness Joint call for evidence on the expansion of the 2009 Carbon Capture Readiness requirements, July 2021. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1001949/decarbonisation-readiness-call-for-evidence.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001949/decarbonisation-readiness-call-for-evidence.pdf) (Accessed February 2022)

Net Zero Strategy: Build Back Greener, October 2021. Available at: <https://www.gov.uk/government/publications/net-zero-strategy> (Accessed February 2022)

**11. REPRESENTATIONS**

**11.1** 27 notifications letters were sent to nearby properties.

**11.2 Object**

Air pollution/quality

Affect house prices

Impact on health

Noise Pollution (Inadequate assessment)

Hours of operation should be limited.

Fumes

Impact on wildlife.

Climate Change

The increase emissions will impact a children's play area

Impact on the eco systems of the River Chelmer.

Disruption caused by construction traffic.

**12. MATERIAL CONSIDERATIONS**

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

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

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

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

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

(c) any other material considerations.

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

#### **12.4 The Development Plan**

**12.5** 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)

#### **13.0 POLICY**

##### **13.1 National Policies**

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

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

S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 -Flood Protection Policy  
GEN4 - Good Neighbourliness Policy  
GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
ENV2 - Development affecting Listed Buildings Policy  
ENV3 - Open Space and Trees, Policy  
ENV5 - Protection of Agricultural Land Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV11- Noise Generators  
ENV15- Renewable Energy

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

DS1: TDA: town Development Area  
LSC1: Landscape, setting and Character  
LSC3: The Chelmer Valley

### **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) Design and amenity, pollution**
  - C) Flood risk and water resource protection**
  - D) Impact on biodiversity**
  - E) Access and parking provision**
  - F) Impacts on heritage assets**

**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 NPPF sets out a clear presumption in favour of sustainable development. Paragraph 8 of the NPPF sets out a series of overarching objectives that should underpin both plan-making and decision-taking:

An economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.

A social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective –to protect and enhance our 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.

**14.3.4** Paragraph 82 of the NPPF states that planning policies should:

Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.

Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work

accommodation), and to enable a rapid response to changes in economic circumstances

**14.3.5** Paragraph 152 of the NPPF states the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.

**14.3.6** Paragraph 155 of the NPPF states Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and in doing so:

Provide a positive strategy for energy from these sources, which maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

Identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

**14.3.7** Paragraph 157 of the NPPF states that Local Planning Authorities should:

Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**14.3.8** The Energy white Paper (December 2020) states: “While we are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response,

interconnectors and short-term dispatchable generation providing peaking capacity, which can be flexed as required”

The proposed development would provide electricity to the National grid as part of its Balancing Services Programme which provides a boost to the network when either demand increases or supply falls. The plant is not intended to provide a long-term baseload generation and that the benefit of this plant is that it allows for the deployment of more renewable and low carbon energy as there is a back-up should the wind stop or sun not shine, rather than reliance on traditional, centralised energy generation such as coal.

The need for the proposed development is to enable the increased provision of electricity from low carbon sources, which are less reliable and more intermittent. Flexible, standby services are required to balance wind farms and solar farms by equalising electricity peaks and troughs.

- 14.3.9** The plant would be managed under a generation licence to National Grid and would be unmanned but remotely monitored by the operator, but operation would be upon demand by National Grid.
- 14.3.10** At the full council meeting on Tuesday 30<sup>th</sup> July Uttlesford District Council declared a climate emergency. On February 2021 Uttlesford District Council approved as non – statutory development management guidance an Interim climate change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation.
- 14.3.11** Interim Policy 1: Developers should demonstrate the path that their proposals take towards achieving net-zero carbon by 2030, and all the ways their proposals are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. This should include: i) locating the development where the associated climate change impacts and carbon emissions, including those derived from transport associated with the intended use of the development can be minimised, and ii) promoting development which minimises carbon emissions and greenhouse gas emissions and maximises the use of renewable or low carbon energy generation.
- 14.3.12** Interim Policy 2: Developers should demonstrate how site surroundings and heritage have influenced their choices over climate change mitigation and adaptation proposals.
- 14.3.13** It is widely recognised that the UK Government has set a target to reduce greenhouse gas emissions across the economy to reach net zero by 2050. This has been recently reiterated in the Net Zero Strategy: Build Back Greener published in October 2021 in pursuant to Section 14 of the Climate Change Act 2008. This Proposed Development supports this transition. the Proposed Development will facilitate for the acceleration of low-cost renewable energy generation deployment by ensuring a continuity of supply in an affordable and efficient manner. Thus enabling,

as seen, a move away from reliance on centralised and inefficient large power stations.

