



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 14th September, 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 - 16  
To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 17  
To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 18 - 30  
To note the report.
- 5 S62A Applications** 31  
To note applications which have been submitted direct to the Planning Inspectorate.
- 6 S62A/22/0000007 (UTT/22/2174/PINS) Land to the South of Henham Road, ELSENHAM** 32 - 47  
To consider application S62A/22/0000007 (UTT/22/2174/PINS).
- 7 UTT/21/1833/FUL - Cutlers Green Lane, Land West of Thaxted, THAXTED.** 48 - 165  
To consider application UTT/21/1833/FUL.
- 8 UTT/21/3272/OP - Land South of Stortford Road, LITTLE CANFIELD** 166 - 256  
To consider application UTT/21/3272/OP.

- 9     UTT/21/2461/DFO - Land to the West of Isabel Drive and off Stansted Road, ELSENHAM     257 - 287**

To consider application UTT/21/2461/DFO.

- 10    UTT/22/1528/FUL - Land South East of Great Hallingbury Manor, Tilekiln Green, GREAT HALLINGBURY     288 - 300**

To consider application UTT/22/1528/FUL.

- 11    UTT/22/1260/FUL - Land North of Bartholomew Close, GREAT CHESTERFORD     301 - 314**

To consider application UTT/22/1260/FUL.

- 12    UTT/21/2376/FUL - Land to the West of High Lane, STANSTED     315 - 344**

To consider application UTT/21/2376/FUL.

**13    Late List (To Follow)**

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

## **MEETINGS AND THE PUBLIC**

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

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

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

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

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510410/467 as soon as possible prior to the meeting.

#### **For information about this meeting please contact Democratic Services**

Telephone: 01799 510410, 510369, 510548, or 510467

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

#### **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 31  
AUGUST 2022 at 10.00 am**

Present:	Councillor S Merifield (Chair) Councillors G Bagnall, J Emanuel, R Freeman, M Lemon, J Loughlin, R Pavitt and M Sutton
Officers in attendance:	N Brown (Development Manager), C Gibson (Democratic Services Officer), D Hermitage (Director of Planning), M Jones (Senior Planning Officer), A Lindsell (Democratic Services Officer), N Makwana (Planning Officer), M Shoesmith (Development Management Team Leader), E Smith (Solicitor), Trevillian (Principal Planning Officer) and C Tyler (Senior Planning Officer)
Public Speakers:	P Gadd (Town Councillor), C Gatland (Applicant), S Metson (Agent), S Gill (Clavering Parish Council Chair) and S Bampton (Agent)
Virtual attendees:	C Edwards (Democratic Services Officer), R Freeman (Felsted Parish Council Chair) and K Wilkinson (Strategic Development Engineer- Essex Highways)

## PC190 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Fairhurst and LeCount.

Councillor Freeman declared a non-pecuniary interest in agenda item 14 as a local resident and member of Saffron Walden Town Council.

Councillor Merifield declared a non-pecuniary interest in agenda items 10 and 11 as a local resident and Member of Felsted Parish Council.

Councillor Caton confirmed that he was substituting for Councillor Fairhurst.

## PC191 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 August 2022 were approved as accurate.

## PC192 **SPEED AND QUALITY REPORT**

The Development Manager introduced the Speed and Quality Report.

The report was noted.

**PC193 QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager introduced the Quality of Major Applications report.

The report was noted.

Councillor Emanuel requested the updated figures for April to June 2022. The Development Manager agreed to update the figures.

**PC194 S62A APPLICATIONS**

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

The report was noted.

**PC195 S62A/22/0006 (UTT/22/2046/PINS) - LAND AT BERDEN HALL FARM, DEWES GREEN ROAD, BERDEN**

The Planning Officer presented an application for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.

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

The report recommended that PINS approve the application subject to completion of a S106 Obligation Agreement in accordance with Heads of Terms and Conditions as set out in Section 15 of the report.

The Planning Officer responded to questions from Members in respect of:

- The location of the lithium batteries
- Hard and soft landscaping conditions

Members discussed:

- What the Crump is and where it was located
- Whether they could influence the colour of the convertor unit boxes
- Whether the land was best and valuable farmland and what evidence there was regarding the condition the land would be in in forty years
- Whether all the consultee responses had been seen before the assessment was made
- Whether it was appropriate to expect Officers to make recommendations when they had not had the opportunity to see all the consultee responses
- The need to provide the hectareage of approved solar farms in the district to the Planning Inspectorate
- The need to highlight any issues within the application to the Planning Inspectorate and make conditioning recommendations

- The need for decommissioning guidance to assist Members in decision making in the absence of national guidance
- The huge impact of the proposal which would essentially join up the two small villages and their rural landscape
- The cumulative impact of the current sub-station and the solar farm
- The need for heritage consultation
- The ENV15 within the National Planning Policy Framework which details small renewable energy proposals
- Recent DEFRA guidance which stated that best and most valuable land did not have to be given over to renewable energy proposals.
- The need to list concerns raised by Members to the Planning Inspectorate and suggest conditions if the Planning Inspectorate was minded to approve the application.

The Development Manager said:

- The agricultural land would degrade if left to fallow for forty years.
- The screening opinion was not considered initially necessary as a result of the information available at the time, and that the Planning Inspectorate carried out the consultation not the District Council.
- The process had been carried out correctly and that decommissioning could be covered by conditioning, although they would be pushing for a S106 as part of their comments to the Planning Inspectorate.

Members discussed the need for a letter to be submitted to the Planning Inspectorate listing the objections by 5 September 2022. The Development Manager agreed that the letter, once agreed with the Chair would accompany the Officer's report.

Members agreed the list of concerns should include:

- Grave concerns based on policies E4, ENV5, ENV15, S7 and GEN2.
- Loss of best and versatile agricultural land
- Impact on footpaths
- Concerns about decommissioning, which needed to be under the District Council control
- Protection of the eleven heritage assets and scheduled monument close to the site
- The need for archaeological evidence to be preserved
- Impact on the landscape, although it was acknowledged that it was positive that a landscape impact assessment had been requested
- Acknowledgement of the Parish Council concerns about screening, noise and traffic
- Existence of electrical infrastructure not being a reason to justify further harm to the landscape
- The lack of consideration of other sites by the applicant
- DEFRA and NCLHG recent guidance was clear that there was no obligation to sacrifice best and most versatile agricultural land
- Uttlesford had already made a significant contribution to renewable energy and are already exceeding their need and delivery requirements
- Members welcomed the Inspectors decision to request an environmental statement.

- The concerns raised outweigh the benefits of the proposed green energy provision in this location.
- If the Planning Inspectorate were minded to approve the application, in addition to conditions recommended by Officers, Members would require a bond within the financial arrangements.
- They would additionally request:
  - Mature trees
  - maintenance continuous for the length of the solar farm as part of the S106 process
  - the implementation of a management plan
  - evergreen hedging to be used for the screening
  - batteries to be located so accessible for the emergency services

Councillor Bagnall proposed that Members object to the application and submit comments captured in the form of a letter to the Planning Inspectorate to accompany the Officer's report.

Councillor Freeman seconded the proposal.

Councillor Loughlin called for a recorded vote.

The Solicitor undertook a recorded vote:

RESOLVED to object to the application and to submit a letter to the Planning Inspectorate detailing the concerns raised by Members.

Councillor:	Chair nomination:
Bagnall	For
Caton	For
Emanuel	For
Freeman	For
Lemon	For
Loughlin	For
Merifield	For
Pavitt	For
Sutton	For

The result was declared unanimous.

*The meeting adjourned at 11.26am for a comfort break and reconvened at 11.37am.*

#### PC196 **UTT/21/3596/OP - MOORS FARM, STATION ROAD, LITTLE DUNMOW**

The Principal Planning Officer presented an outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure.

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

Officers responded to questions from Members in respect of:

- Concerns raised in regard to the revised landscaping scheme. The Principal Planning Officer said that more buffering had been introduced and additional landscaping had been enhanced on the northern boundary. He said that he didn't necessarily think that there would be coalescence
- Anglian Water have confirmed that there was currently no capacity but that they would work with the developer to accommodate it at a future date. A Grampian condition could be introduced with agreement at reserved matters stage
- There is currently a 3.52 year land supply, which was reviewed in March/April each year

The Development Manager confirmed that Anglian Water's obligations would be resolved at the reserve matters stage, not at this outline planning stage.

Members discussed:

- Discrepancies in the Anglian Water report regarding sewerage capacity
- The suggested replacement of the established tree that would be removed with two mature trees
- The need for Anglian Water to increase their capacity and evidence that they were not increasing the phosphorus overload into the rivers
- Loss of agricultural land
- Impact on heritage assets and the Flitch Way
- Impact on the sewerage system
- The 4000 approved houses that were not currently built that were not taken into consideration in the land supply
- Concerns about coalescence and urban sprawl
- Concerns over the redesigned access into the development
- The impact of the location of the parish boundary on the location of the proposed development
- Concerns about infrastructure in relation to doctors' surgeries, schools, travel and shops
- Easy access on foot to Little Flitch facilities
- The inclusion of the country park and orchard were supported
- Concerns were raised regarding the lack of control regarding other authorities and their reliability to deliver requirements

The Development Manager said that condition five and six had been agreed with the developer and locked down the design guide and fundamental principles. He said that the buffering reduced the coalescence.

He said that the financial contributions would be resolved at the reserve matters stage.

Councillor Caton proposed that Members accept the Officers recommendation and conditions as set out. This was seconded by Councillor Emanuel.

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

*The meeting was adjourned for lunch at 12:40 and reconvened at 13:30.*

**PC197     UTT/22/1598/DOV- LAND NORTH OF SHIRE HILL FARM, SAFFRON WALDEN**

The Principal Planning Officer drew Members attention to the late representation received from the Town Council which requested that moderate weight was given to the Saffron Walden Neighbourhood Plan as it was two weeks from referendum.

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

He recommended that the Director of Planning be authorised to grant permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP.

The Essex Highways Strategic Development Engineer responded to questions from Members and said that:

- Essex Highways were responsible for the provision of the link from the residential area. The County Council would give the contract to build the school at the same time on parish land
- She said that the spine road has a cycle way all the way along it
- The obligation in the S106 was linked specifically to the school being provided

Members discussed:

- The lack of provision of cycle paths in Saffron Walden
- The lack of evidence of the school being built in the near future
- If the school was not built then the cycle path would not be built
- Whether the deed of variation was viable
- That the 80% completion should be reduced to 50% completion

Councillor Freeman suggested that the proposal should be refused.

The Development Manager said:

- He said that the S106 had to be changed
- The deed of variation was required to achieve the link road
- There was an error in the drafting S106, which was resolvable
- The developer needed to sign the deed of variation

The Development Manager Team Leader said:

- The developer would not execute the work but was making a financial contribution to the County Council who would provide the path when they build the school.
- The actual spine road would have sufficient foot and cycle paths through all three sites.
- The cycleway would go from Thaxted Road to Radwinter Road.
- The cycleway would be on the Town Council's land.
- The triggers enabled the developer to be in possession of sufficient funds to continue to execute the road works and join with the adjacent site

*The meeting was adjourned at 14:23 and reconvened at 14:35.*

The Development Manager said:

- The trigger through the byway site was outside the control of the developer.
- The developer was accepting it had to deliver all of the link way up to the byway into the Bellway estate , within the 50% build as specified in the S106.
- The developer could not undertake the work until the County Council had completed their obligation.
- The developer was putting right a situation that was not of their making.
- The drafting of the S106 was the problem as a piece of land was missing from it.
- Because the developer had been proactive they had been enabled to agree a way forward with the County Council.

The Essex Highways Strategic Development Engineer confirmed they have been very active working with the developer and the District Council, and that it would be delivered through a S278 agreement. They have already undertaken conversations with Bellway, who were completely on board and want the road completed. She said that everyone wanted the road to be put in place in the most cost-effective manner.

Councillor Emanuel proposed approval of the recommendation with the DOV triggers unchanged, apart from the bit across the bridleway which would be delivered within the 80% build. This was seconded by Councillor Merifield.

RESOLVED that the Director of Planning be authorised to grant permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP with the specified amendment.

*P Gadd (Town Councillor) spoke against the application.*

PC198     **UTT/21/3565/DFO - LAND NORTH OF SHIRE HILL FARM, SAFFRON WALDEN**

The Principal Planning Officer brought the following amendments to the conditions to Members attention:

- Condition three now included the most up to date plan

- Condition four was proposed to be removed as it was duplicated and already formed part of the existing S106
- Condition thirteen was proposed to be removed as it was duplicated and already approved under the separate outline application

He said that the condition numbering would be adjusted to accommodate these changes.

He presented an application seeking approval of reserved matters subject to permission UTT/17/2832/OP for up to 100 dwellings, for the following:

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

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

Officers responded to questions from Members in respect of:

- There was no provision for solar panels on these houses
- There were electrical vehicle charging points on 63% of the homes
- The attenuation point would be in the north-eastern point of the site
- Urban design comments have been received and the developer had made some minor adjustments and included some Essex vernacular. It was not so bad that it would provide reasons for refusal

Members discussed:

- Concerns about the play spaces being located next to the link road
- The ribbon development
- The need for the implementation of a 20mph speed limit
- The need to raise standards

The Development Manager said that it was a difficult site to work with as it was dominated by the link road and that there were no alternative locations for the open spaces.

The Principal Planning Officer said that the public open spaces of the neighbouring sites complemented each other well.

The Development Manager suggested Members could defer rather than refuse the application.

Councillor Bagnall proposed a deferral of the decision subject to further discussions with the Urban Designer and the relocation of the play spaces.

This was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to defer the decision on this application.



*S Gill (Clavering Parish Council Chair) read out P Gadd's (Town Councillor) comments against the application.*

*C Gatland (Applicant) spoke in support of the application.*

*The meeting adjourned for a comfort break at 15:33 and reconvened at 15:41.*

**PC199 UTT/22/1078/DFO - LAND WEST OF BURY FARM, STATION ROAD, FELSTED**

The Senior Planning Officer presented a reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.

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

The Chair said;

- One of the Dunmow surgeries was not fit for purpose and was at risk of closure. The Clinical Commissioning Group agreed that as part of the S106 the developer would build the new doctor's surgery that would belong to the Community Trust
- There were not 40% affordable housing as a result of the doctor's surgery
- There were five affordable homes being built

Members discussed how the development showed what could be achieved when developers work with residents.

Councillor Pavitt proposed approval of the application.

This was seconded by Councillor Caton.

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

*Due to technical difficulties, the Solicitor read out the statement of R Freeman (Felsted Parish Council Chair) in support of the application.*

*S Metson (Agent) spoke in support of the application.*

**PC200 UTT/22/1080/FUL - LAND WEST OF BURY FARM, STATION ROAD, FELSTED**

The Senior Planning Officer presented an application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.

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

Councillor Emanuel proposed approval of the application.

This was seconded by Councillor Freeman.

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

*The Chair noted that R Freeman`s statement read out for the previous agenda item also applied to this application.*

*S Metson (Agent) spoke in support of the application.*

PC201 **UTT/22/1103/DFO - LAND TO THE WEST OF STORTFORD ROAD, CLAVERING**

The Senior Planning Officer brought the two additional compliance conditions, four and five, which were late list additions, to Member`s attention:

He presented details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale.

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

Officers responded to questions from Members in respect of:

- A condition, as requested by Committee Members had been added to clarify the number of houses having heat pumps installed
- Only plot 16 was changing the ridge height, it was a bungalow and would now be a short 6.6m high two storey house. It was consistent with the neighbouring property and was on a lower level
- Electrical vehicle charging points was conditioned on the outline planning to each dwelling prior to occupation
- The intention was that all market dwellings would have air source heat pumps and there was a condition in place prior to development and implemented prior to occupation

Members discussed:

- The need to lock down commitment to provision of air source heat pumps and underfloor heating
- The need to future proof properties
- The need for deliveries to be outside of school run times

The Development Manager said that there was a construction management scheme in place.

The applicant said they intended to install air source heat pumps and underfloor heating in all properties, but they have been approached to provide passive housing for some of the dwellings which would be a superior provision.

Councillor Sutton proposed recommendation of the proposal.

This was seconded by Councillor Loughlin.

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

*S Gill (Clavering Parish Council Chair) spoke against the application.*

*S Bampton (Agent) spoke in favour of the application.*

*Councillor Pavitt left the meeting.*

**PC202 UTT/22/1020/FUL - CLAYPITS FARM, THAXTED**

The Planning Officer presented a Section 73A retrospective application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to access.

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

Officers responded to questions from Members and said that following receipt of a holding objection from the Parish Council, although a reason had not been given, no further comment had been submitted.

The Planning Officer said that the requirement for the access move was as a result of a request by Essex Highways.

Councillor Lemon proposed approval of the application.

This was seconded by Councillor Emanuel.

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

**PC203 UTT/22/2192/TCA - SAFFRON WALDEN MUSEUM, SAFFRON WALDEN**

The Development Manager presented a notification of intent to carry out tree works within a conservation area at Saffron Walden Castle.

He recommended that no objections be raised to the proposed tree works.

Members discussed whether compensatory tree planting elsewhere in Uttlesford would be undertaken.

The Development Manager said that this would be taken forward.

Councillor Emanuel proposed that no objections be raised in response to the proposed tree works.

This was seconded by Councillor Caton.

RESOLVED that the Director of Planning be authorised to approve the proposed tree works.

*The meeting ended at 17:05.*

## Criteria For Designation – Speed and Quality

### Speed of planning decisions

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

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

### Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Latest figures Published by DLUHC	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	July 2018 - June 2020 (appeal decisions to end March 2021)	October 2018 - September 2020 (appeal decisions to end June 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (18.5%)	10% (16.5%)	10% (8.82%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.19%*)	P154

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

# Agenda Item 4

**Committee:** Planning Committee  
**Date:** 14 September 2022  
**Title:** Quality of Major Applications  
**Author:** Dean Hermitage

---

## Purpose

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 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					10.00%

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

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

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

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

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

*Note data checked 31/08/2022.*

*If no further appeals are submitted and*  
*- all 7 pending allowed – total 19.12%*  
*6 pending allowed – total 17.65% etc.*



		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 02	Jul - Sept 2021	5	2	1	0	1	0	20.00%
Quarter 03	Oct - Dec 2021	16	9	5	1	0	4	0.00%
Quarter 04	Jan - Mar 2022	8	4	2			2	0.00%
Quarter 05	Apr - Jun 2022	7	2	1			1	0.00%
Quarter 06	July - Sept 2022	4	0					0.00%
Quarter 07	Oct - Dec 2022							
Quarter 08	Jan - Mar 2023							
total		45	21	11	2	1	8	2.22%

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

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

\*Not including the Stansted Airport Inquiry.