- 14.3.14** The Proposed Development benefits from a National Grid generation licence which last for 20 years from the completion of the development. The Net Zero Strategy includes a target to achieve a decarbonised power system by 2035 which, it proposes, will come from low carbon sources, subject to security of supply, bringing forward the government's commitment to a fully decarbonised power system by 15 years. The proposed plant has been designed to be capable of being fuelled by hydrogen by 2035 if a viable supply network is developed. The agent has stated " Whilst we support the net-zero objectives we feel that the Country as a whole is currently a long way off having a viable hydrogen network. For there to be a sufficient amount of Green Hydrogen in the UK gas mix to support power generation (Green Hydrogen is defined as hydrogen produced by splitting water into hydrogen and oxygen using renewable electricity) then there will also need to be a massive growth in renewables to produce it, and that can only be achieved if there is a similar growth in flexible generation, which is the purpose of the proposed development."
- 14.3.15** The council's Climate change project officer states that they have no objection to the principle of the use of gas for energy generation.
- 14.3.16** Gas generated electricity is in line with Government policy because it is planned that gas firing plants will do carbon capture and storage and in due course convert to hydrogen firing, and therefore in fact play a meaningful part in the production of electricity on a net zero scenario.
- 14.3.17** On planning balance, the benefits of the proposed development within the wider context of the government's objective of mitigating and adapting to climate change, including moving to a low carbon economy outweigh the adverse impacts on the local visual amenity. The principle of the proposal is considered to be acceptable.

#### **14.4 B) Design and amenity**

- 14.4.1** 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
- 14.4.2** Policy GEN4 states that development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where.
- a) Noise or vibrations generated, or
  - b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants.
- Would cause material disturbance or nuisance to occupiers of surrounding properties.
- 14.4.3** Policy ENV11 states that noise generating development will not be permitted if it would be liable to affect adversely the reasonable

occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.

**14.4.4** Paragraph 154 of the NPPF states that new developments should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including the planning of green infrastructure; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

**14.4.5** Paragraph 185 of the NPPF states that decisions should aim to:

Mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

**14.4.6** Paragraph 174 of the NPPF states the planning system should contribute to and enhance the natural and local environment by:

‘Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

**14.4.7** The Proposed Development would comprise siting of containerised engines on site with exhaust flues and cooling radiators. There would be ancillary infrastructure including a switch room, control room and transformers on site.

**14.4.8** The Site is relatively close to residential properties which are located to the western side of the B1256 and also to the north of the B1256. Additionally, there is an extant permission on the neighbouring adjacent site for a refuse, lorry depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development. (UTT/19/1219/FUL) therefore the proposal has potential environmental implications particularly with regards to noise and air pollution.

**14.4.9** Interim Policy 5: Developers should demonstrate how their proposals would not lead to any material decrease in air quality or to significant



adverse effects on the environment or amenity and, where relevant, how they would comply with the Saffron Walden Air Quality Action Plan to minimise effects on local air quality and reduce CO<sup>2</sup> emissions.

- 14.4.10** Numerous comments of objections have been received especially in respect to air/fumes and noise pollution and the impact on human and wildlife health.
- 14.4.11** Assessments have been submitted in respect of noise and air quality and specialist environmental health officers consulted.
- 14.4.12** The submitted Air Quality assessment by Isopleth, Report Ref: 01.0214.002 v1 dated November 2021 concludes that the air quality objectives will not be breached at all relevant locations with a 'negligible' annual impact when the engines operate for a maximum of 3000 hours per year.
- 14.4.13** Following initial concerns relating to noise especially to concerns over the potential impact on noise in the early morning if the gas powered engines are in use, and also additional information in relation to tonality, further information has been submitted to overcome these and Environmental Health officers have no objections subject to conditions relating to noise which would require:

“Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations, times and conditions agreed by the Local Planning Authority.