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

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

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

#### Recommendation

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

## Impact

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

## Risk Analysis

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

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

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

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

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

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

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

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

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



UTT/19/1789/FUL	Land At Pound Hill Little Dunmow	Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure.	Committee	17-Mar-21	Approve	Approved		
UTT/20/2639/OP	Land To The West Of Stortford Road Clavering Essex	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	Committee	12-May-21	Approve	Approved		
UTT/19/2875/FUL	Holroyd Components Ltd Shire Hill Industrial Estate Shire Hill Saffron Walden Essex CB11 3AQ	Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier	Committee	18-Mar-20	Approve	Approved		
UTT/20/1098/FUL	Land To The East Of Tilekiln Green Great Hallingbury	Construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping	Delegated			Appeal Non Determination	ALLOW	01-Nov-21
UTT/21/2465/DFO	Land South Of Radwinter Road Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	29-Sep-21	Approve	Approved		
UTT/21/3356/FUL	Land Near Pelham Substation Maggots End Road Manuden	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and	Delegated		Refuse	Refused		
UTT/21/1618/OP	Land At Parsonage Farm Parsonage Farm Lane Great Sampford Essex	Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking	Delegated		Refuse	Refused	Appeal Withdrawn	23-Jun-22
UTT/21/2730/OP	Land East Of Pines Hill Stansted	Outline planning permission with all matters reserved except access, for up to 31 no. dwellings.	Delegated		Refuse	Refused		
UTT/21/2509/OP	Land South Of (East Of Griffin Place) Radwinter Road	Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matter	Committee	17-Mar-22	Refuse	Refused	INPROG	

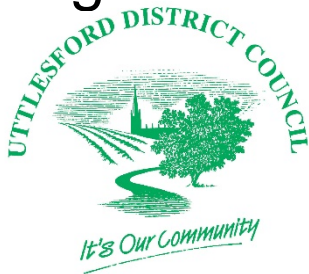
	Sewards End Essex							
UTT/21/2799/DFO	Land To The North West Of Henham Road Elsenham Hertfordshire	Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of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

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

Applications which have been submitted direct to the Planning Inspectorate

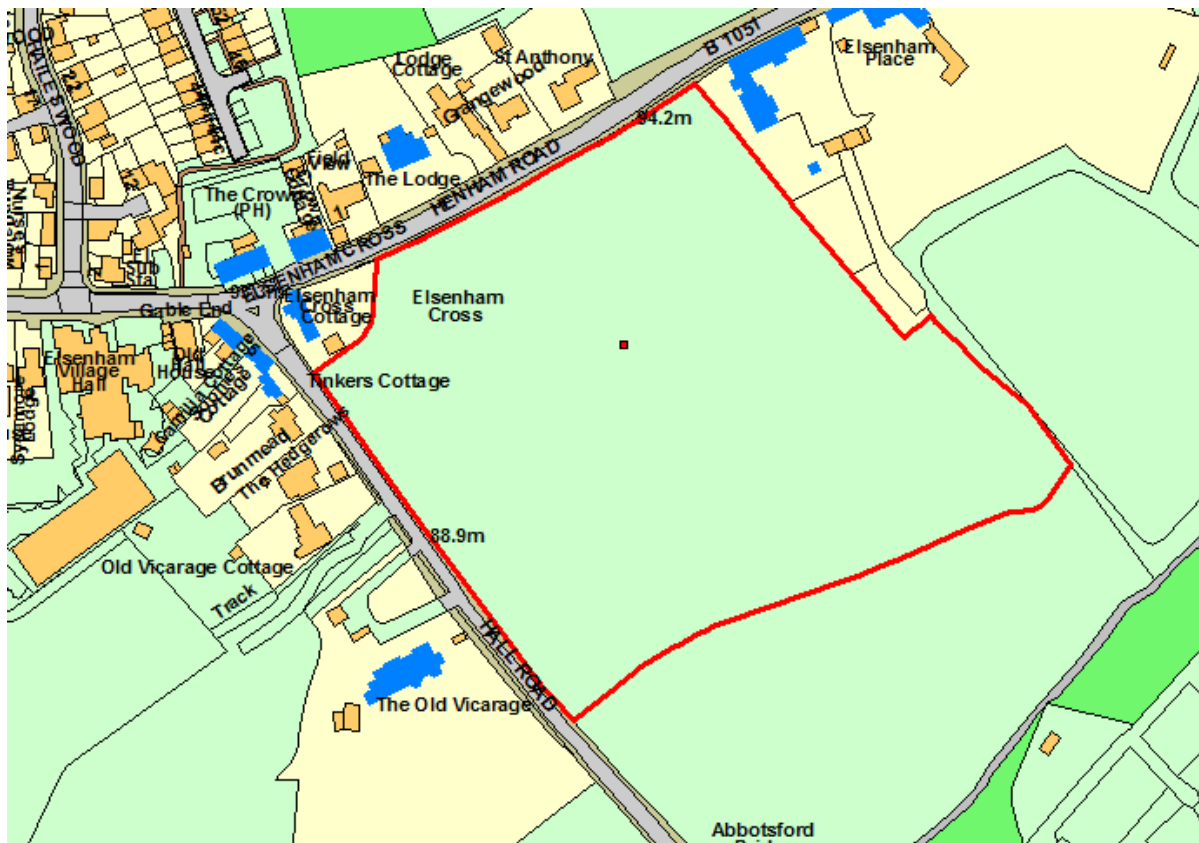
Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:	Decision from PINs:
26 April 2022	S62A/22/000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome	
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee	
24 May 2022	S62A/22/0000004	UTT/22/1474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee	Approval with conditions – 24/08/2022
06 July 2022	S62A/00000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield	Erection of 15 dwellings – <b>The application has been submitted and we await notification that it is valid - (31/08/2022)</b>	Consultee	
20 July 2022	S62A/00000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.	Consultee	
02 August 2022	S62A/00000007	UTT/22/2174/PINS	Land to the south of Henham Road Elsenham	Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham)	Consultee	

# Agenda Item 6



<b>ITEM NUMBER:</b>	<b>6</b>
<b>PLANNING COMMITTEE DATE:</b>	<b>14 September 2022</b>
<b>REFERENCE NUMBER:</b>	<b>S62A/22/0007</b> <b>UTT/22/2174/PINS</b>
<b>LOCATION:</b>	<b>Land South Of Henham Road Elsenham</b>

## SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 7 September 2022

**PROPOSAL:** Consultation on S62A/2022/0007 - Town and Country Planning Act 1990 (Section 62A Applications).

Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham).

**APPLICANT:** Mr C Glossop, Countryside Partnerships PLC.

**AGENT:** Mr J. Dixon, Savills (UK) Ltd.

**DATE  
CONSULTATION  
RESPONSE  
DUE:** 23 September 2022

**CASE OFFICER:** Femi Nwanze

**NOTATION:** Outside Development Limits; Within Flood Zone 2, 3a; Mineral Safeguarding Area, Local Wildlife Site SSSI Impact Risk Zone.

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

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

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

---

**1. RECOMMENDATION**

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

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

## **2. SITE LOCATION AND DESCRIPTION**

- 2.1** The subject site is situated in Elsenham. It is located in the south eastern part of the settlement; south of Henham Road and east of Hall Road. The site comprises approximately 5.3 ha of Grade 3 (good to moderate) agricultural land which is currently used as pasture. The land varies in height rising towards the south of the site. It is enclosed by post and wire fencing on the Henham Road frontage and post and wire fencing and low hedges on the Hall Road frontage and trees on its southern boundary.
- 2.2** The majority of the application site is located in flood zone 1 (low probability of flooding). A small area of the site, land that borders the Stansted Brook at the southern boundary is located in flood zone 2 (medium probability of flooding).
- 2.3** There is built development and characteristic features within the vicinity of the site. 6 detached houses on large plots are situated to the north of the application site. Elsenham Place, a Grade II listed house with associated barns is situated to the east of the site, 4 houses situated on Hall Road are located to the west. Stanstead Brook the Grade I listed church of St Mary and Grade II listed Elsenham Hall are located south of the site. A public right of way exists at this site; featuring a route that traverses s.w – n.e direction across the northern section of the application site.
- 2.4** The precise 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. The applicant also owns a nearby site outlined in blue; wherein it is proposed that biodiversity gains will be provided.

## **3. PROPOSAL**

- 3.1** This application seeks outline planning permission for a residential development of 130 dwellings, together with a new vehicular access from Henham Road. The development also proposes landscaping including public open space, landscaping and associated infrastructure works. Consent is sought for access only at this stage; with all other matters (landscaping, scale, layout and appearance) being reserved for future consideration.

- 3.2 The application has been submitted with an indicative layout plan which designates one primary vehicular access point into this site from Henham Road. This access point will then lead to a number of primary and secondary access routes through the site to service the proposed 7 No development parcels that make up this development site.

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

- 4.1 The application has not been submitted with an Environmental Statement. The Local Planning Authority has not been in receipt of a previous request for a Screening Opinion concerning this site.

- 4.2 The application has been submitted to PINS with a formal request for a screening opinion. The Planning Inspectorate has issued its screening opinion on 06 September 2022; advising that the Secretary of State directs that this development is not Environmental Impact Assessment (EIA) development. The respective letter is attached as appendix A.

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

- 5.1 There is no recent planning history relating to this site.

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

- 6.1 The applicant has advised that in April 2022 the application site/proposed development was the subject of a Newsletter distribution to 871 residential properties with a link to web site with feedback form. 25 responses were received by post and 31 via website.

- 6.2 The applicant has advised that in April 2022 they contacted two ward councillors - with provision of a newsletter and offer to meet the developer.

Elsenham Parish Council were also sent a copy of the newsletter and an offer to meet the developer.

#### **7. STATUTORY CONSULTEES**

- 7.1 All statutory consultees will write directly to PINS within the 21 days period being the 23 September 2022 and are thereby not mentioned within this report.

#### **8. PARISH COUNCIL COMMENTS**

- 8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 23 September 2022 and are thereby not informed within this report.

#### **9. CONSULTEE RESPONSES**



- 9.1** All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 23 September 2022 and are thereby not informed within this report.

## **10. REPRESENTATIONS**

- 10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 23 September 2022. All representations should be submitted directly to PINS within the 21-day consultation period.

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

## **11. MATERIAL CONSIDERATIONS**

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

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

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

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

## **11.4 The Development Plan**

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

## **12. POLICY**

### **12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2021)

### **12.2 Uttlesford District Plan 2005**

S3 – Other Settlement Boundaries  
S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV1 – Design of Development within Conservation Areas  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H1 – Housing Development  
H9 – Affordable Housing  
H10 – Housing Mix

### **12.3 State name of relevant Neighbourhood Plan in this title**

N/A

## **12.4 Supplementary Planning Document or Guidance**

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

## **13. CONSIDERATIONS AND ASSESSMENT**

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

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

### **13.3 A) Principle Of Development**

**13.3.1** The application site is located outside of the village of Elsenham wherein the principle of development would not generally supported as outlined in Policy S3 and S7 of the Uttlesford Local Plan.

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

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

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

**13.3.4** With regard to (i) above Guidance is given in the NPPF re the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a

National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

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

**13.3.6** Paragraph 11 of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**13.3.7** The proposal seeks outline planning permission for 130 residential units. This quantum of development would make a valuable contribution to the district's housing supply. In principle the proposal subject to an assessment of sustainability.

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

**13.3.9 Economic:**

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

In economic terms the proposal would have short – term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of local support of services and infrastructure provision arising from the proposed residential development.

**13.3.10 Social:**

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

**13.3.11 Environmental:**

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

to climate change. The proposal seeks to achieve this with the provision of additional open space and an enhancement of biodiversity (including native species planting) on an adjacent site (within the applicant's control).

- 13.3.12** The site is currently undeveloped. It is also situated in a site that is outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and would normally preclude the location of this form of development in this location.

However, Policy S7 has been found, in a number of appeals and planning decisions (UTT/19/0462/FUL, APP/C1570/W/19/3243744) to be not in full compliance with the NPPF as it seeks to place greater restrictions on developing in such locations than the NPPF.

- 13.3.13** Having regard to the consented planning permission for development in a similar countryside location; together with the lack of a 5 YHLS, the proposal is considered to be acceptable in principle.

#### **13.4 B) Highways Considerations**

- 13.4.1** Access is not a matter that is reserved for future consideration and consent is sought at this stage. The application proposes the creation of a principal access point at Henham Road.

- 13.4.2** Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
  - e) The development encourages movement by means other than driving a car.

- 13.4.3** The overall number of residential units proposed, will result in noticeable increase in traffic movements within the locality. Regard is also had the need to comply with the Council's parking standards as outlined in the Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009).

There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling.

- 13.4.4** The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development. Details regarding the parking provision for this scheme will be considered at reserved matters stage when detailed layouts have been provided.

**13.5 C) Design**

- 13.5.1** This application seeks consent for access only at this stage; with scale, layout, external appearance and landscape considerations being reserved for future consideration.

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

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

- 13.5.3** The application has been submitted with an illustrative masterplan and layout plan; together with illustrative site sections showing potentially how this development form could be accommodated on the site. The details submitted also show green landscape features such as orchards, greens, play areas and blue landscape features such as including 2 swales. The indicative layout also shows the provision of a heritage trail which will encircle the site and link to the public right of way which transcends the northern part of the site in a ne – sw direction.

- 13.5.4** Whilst the illustrative material indicates that there is a potential to provide the number of units proposed; further consideration is required of the precise details including the relationship with the surrounding heritage assets. Section plans have been provided which indicate an intention to provide a form of development that is similar in height to its surrounds.

- 13.5.5** Again, due to the nature of the application process; wherein comments have not been obtained from Essex Design Services (and will be submitted directly to the Planning Inspectorate); it is not possible for the

Local Planning Authority to provide further detail on this aspect of the development .

## **13.6 D) Housing Mix And Tenure**

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

**13.6.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 130 dwellings properties. This amounts to up to 52 affordable homes.

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

## **13.7 E) Flooding**

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

**13.7.2** The majority of the site is within Flood Zone 1 and part of the southern section of the site in Flood Zone 2.

**13.7.3** The application is supported by a Flood Risk Assessment. This concludes that the proposed development will follow best practice regarding site drainage to ensure that surface water runoff from the development is managed. Surface water from the proposed development will be attenuated and discharged directly to the ground via infiltration features. In order to prevent flooding, both on and off the site, a variety of SuDS will be utilised to control surface water flows, including infiltration basins. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an allowance for climate change.

**13.7.4** The acceptance of the proposals will ultimately be assessed by Essex County Council who are the lead local flood authority in respect to matters

of relation surface water drainage and to flooding. The aforementioned authority will provide written advice directly to PIN's by the 23 September 2022.

### **13.8 F) Energy And Sustainability**

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

**13.8.2** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures.

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

### **13.9 G) Air Quality And Pollution**

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

**13.9.2** The site is not within an existing Air Quality Management Area (AQMA) An assessment of air quality and noise pollution cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS by 23 September 2022.

**13.9.3** As the Secretary of State has indicated that this is not a development that requires an EIA, it is therefore concluded that any residual effects of the proposed development in relation to air quality or pollution can be controlled through the use of planning conditions.

### **13.10 H) Planning Obligations**

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

**13.10.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may



or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- ii. Financial contribution for Libraries
- iii. Financial contribution for Health contributions
- iv. Provision and long-term on-going maintenance of public open space
- v. Highways obligations and associated financial contributions
- vi. Community facilities
- vii. Provision of Community Meeting Room

**13.10.3** It is noted that the Parish Council for Elsenham have requested funding for a community hall. This is acknowledged and can be highlighted to PINS on their behalf. However, they should also ensure that PINS are formally advised of this need too.

#### **13.11 I) Other matters**

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

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

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

The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 23 September 2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

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

#### **13.12 J) Planning Balance And Conclusion**

- 13.12.1** The Local Planning Authority is currently unable to demonstrate a 5 YHLS. Additionally, the Uttlesford Local Plan significantly predates the National Planning Policy Framework 2021; meaning that some (not all) policies do not fully comply with it.
- 13.12.2** As a result of both of these factor's paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 13.12.3** In respect to highlighting the benefits and the adverse impacts of the proposed development, the following has been concluded:
- 13.12.4** Provision of 130 dwellings would represent a boost to the district's housing supply. The provision would also provide economic gains in the form of additional local use of services and infrastructure.

In social terms the proposal would provide additional housing to the locality including much needed affordable housing at 40%.

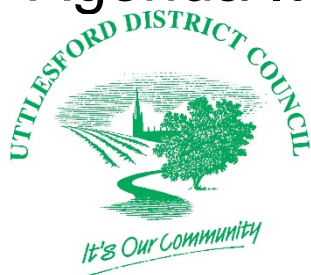
In environmental terms the proposal will result in the loss of a greenfield site. However, the indicative/illustrative layout indicates an intention to make efficient use of the land available in an attempt to minimise this loss. It is noted that the proposals seek to create recreational and play areas on the site as well as providing a net gain in biodiversity on an adjoining site to compensate for this loss. The proposal would also lead to an as yet unquantifiable decline in air quality and increase in noise pollution arising from additional traffic.

- 13.12.5** Due to the nature of this application process, it is not possible to provide a detailed assessment of any heritage considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.
- 13.12.6** All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.
- 13.12.7** However having regard to the conflict with development plan policies above together with the limited considerations of this application by the Local Planning Authority in considering these proposals in the absence of statutory and third party input; at this stage it is considered that the

Local Planning Authority considers that the benefits of granting planning permission would on balance outweigh the as yet identified adverse impacts of development.

- 13.12.8** Overall, subject to the imposition of appropriate planning conditions and securing of a legal agreement to mitigate the effects of this development proposed, the proposals are, likely to results in a positive and sustainable form of development that is of planning merit.
- 13.12.9** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals, it is recommended that subject to the matters set out in Section 1 of this report above, no objection is raised.

# Agenda Item 7



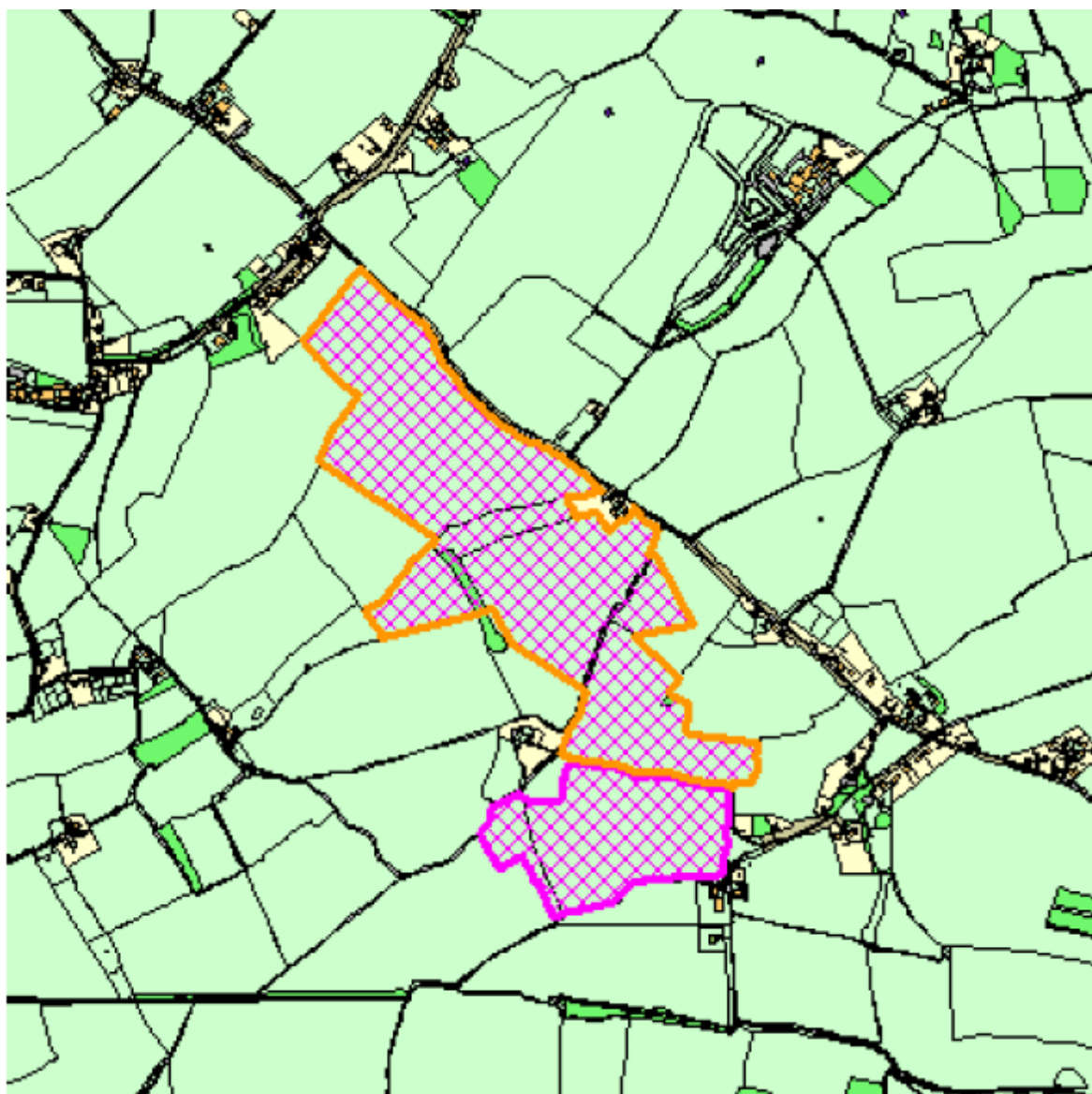
**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 14 September 2022

**REFERENCE NUMBER:** UTT/21/1833/FUL

**LOCATION:** Cutlers Green Lane, Land West of Thaxted, Thaxted.

**SITE LOCATION PLAN:**



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

**PROPOSAL:** Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

**APPLICANT:** Cutlers Solar Farm Ltd

**AGENT:** Pegasus Planning Group Ltd

**EXPIRY DATE:** 7 September 2021

**EOT Expiry Date:** 24 June 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits. PROW, Local Wildlife Site, Archaeological Site, Oil Pipeline, within 6km of Stansted Airport, Special Verge, SSSI impact zone, listed buildings in the vicinity.