The total noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all plant hereby permitted does not exceed 5db below background noise level at any time when the plant is operating. In accordance with Uttlesford’s Noise Assessment Technical Guidance 2017.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply”

A further condition is recommended that if in future the standby electricity generation facility changes in any way or operates for more than the stated maximum of 3000hrs/year, a new Air Quality Assessment should be undertaken to demonstrate that the pollution levels remain acceptable.

**14.4.14** The Proposed Development Site is located within the River Chelmer valley which runs north/south. Policy LSC3 of the Great Dunmow Plan relates to the Chelmer Valley. The extant development to the north and west of this site approved under UTT/19/1219/FUL which if built would obscure views. Views to the site are also obscured by the presence of mature trees which line the adjacent roads and obscure long-distance views. Even if the proposed depot is not built then it is likely that some form of commercial development would still occur on the adjacent site.

**14.4.15** A visual assessment report supports the application and specialist Landscape advice sought.

He advised that the development would detrimentally visually impact on this part of the valley. Whilst the backdrop of existing trees would to some extent ameliorate the prominence of the facility in views taken from the north, the structures would be prominent in the rural landscape. Following specialist landscape advice, a 5m screening is proposed and the landscape officer has no objections to the proposal.

**14.4.16** Subject to conditions the proposal would comply with policies GEN4, GEN2, GEN5, ENV11, ENV11)

#### **14.5 C) Flood risk and water resource protection**

**14.5.1** Paragraph 188 of the NPPF clarifies the role of the planning system which is the focus of planning policies and decisions should be on whether the Proposed Development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

**14.5.2** 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.

**14.5.3** The site falls within three categories of flood risk – Zones 1, 2. Zone 3 is at the greatest risk of flooding, followed by Zone 2. Zone 1 is classified as having a low risk of flooding. The site does contain a main river tributary of the River Chelmer and therefore an environmental permit to undertake the works will be required.

**14.5.4** The application is accompanied by a Flood Risk Assessment

**14.5.5** The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF

#### **14.6 D) Impact on biodiversity**

- 14.6.1** Policy GEN 7 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 an Ecological Appraisal (November 2021).
- 14.6.3** Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the Ecological Appraisal (Cherryfield Ecology November 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly nesting birds, amphibians and reptiles.
- 14.6.4** As the site is linked via a wet ditch to a main river, River Chelmer, there is a potential impact pathway for water quality that needs to be considered and the risk of impacting upon the River Chelmer needs to be managed. This can be achieved by a condition securing the Management and Maintenance Strategy set out in the Drainage Assessment (Appendix G of the Planning Statement), including the provision of a formal surface water management system, which incorporates on-site attenuation and water quality treatment. This will ensure that potential detrimental impacts to flood risk and water quality are suitably mitigated throughout the anticipated development lifetime.
- 14.6.5** A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be secured by a condition of any consent to ensure that biodiversity features are protected during the construction phase.
- 14.6.6** Specialist ecologist advice also recommends that a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the southern and western boundaries. They support the biodiversity enhancements including the installation of a minimum of two bird and two bat boxes and one insect box, the planting of a hedgerow and creation of log and brush piles, which have been recommended to secure net gains for biodiversity
- 14.6.7** The proposal subject to conditions would comply with the aims of ULP policy GEN7.
- 14.7 E) Access and parking provision**
- 14.7.1** 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. Policy GEN8 seeks to ensure development proposals comply with adopted parking standards. The current standards relevant to the proposals are the Essex Parking Standards, adopted in 2009. These

relate to maximum parking standards for commercial development. The policy is generally consistent with the NPPF and has moderate weight.

- 14.7.2** GDNP Policy GA1 requires enhancements to the existing public right of way network. Policy GA2 requires developments to be well-integrated with the surrounding footpath and bridleway network. Policy GA3 requires developments to be integrated into the local bus network and appropriate infrastructure and support for services will be secured where appropriate. These policies are in line with the NPPF aims of promoting alternative means of transport and improving accessibility. These policies have full weight.
- 14.7.3** The proposals relate to one point of access via the B1256, south of the roundabout junction which is an existing vehicular access serving a sewage treatment plant. An emergency access to serve the depot application has been approved to the north of the application site. This application would not impact on that access.
- 14.7.4** The proposed facility is to be unmanned during its operation, with occasional visits from field engineers. Four car parking spaces and vehicle circulation spaces are to be provided.
- 14.7.5** The Highways Officer has considered the proposals and raise no objections to the proposals. As such they comply with Policies GEN8 and GEN1.