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

---

**1. EXECUTIVE SUMMARY**

- 1.1** This application was firstly presented to members of the planning committee on 19<sup>th</sup> January 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 to directly respond to a number of questions raised by the Committee and seek further information.
- 1.3** The applicant provided further information in respect to members requests and the application was represented to members of the Planning Committee on the 22 June 2022.
- 1.4** Although the further information/documentation provided by the applicant was published on the Council's website, members concluded at this meeting that the application should be formally reconsulted to the Parish

Council and to the public so that they be given a formal opportunity to review the additional information and make any representations of they wished. As such, members concluded to once again to defer making a decision on the application.

**1.5** Following members decision to defer the application, the Local Planning Authority formally reconsulted the Parish Council and notified surrounding residents by post and displaying site notices for a period of 21 days commencing on the 4 July 2022.

**1.6** For confirmation, apart from an 'Alternative Site Assessment' provided by the applicant, no other additional information has been submitted as all information to allow the determination of the application has already been submitted and readily available for review by any interested parties.

**1.7** **Thaxted Parish Council**

**1.8** In addition to the comments made by the Parish Council in their original response as outlined below in this report, the Parish Council have provided comments in respect to the applicants supporting 'Alternative Sites Assessment' prepared by Pegasus Group. The main concerns as summarised by the Parish Council are as follows:

**1.10** We have reviewed the Pegasus assessment and found it entirely unconvincing for the following reasons:

- It has been produced over a year after the Cutlers' Gren site was selected and the application submitted. Any genuine analysis should have been carried out in advance of site selection.
- The analysis has not been carried out in accordance with the requirements set down in the Valley Farm, Wherstead appeal decision.
- It would appear that the criteria used for the assessment have been self-selected and the appraisal cannot be regarded as objective.
- Criteria relating particularly to sensitivity (landscape and heritage setting), planning vision, and flooding would in fact, rule out the Cutlers' Green site itself from any further consideration.
- The requirement for a 40 year lease has not been justified and the suggestion that this represents only a temporary loss of agricultural production potential is untenable.
- No form of financial appraisal has been provided either in relation to the subject site or theoretical alternatives. This would be an essential part of any assessment of viability.
- The highly restricted search area has been based purely on access to a specified grid connection. There will be plenty of other grid connection elsewhere in the country which the search area serves

to exclude. It is in any case, wrong to define a search area based on a criterion that solely benefits the promoter of the scheme.

### **1.11 Neighbouring Representations**

- 1.12** Following the re-consultation further representations have been received from neighbouring residents. The main concerns expressed within the representations are the same/like those highlighted in paragraph 11.2.1 of this committee report which have been addressed with the main assessment.

## **ORIGINAL REPORT PRESENTED TO MEMBERS 22 JUNE 2022.**

### **EXECUTIVE SUMMARY**

- 1.1** This application was firstly presented to members of the planning committee on 19<sup>th</sup> January 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 to directly respond to a number of questions raised by the Committee and seek further information regarding:

Level of detail within the application on layout and equipment proposed  
Flooding and Drainage  
Fire Safety  
Biodiversity  
Visualisations  
Lighting  
Noise  
Decommissioning  
Topsoil loss  
Food Production vs Renewable Energy

- 1.3** Following the Committee meeting Officers contacted the applicant and discussions were held regarding the above points of interest raised by Members. The applicant provided further information which included:

Covering Letter  
Revised Site Location Plan  
Revised Landscape Strategy  
Land and Energy Resources Appraisal – Technical Note  
Outline Fire Safety Management Plan  
Photographs and Visualisations

- 1.4** For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the



original report presented below at the Committee in January and will deal with each of the above points of interest in order.

**1.5 Level of detail within the application on layout and equipment proposed**

**1.6** During the Committee meeting, there was some confusion as to what exactly what was being applied for and whether there was sufficient detail for Members to be able to determine the application. Members thereby requested that further information be provided in respect to the details of the proposals.

**1.7** For confirmation, the description of the works as per the application form and detailed in this report are in fact that of which is being proposed as part of this full planning application.

**1.8** However, and to be clear, the applicant has submitted the planning application under the principles of what is known as the “Rochdale Envelope”. The ‘Rochdale Envelope’ approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty.

**1.9** The need for flexibility is identified in a number of National Policy Statements (NPS) which suggest the ‘Rochdale Envelope’ as an approach to address uncertainties inherent to the Proposed Development e.g. changing market conditions, the environment including climate change, or ground conditions.

**1.10** The Rochdale Envelope requires the worst-case scenario to be assessed by selecting a maximum set of parameters including. In this instance the applicant has provided;

the maximum extent of the development (in respect to layout)  
the maximum heights of any equipment and buildings  
the maximum number of equipment and buildings

**1.11** The construction techniques and infrastructure design are based on current understanding of existing projects and information provided by suppliers. The actual method of construction may deviate from what is described; however, any deviation from that described will be within the parameters of the Rochdale Envelope for the development.

**1.12** One such example of how this could work is that a panel section drawing showing the arrays at 3m high has been assessed and submitted for determination. However, at the final detailed design stage, it is possible that the height may be reduced from 3m to a lower height.

- 1.13** The important distinction is that the 'Rochdale Envelope' represents the worst-case scenario. It could be possible that the proposals could be underdeveloped but not overdeveloped against these parameters.
- 1.14** **Flooding and Drainage**
- 1.15** Members of the Committee previously made several comments in relation to flood risk and the proposed drainage strategy for the site. These comments were generally based upon concerns raised by adjoining occupants of Waterhall Farm to the north-west of the site who raised concerns regarding the impacts of the development on existing surface water run off on their property.
- 1.16** Members made a request for the applicant to provide further information in relation to the consequences of the proposed development on greenfield run off rates and potential downstream flood risk on Waterhall Farm, with suggestions made as to whether the proposed development could incorporate further attenuation features to reduce any subsequent risks.
- 1.17** It is considered that solar farms mostly retain their greenfield characteristics in drainage terms because the proposed development produces a negligible increase in impermeable area and would continue to act exactly the same as the existing agricultural fields. It is also noted that the Lead Local Flooding Authority previously raised no objections in respect increase surface run or the risk of increase flooding either on or off the site.
- 1.18** Nevertheless, the applicant has revised the proposals to incorporate a new attenuation pond in the south-eastern corner of the northern site parcel to further intercept surface water run-off from the site and surrounding fields. The revision to include the further attenuation pond as part of the development is considered to result in a betterment to existing run off rates and reduce the susceptibility to flood risk.
- 1.19** **Fire Safety**
- 1.20** Within the previous Committee, Members asked questions regarding the risk of fire in relation to the Battery Energy Storage System element of the development, specifically the proposed lithium-ion batteries. Members requested that details be provided by the applicant regarding the specific fire safety measures and procedure that will be implemented with the development be provided.
- 1.21** The applicant has submitted an Outline Fire Safety Management Plan as further information in support of the proposals. The Management Plan sets out the detailed design approach to be taken, the Health & Safety

and other legislation the scheme must follow and the information which is required to be provided in advance of construction of the proposals.

- 1.22** The applicant has stipulated that they are willing to accept, should the Council be minded approving the application, a suitably worded planning condition imposed on the decision to secure the preparation and submission of a full detailed pre-construction Fire Safety Management Plan in accordance with the submitted Outline Fire Management Plan. A condition has therefore been added to those suggested conditions outline in Section 17 of this report to cover off the above.

**1.23 Biodiversity**

- 1.24** Several questions were raised by Members in relation to how the development will impact on deer species, and how the development could provide further enhancement measures to allow for deer to cross the site without enclosure. Furthermore, some references were made as to whether the proposed free zone along the 20m wide easement of the high-pressure gas main through the site could function as an additional wildlife corridor through the site to improve ability for wildlife and deer.

- 1.25** In respect to the above, the applicant has confirmed that deer species would be prevented from accessing the areas containing panels (which is necessary due to the risk of damage), however they would be free to use all other areas of the site and can freely move between the land either side of the arrays. The applicant has confirmed that there are wide buffers and easements already provided around the edge of each field (typically between 10-25m, although narrowing in a few places to no less than 4m) which the applicant's ecologist has confirmed deer would continue to use.

- 1.26** Turning to the pipeline easement, the applicant agrees that there would be some merit to utilise the easement of ecological enhancement such as planting further hedgerows of vegetation. However, the applicant has stipulated that due to the constraints associated with the easement, proposing any landscaping or planting along this would not likely be acceptable. Furthermore, any additional hedgerow which would be proposed along either side of the easement would impact the landowners ability to effectively farm the land in the future once the solar farm has been decommissioned. The applicant states that it will nevertheless remain an open corridor for wildlife.

**1.27 Visualisations**

- 1.28** Several comments were raised by Members of the requesting visualisations of what the proposed development would look like. Visualisations of the proposals were original provided with the original Landscape and Visual Impact Assessment, however the applicant in response to the comments from Members has taken the opportunity to

revise the photomontages enclosed under the original Landscape and Visual Impact Assessment. Views 3A, 4A, 5B, and 7a provide visualisations of the proposed development at years 0, year 1 and year 15.

**1.29      Lighting**

**1.30**      Members at the committee meeting requested further information in respect of the proposed lighting strategy for the site.

**1.31**      The applicant has confirmed that continuous lighting for the site unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting. Furthermore, any installed lighting will only be fitted to proposed buildings (including switchgear, inverter, substation and battery container units) and will be downwards facing to limit any light emittance when lit.

**1.32**      The applicant has confirmed that they are happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development if the Council feels that this is necessary.

**1.33      Noise**

**1.34**      A point of interest in which Members raised at the Planning Committee was in relation to potential noise impacts of the proposed development and how any impacts could be mitigated.

**1.35**      The applicant has confirmed that the noise generated from the development will be minimal and that the only noise generating equipment which will be installed on the site would be limited to the batteries and proposed inverter units across the site.

**1.36**      The applicant stipulates that the proposed batteries are housed in storage units and so generate very little external noise and are effectively silent during operation. However, they did point out that associated plant items, specifically heating / cooling equipment associated with the batteries do generate noise when in operation (typically during hot summer months). The solar scheme will only operate during daylight hours, with full capacity reached around the middle of the day on a sunny day. However, the battery storage aspect of the development could, feasibly, operate at any time within a typical 24 hours.

**1.37**      Furthermore, it is suggested by the applicant that the inverters and accompanying batteries would be dispersed across the site in small numbers and located toward the centre of the solar panels in each development zone to reduce visual and noise impacts on surrounding receptors. It is submitted by the applicant that given the location of the

inverters and batteries at the centre of the development zones, existing background noise and the distance of the proposed units from the closest residential receptors (in excess of 200m) there would be no adverse noise impact on any neighbouring receptors.

**1.38** The Application has been consulted to Council's Environmental Health Officer who has not raised any concerns in respect to noise. Nevertheless, if the Council are mindful of granting planning permission for the development, an appropriately worded condition could be imposed on the decision notice requiring a detailed noise impact assessment to be submitted and agreed prior to works commencing on site.

**1.39      Decommissioning**

**1.40** It was noted Members had concerns over the detail of the Section 106a in respect of decommissioning

**1.41** The applicant has provided a draft head of terms detailing that the development will not to Implement until the Developer has provided to the Council the Decommissioning Plan and the Decommissioning Bond or the Deposit, the terms of which are to be set out in a detailed schedule under the Section106 Obligation.

**1.42** The applicant has advised that it is not however possible to get an equivalent draft decommissioning plan generated at this point for the current project under consideration as the model behind the plan requires a lot of very specific project level detail that is only available just prior to construction when the detailed design is finalised.

**1.43** The applicant has also hired RINA, an independent global engineering consultancy which specialises in advising other industries in matters including decommissioning and who have provided cost analysis studies for decommissioning a similar project to those proposed here.

**1.44** It is anticipated that the PV plant will first be disassembled, with all above and below grade components removed. This includes all buried cables, conduits, and foundations. While PV modules will need to be removed by hand, the mounting structure, buried cables, and concrete will be removed with the aid of machinery to increase efficiency. Substations will be removed by cranes. For end of life conditions, it is assumed that electrical equipment, substations, and concrete do not have salvage value and will be disposed of.

**1.45** It is expected that the entire site will be reseeded with native grasses and vegetation in accordance with the planning approved landscape and ecological management plan. The remainder of site will already be vegetated, and disassembly activities will not significantly disturb the vegetation. Seeding in those areas is included as a precautionary

measure. The below table produced by RINA outlines the disassembly methods anticipated.

**Table 1: Anticipated Disassembly Methods**

Item	Removal Method	Type of value
PV Modules	Hand Removal. Place modules face down on pallets, tape wire ends, tied down and transport via skid-steer to staging location.	At 1-year: 99.5% Salvage/Resale, 0.5% Disposal End of Life: Cost free disposal by producer
DC cables	Disconnect PV connectors, cut cable ties, and remove wires from cable tray. Transport via dump truck to staging area.	Salvage
Central Substations Client Substation	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Salvage container, rest is Scrap disposal
String Inverters	Removal and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 99% Salvage/Resale, 1% Disposal End of Life: Scrap disposal
Monitoring Cabin	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Scrap disposal
Mounting structure	Stabilize with machine. Cut legs and lower to ground level. Cut cross beams to appropriate size and transport via dump truck to staging location. Ground posts removal via post-puller and transport via dump truck to staging location.	Salvage
Main AC/DC, HV and earth copper underground cables	Excavate to cable depth at one end of trench. Use tractor to pull out all cables in common trench. Main AC/DC cables are direct buried so complete excavation of trenches is not required. Transport via dump truck to staging area.	Salvage
Fence and CCTV posts	Machine roll fence fabric. Remove access gates and posts via post-puller and transport via dump truck to staging location.	Salvage
CCTV equipment	Remove CCTV equipment from posts and transport via dump truck to staging location.	At 1-year: 98% Salvage/Resale, 2% Disposal End of Life: Scrap disposal
Concrete	Remove with excavator and jack hammer. Backfill and compact as needed. Transport via dump truck to staging area.	Scrap disposal
Access track gravel	Remove with skid steer. Transport via dump truck to staging area.	Salvage
General waste offsite disposal	Assumed disposal of general mixed waste at £200 per tonne.	Scrap disposal
Re-Seeding	Re-seed native grasses using a tractor pulled drill seeder. Stabilize and mulch on areas where concrete or gravel was removed only.	Cost included in Site Restoration
Re-Grading	No bulk re-grading is included as this could trigger additional storm water control requirements.	n/a
Erosion & Sediment Control	Install silt fence around project perimeter. Install tracking control at site entrance and replace once during disassembly. Remove at end of disassembly.	Cost included in Site Restoration

#### 1.46 Topsoil loss

1.47 Members at the previous Committee suggested for a condition requiring no topsoil being removed from the application site as a consequence of the development. The applicant has confirmed that they are happy to accept such a condition. This has been added to the list of suggested conditions in Section 17 of this report.

#### 1.48 Food Production vs Renewable Energy

- 1.49** Finally, one of the points of discussion by Members was in relation to the issue of food production verses renewable energy production.
- 1.50** As a result, the applicant commissioned Kernon Countryside Consultants, a specialist agricultural, equestrian and rural planning consultant to undertake a formal land and energy resource appraisal of the site and proposed development. The appraisal is summarised as per the applicant supporting letter stating:
- 1.51** *In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be somewhat inevitable in Uttlesford. The Application site represents just a tiny fraction (0.0001%) of the overall croppable area in England and within Uttlesford, the site area represents just 0.08% of agricultural land falling within Grades 2 and 3. As such, the temporary loss of agricultural land will have no impact.*
- 1.52** *The economic benefits of the existing agricultural site are not significant. A theoretical net profit has shown that the land at the site could make a profit of £19,600 before labour.*
- 1.53** *With regards to the food versus energy debate, England is largely self-sufficient when it comes to production of grains, producing over 100% of domestic consumption of oats and barley and over 90% of wheat. In respect of energy, 40.8 percent of our electricity was generated using fossil fuels in 2020. Gas accounted for 35.7% of electricity produced but 59% of gas was imported. Wind and solar accounted for 28.4% of electricity production in 2020. With global prices dictating the cost of imported gas and England's high reliance on imported gas, energy prices are soaring. The cost of living crisis and rising energy costs in particular, are a major concern for the entire population.*
- 1.54** *Overall, as a country we are highly reliant on imported energy, but we are largely self-sufficient when it comes to production of grains for domestic consumption which are currently cropped from the existing site. We are in the midst of an energy crisis and there is an overwhelming need to become both more self-sufficient in terms of our energy consumption, and reduce our reliance on fossil fuels. This is subsequently considered to be a more pressing matter than the temporary loss of just 0.0001% of the overall croppable area in England.*
- 1.55** The development is proposed for a temporary period in which after the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.

- 1.56** However, it is acknowledged that during the life of the proposed development there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 1.57** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing fields subject to these proposals.
- 1.58** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation, biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.
- 1.59** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 1.60** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 1.61** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 1.62** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- 1.63** The development includes proposals for landscape and nature conservation enhancement;
- The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- The continued viability and function of the agricultural holding would not be harmed;
- 1.64** The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 1.65** In respect to the above, it is considered that the proposals would meet criteria as set in Policy E4. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by



providing habitat and landscape enhancements through new planting and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.

- 1.66** As confirmed by Council's Environmental Health Officer and as per above, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures.
- 1.67** The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.
- 1.68** It is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.
- 1.69** On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry, in accordance with Policies ENV5 and E4 of the Local Plan.

## **2. RECOMMENDATION**

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

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

### **And**

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

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

- 3.1** The site comprises an area of 52.35 hectares of agricultural fields within the open countryside that extend southwest of Bolford Street and west of

the hamlet of Cutlers Green. The town of Thaxted is located approximately 1.5 miles to the east with the surrounding area being rural in character.

- 3.2** There are a series of overhead power cables that run through the site. A narrow strip of woodland also occupies a central position on the western boundary of the site. The fields within the site boundary are generally surrounded by mature vegetation, including trees and hedgerows. Public rights of way cross the application site. There are several designated heritage assets in proximity to the application site, including Loves Farmhouse, Richmonds in the Wood, and Lower Farmhouse; these properties are all included in the List of Buildings of Special Architectural or Historic Interest as Grade II.
- 3.3** The hamlet of Cutlers Green comprises several dwellings that span along Bolford Street, approximately 150m from the south-eastern boundary of the site. While to the south, Loves Farm is approximately 50m from the southern boundary. Located to the west of the site, Richmonds in the Wood (an existing residential property) is positioned centrally adjacent to the western boundary. Several dwellings are located approximately 275m to the northwest of the site along Henham Road, some of which overlook the site from the rear of the properties.
- 3.4** With regards access to the site, there are several existing access points, however an existing access track to the northern boundary, adjacent to Waterhall Farm, is the principal access point to the application site.
- 3.5** To the south of the application site are four areas of ancient woodland designated as 'important locally'; Warrens Wood, Horham Wood, Browns Wood and Home Wood. To the west, Grove Spring Woods, Little Wood East and Little Wood West are also designated as Ancient Woodland and as locally important. A small pocket of land to the west, adjacent to Cutters Green, is designated as a Local Wildlife Site.