#### **14.8 F) Impacts on heritage assets**

- 14.8.1** 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.
- 14.8.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.8.3** The following Grade II listed buildings are close to the site:
- Dunmow Park (approximately 240m north of the proposed development)  
Chelmsford House (approximately 400m west of the proposed development).
- The Close (Approximately 280 south west of the proposed development).
- Kicking Dickey (410m southwest of the proposed development).

The listed buildings are separated from the site by the B1256 and landscaping

- 14.8.4** In view of the distances of the listed buildings from the site and the recently approved application on the adjacent site (UTT/ 19/1219/FUL) the proposal would have limited impact on the character and settings of the nearby listed buildings and would therefore comply with ULP policy ENV2.

## **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 application is on balance acceptable and recommended for approval subject to the following 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 commencement of the development, the vegetation within and/or overhanging the highway along the site frontage and either side of the vehicular access onto Chelmsford Road, shall be removed and maintained clear of the highway for the duration of the construction period.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest 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.

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

This may include the appointment of an appropriately competent person e.g. an ecological clerk 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).

- 4** Prior to commencement 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).
- 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.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 5** Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Ecological Appraisal (Cherryfield Ecology, November 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 7 Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations, times and conditions agreed by the Local Planning Authority.

The total noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all plant hereby permitted does not exceed 5db below background noise level at any time when the plant is operating. In accordance with Uttlesford's Noise Assessment Technical Guidance 2017.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

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

Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

REASON: To prevent unacceptable noise disturbance, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

- 8 If in future the standby electricity generation facility changes in any way or operates for more than the stated maximum of 3000hrs/year, a new Air Quality Assessment should be undertaken to demonstrate that the pollution levels remain acceptable.

REASON: To ensure the protection of residential amenity in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

- 9 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. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure including the provision of a 5 metre planting belt,
- iii. car parking layouts;



- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required 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

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

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

APPENDICES for UTT/21/3626/FUL

**Environment Agency**

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

**Our ref:** AE/2022/126998/01-L01  
**Your ref:** UTT/21/3626/FUL  
**Date:** 10 May 2022

Dear Ms. Jones

**INSTALLATION AND OPERATIONAL OF A STANDBY GAS GENERATION PLANT AND ANCILLARY INFRASTRUCTURE TO PROVIDE BACKUP GENERATION TO NATIONAL GRID LAND EAST OF CHELMSFORD ROAD DUNMOW**

Thank you for your consultation dated 24 April 2022. We have inspected the application as submitted and have no objection. The applicant may require an environmental permit to undertake their work, 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 Tributary of the River Chelmer, 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/flood-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: [floodriskactivity@environment-agency.gov.uk](mailto:floodriskactivity@environment-agency.gov.uk)

We trust this information is useful.

Yours Sincerely

**Late List –Planning Committee 25.05.2022**

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
7	UTT/21/3269/DFO	<p><u>Additional Comments from Elsenham Parish Council</u></p> <p>Summary</p> <ol style="list-style-type: none"> <li>1. Access via Hailes Wood Satisfactorily resolved between Bloor Homes and Elsenham PC</li> <li>2. Football Pitches issue has been resolved to the satisfaction of Bloor Homes, Elsenham Youth Football Club and Elsenham Parish Council.</li> <li>3. Garden Sizes It is noted and welcomed that most of the under-provision previously apparent has been resolved. Still have some concerns over some plots.</li> <li>4. Some specific concerns over some parking provision and potential over reliance on triple tandem parking spaces.</li> <li>5. Concerns over the distribution of the visitors parking including that adjacent to the school.</li> </ol> <p>Full comments available on UDC website.</p> <p><u>Additional submissions by the applicant and shared with Elsenham Parish Council regarding:</u></p> <p>Revised Site Plan  Revised Sports Pavilion and Pitches Plan  Revised Garden Size Plan</p>

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.