#### **4. PROPOSAL**

- 4.1** The applicant has advised that it is estimated that the proposed development would generate approximately 40 MW of renewable energy, which could provide approximately enough energy to power over 13,291 homes and displace approximately up to 8,986 tonnes of CO<sub>2</sub> per annum. In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030

compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

**4.2** At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023.

**4.3** The proposed development includes the construction and operation of the following equipment:

Arrays of solar PV panels.

Approximately 18 containerised inverters.

Approximately 18 containerised battery storage units.

Distribution Network Operator (DNO) substation and Customer substation/switchgear and meter equipment.

Internal access tracks.

Perimeter fence and access gates; and

CCTV cameras.

**4.4** The applicant has advised that construction work on the proposed development, assuming planning permission is granted, would not commence until a final investment decision has been made by the applicant and a contractor appointed. Following the award of the contract, the appointed contractor would carry out several detailed studies to inform the technology selection for the proposed development and to optimise its layout and design before starting work at the site. It follows that it has not been possible for the applicant to fix all the design details of the proposed development at this stage. The Applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the proposed development, including the precise layout of the site and the height of the solar panels.

**4.5** The applicant has further advised that the approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 3m high, which is the worst-case. The panels could be lower. The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.

**4.6** The zones are shown in the Zoning Layout Plan that forms part of the planning application submission. The zones define where certain infrastructure should be located within the site, but there is flexibility in terms of the layout within each zone. The infrastructure that is permitted shall be allocated as follows:

Development Zone 1 – solar panels, inverters, battery containers, customer switchgear and DNO substation.

Development Zone 2 – solar panels, inverters, and battery containers.

Development Zone 3 – solar panels, inverters, and battery containers.

Development Zone 4 – solar panels, inverters, and battery containers.

Development Zone 5 – solar panels, inverters, and battery containers.

Development Zone 6 – solar panels, inverters, and battery containers.

**4.7** The design principles for the layout of the solar farm are: -

The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures.

There will be a gap of approximately 3-4m between each row of arrays and maximum top height of the solar panels would be 3m. The minimum standard height of the lowest part of the solar modules fixed onto the framework will be 0.9m.

Typical minimum distance between edge of panels and perimeter fencing would be 5m to allow a wildlife corridor.

Retention and enhancement of existing Public Rights of Way running through the site, incorporating a 5 - 10m corridor with hedgerow either side to reduce visual impacts.

**4.8** The components of the solar farm include:

The solar panel modules are made from photovoltaics which are blue, grey, or black in colour and constructed of anodized aluminium alloy.

A galvanised steel frame mounting system will support the solar array.

Inverters cabins will be situated across the site towards the centre of each solar compound to reduce visual impact.

Customer Switchgear and DNO Substation.

Temporary construction and main site access tracks of permeable construction.

Internal access tracks of permeable construction.

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

Distribution Network Operator (DNO) substation – 8.0m x 6.0m x 4.1m  
Customer Substation – 10.0m x 4.0m x 3.0m  
Inverter Building – 12.2m x 2.5m x 2.9m  
Battery Container - 12.2m x 2.6m x 4.5m (total height)  
Security Fence – 2.0 metres in height  
CCTV Camera – 2.3m pole with camera on top  
The development would have an operational lifespan of 40 years.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 6 of the stated Regulations, was submitted under application UTT/21/0459/SCO.
- 5.2** The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.
- 5.3** It was concluded that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size, or location.
- 5.4** Given the location of the proposals and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

## **6. RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/12/5601/FUL	Construction of 29.96 ha solar park at Land at Spriggs Farm, Thaxted Road, Little Sampford.	Conditional approval.

UTT/13/2207/FUL	Construction of 18.65 ha solar park at Hyde's Farm, Little Bardfield.	Conditional approval.
UTT/19/1864/FUL	Construction and operation of a solar farm comprising arrays of solar photovoltaic panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, CCTV, access tracks and landscaping) on agricultural land off the B1051. (52 Ha.) Terriers Farm, Boyton End, Thaxted.	Conditional approval.

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

**7.1** The applicant undertook public consultation which comprised of four phases, starting with an informal invitation to a few immediate neighbours for a meeting in December 2020. The formal consultation began with an introduction letter of the proposal to the immediate residents, offering a telephone or video-meeting. This was followed with our third phase, seeking consultation feedback from residents in Cutlers Green and those living nearby to the proposal in Debden Green. This consultation was for two weeks starting on 22nd February 2021, before extending the consultation to the wider surrounding community for a public consultation starting on the 7th April 2021 and closing on the 21st April 2021. This was the fourth phase. Full details of the public consultation are provided within the supporting Consultation Report (May 2021).

**7.2** The applicant undertook public consultation which comprised of four phases, starting with an informal invitation to a few immediate neighbours for a meeting in December 2020. The formal consultation began with an introduction letter of the proposal to the immediate residents, offering a telephone or video-meeting. This was followed with our third phase, seeking consultation feedback from residents in Cutlers Green and those living nearby to the proposal in Debden Green. This consultation was for two weeks starting on 22nd February 2021, before extending the consultation to the wider surrounding community for a public consultation starting on the 7th April 2021 and closing on the 21st April 2021. This was the fourth phase. Full details of the public consultation are provided within the supporting Consultation Report (May 2021).

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

## **8.1 Highway Authority**

**8.1.1** Essex County Council as Local Highway Authority have advised that:

**8.1.2** In highway terms, the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements will take place during this period; of these approximately 1230 will be 15.4m articulated vehicles. Over the 16-week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary daily, this gives an approximation of the impact of the HGVs on the network.

**8.1.3** A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below. Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.

**8.1.4** From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority, subject to mitigation and conditions.

## **8.2 Local Flood Authority**

**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**

**8.3.1** The significance of the historic environment

**8.3.2** The historic environment is a finite and non-renewable environmental resource which includes designated heritage assets, non-designated archaeology and built heritage, historic landscapes and unidentified sites of historic and/or archaeological interest.

**8.3.3** It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life.

- 8.3.4** A solar farm in this location near Cutlers Green would have an impact upon a number of designated heritage assets and their settings in and around the site. There are no designated built heritage or archaeological assets within the red line boundary of the site. Designated assets within a 1km radius of the site include 30 listed buildings. There are no scheduled monuments within 1km of the site.
- 8.3.5** The proposals and their impact on the historic environment
- 8.3.6** The proposed development site comprises two areas of land, currently in agricultural use, to the west of Thaxted that are divided by a single track which forms the access to Richmond in the Woods. One area extends to 50ha, and the other is 15ha in size.
- 8.3.7** Approval is sought for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.
- 8.3.8** The main elements of the proposal are the construction, maintenance and decommissioning of an approximately 40 MW ground-mounted solar farm with battery storage and associated infrastructure. None of the site is located within the Green Belt.
- 8.3.9** The Heritage Assessment produced by Pegasus Group assessed the built heritage, archaeological and landscape within a 1km radius of the boundaries of the site. We consider the area of study to be contextually proportionate in this sensitive location. All of the structures at the site would be single storey in height and any intervisibility would be mitigated when the proposed screen planting matures. The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures.
- 8.3.10** The racks would respond to topography but there would typically be a gap of 3-4m between each row of arrays and the maximum top height of the solar panels would be 3m.
- 8.3.11** The typical minimum distance between the edge of the solar panels and the perimeter fencing would be 5m to facilitate a wildlife corridor.
- 8.3.12** The solar panel modules would be made of PVs which are blue, grey, or black in colour and constructed of anodized aluminium alloy.
- 8.3.13** The policy context
- 8.3.14** The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and



putting them to viable uses consistent with their conservation, (paragraph 192).

- 8.3.15** It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193.
- 8.3.16** This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.3.17** Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).
- 8.3.18** Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
- 8.3.19** Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'.
- 8.3.20** Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.
- 8.3.21** Historic England's position
- 8.3.22** We have considered the comprehensive documentation submitted with the application, including the Design and Access Statement, Heritage Statement and Landscape and Visual Impact Assessment produced by Pegasus Group.
- 8.3.23** Historic England acknowledge that a degree of harm would be caused to the significance of the setting of a number of the designated and non-designated heritage assets within a 1.0km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure.
- 8.3.24** We are satisfied that the level of that harm would be at a low level of less than substantial. We would therefore have no objections should your authority be minded approving the application.
- 8.3.25** Recommendation

**8.3.26** Historic England considers the level of harm that would be caused to the significance of designated and non-designated heritage assets in the vicinity of the application site because of the impact of the proposed solar farm on their setting would be at a low level of less than substantial

**8.3.27** On balance we would have no objections on heritage grounds should your authority be minded approving the application.

**8.3.28** We consider that the application meets the requirements of the NPPF.

## **8.4 Natural England**

### **8.4.1 Soils and Land Quality**

From the documents accompanying the consultation, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

### **8.4.2 Recommendation; No objection**

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

## **8.5 Anglian Water**

**8.5.1** The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat.

## **9. PARISH COUNCIL COMMENTS**

**9.1** The Parish Council resolved unanimously to OBJECT

- 9.1.1** The Parish Council believe that this development would have a seriously detrimental effect on the character of the countryside that surrounds Thaxted.
- 9.1.2** It is unquestionably contrary to both local plan policy (Policies S7 and GEN 2) and national planning policy and guidance. Specifically, there it is not necessary for this development to be on agricultural land when it is estimated by DECC that there are 250,000 has. of south facing commercial roofspace in the UK. It appears in any case that the government now appreciates the inefficiency of large-scale solar energy plants and all recent published policy documents have concentrated on offshore wind as the principal source of renewable energy. It would be devastating if, despite this, Thaxted and its setting were allowed to be destroyed by the granting of permission for this development.
- 9.1.3** The impact on the local landscape would be dramatic. The prospect of a huge area of land beside one of the key gateways to Thaxted being enclosed by security fencing and with endless arrays of PV panels stretching into the distance is appalling. No amount of mitigation could compensate for the harm that would be done. There are serious concerns for wildlife and stories of the death of deer at the nearby Spriggs Farm solar plant have been circulating on local social media. Bird and bat deaths are also commonplace with solar farms and birds such as lapwing, skylarks and plover would be deprived of their natural habitat.
- 9.1.4** The impact on local heritage assets is also a major concern. The applicant's heritage statement is wholly inadequate. There is no attempt, even, to consider the effect on the most important domestic building in Thaxted, the Grade 1 listed Horham Hall, while the effect on the historic Loves Farm and Richmonds in the Wood are downplayed to the extent that we wonder whether the authors of the report realise that Richmonds, one of the historic sub-manors of Thaxted, will becompletely surrounded. Photographs to assess impact are completely inadequate while the authors seem to think that the setting of Thaxted church (undoubtedly one of the finest parish churches in the country), is limited to the environs of the Bull Ring. In reality the setting of Thaxted church extends for miles, its 180-foot spire dominating the landscape surrounding the village.
- 9.1.5** The land has been classified as Grade 2 and as such falls into the Best and Most Versatile category where it is necessary for the applicants to provide the most compelling evidence (Ministerial Statement (HCWS 488.2015)) that it needs to be there. No evidence on that score has even been attempted by the applicants. There are serious concerns about the cumulative effects of these developments. Some 200 acres of land to the east of Thaxted is already covered in solar panels. Another substantial development is proposed for Cole End to the north. This would fill in the gap that currently exists to the west. The incredibly beautiful village of Thaxted is being surrounded on all sides.

**9.1.6** Finally, there is the issue of the longer term. The applicants say that the land can revert to agriculture after 40 years. First, it is highly unlikely that the land will be fit for agriculture after 40 years. The effect of large areas of land having been in shadow while other areas have become permanent rainwater run-off channels will probably render the land impossible to cultivate. Then there is the question of de-commissioning. What work has been done on the scope for re-cycling? Evidence from America suggests that many panels end up in landfill. In the case of Terriers Farm the same applicants offered a bond to ensure the clean-up operation. It would appear however that this is completely worthless and as such it is quite likely that no attempt will ever be made to reinstate the site after 40 years. It will simply become derelict brown field land.

**9.1.7** The consequences of allowing this development are frankly frightening and we urge the planning committee to follow the view of the 708 residents who signed the petition against this type of development.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

#### **10.1.1 Solar Glare**

I understand that this issue is dealt with by the Civil Aviation

#### **10.1.2 Authority as a consultee. Construction**

Noise and dust from the construction phase of the development has the potential to cause adverse impacts to communities in the vicinity of the site and therefore a construction management plan condition is recommended. Noise associated with the operational phase of the development is considered unlikely to cause any adverse impacts.

#### **10.1.3 Conclusion**

I have no objection to the application subject to conditions.

### **10.2 UDC Landscape Officer/Arborist**

**10.2.1** Advises that the visual impact on the existing character of this gently undulating bucolic landscape would be significant. The visual impact of the proposed development would be particularly evident from the public footpath network which runs through the site.

**10.2.2** Whilst I'm in broad agreement with the findings of the submitted LVIA, additional mitigation to reduce the visual impact of the proposed development should be sought in terms of new woodland planting. It is

accepted that new planting would take a number of years before it begins to become effective, however, after 15 years the new planting would likely have a significant ameliorating effect.

**10.2.3** Maintaining the rural setting of Thaxted village is a matter of fundamental importance. The uninterrupted views of the historic John Webb's Thaxted Windmill would be maintained, as would the spire of St. John the Baptist with Our Lady and St. Laurence, in views taken from the Bolford Street approach to Thaxted village.

**10.2.4** Were there to be a recommendation for approval of this application, I suggest that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The extent the woodland considered appropriate to be sort is indicated on the overmarked plan below. The woodland suggested consists of 7 compartments (A-G) linked for the greater part by existing hedgerows and woodland to be retained. In total the area of new woodland would be approximately 11ha in extent, which would equate to some 20,000 trees being planted within the application site. The long-term protection of such new woodland beyond the lifetime of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Whilst establishing new woodland would take agricultural land out of production, this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains.

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

**10.3.1** Advise that the application site comprises several agricultural fields that extend southwest of Bolford Street and west of the hamlet of Cutlers Green. Two PROWs cross the application site, to the north. A key concern is the impact of the proposals upon a number of designated heritage assets in proximity to the site and their setting. Historic England's publication, The Setting of Heritage Assets, provides a stepped approach and within Step 2 a checklist of potential attributes of setting which contribute to significance is provided. This includes 'surrounding landscape, views, tranquillity, seclusion and land use', also environmental factors such as noise, light pollution, seasonal and diurnal changes, and general disturbance must be taken into consideration. The proposals have the potential to affect a total of thirty listed buildings within 1km of the site.

**10.3.2** The solar farm will contain panels with a maximum top height of 3m and a 5m distance between the panels and perimeter will be maintained. The PROWs will be accessible, and a corridor created. The DNO substations and converters are located centrally within the solar farm, not exceeding 4.1m in height.

- 10.3.3** The submitted Heritage Statement has identified a number of designated heritage assets that will be affected, through change in their setting. Such as Loves Farmhouse, Grade II listed (list entry number: 11655549); Richmonds in the Wood, Grade II (list entry number: 1112979); Lower Farmhouse, Grade II listed (list entry number: 1165538) and several others which share intervisibility with the site. The submitted Heritage Statement concludes that less than substantial harm, at the lowermost end of the scale, is relevant for the heritage asset, Richmonds in the Wood, and no harm to the significance of the other affected heritage assets.
- 10.3.4** I agree with the assessment of less than substantial harm arising to the setting of Richmonds in the Wood, however it is felt that the proposals would also inevitably result in an adverse change to the setting of several other designated heritage assets within 1km of the site such as Loves Farmhouse (list entry number: 1165549) and Spring Cottage (list entry number: 1317275). Therefore, Paragraph 202 (NPPF 2021) should be considered relevant for the above-mentioned heritage assets, and I suggest that the level of harm would be at the low end of the scale.
- 10.3.5** Were permission to be granted, I suggest a condition is attached which secures details of landscaping is attached. I also question the necessity for the quantity of CCTV cameras proposed as there is a preference for a reduction in number, to less the visual intrusion of the proposals.
- 10.4 Place Services (Ecology)**
- 10.4.1** No objection subject to biodiversity mitigation and enhancement measures.
- 10.5 Place Services (Archaeology)**
- 10.5.1** Advise that the historic environment record and the submitted desk-based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified several historic field boundaries (EHER46391, 46393 and 46394) with some evidence of a potential enclosure. Evidence of prehistoric occupation has been identified within the vicinity of the proposed development and the line of a probable Roman road bisects the site from the northeast to southwest (EHER 23871). These features were identified within the heritage document but a discussion of methods of construction and their impact on below ground remains was not undertaken. It is therefore recommended that a programme of archaeological mitigation is used to ensure that the heritage assets on the site are protected. This would initially comprise an appropriate programme of geophysical survey followed by appropriate trial trenching and excavation on those areas which will require ground disturbance.

**10.5.2** Recommendation: No objections, subject to conditions

## **10.6 Crime Prevention Officer**

**10.6.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime"

We would refer you to our comment of 21/7/21, and have further comment to make.

Previous comments;

Essex Police Response to the Chelmsford City Council Draft Solar Farm Development Supplementary Planning Document

With reference to the recent NOTIFICATION OF CONSULTATION ON CHELMSFORD CITY COUNCIL DRAFT SOLAR FARM DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT.

Essex Police comments pursuant of the National Planning Policy Framework 2019 (NPPF) and Chelmsford City Council policies.

NPPF section 8 "Promoting Healthy and Safe Communities" paragraph 91(b), and section 12 "Achieving Well Designed Places" paragraph 127(c) address creating places that are safe. Chelmsford Local Plan DM23 & DM24 addresses security through "High Quality Design" and "Place Shaping" with a reasoned justification 9.6 - "The layout and design of a development are important in creating a safe environment where people are comfortable to live, work and visit".

Section 17 of the Crime and Disorder Act 1998

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

We note within the Draft Solar Farm Development Supplementary Planning Document that paragraph 7:23 on page 17 references "Security Fencing and Lighting" in relation to landscape and ecology. Whilst we accept in relation to security measures the importance of "significant consideration given to mitigating their impact on wildlife" we wish draw attention to the inherent crime risk of such sites due to the increase in metal theft crime and the need for serious consideration of risk commensurate security measures.

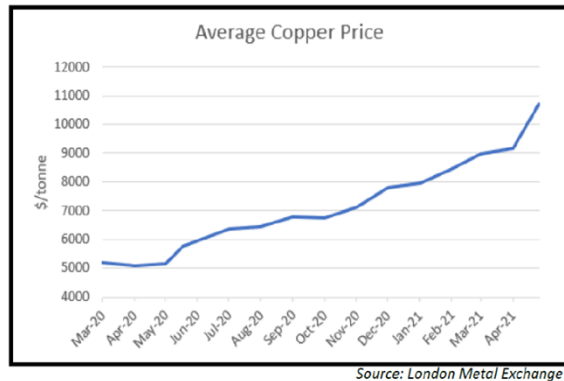
Crime risk

It should be noted that there was an exponential rise in crime in relation to solar farms during 2020 in Nottingham, Leicestershire, Lincolnshire, Derbyshire, North Yorkshire, Staffordshire, Lancashire, Warwickshire, and Scotland with further offences this year in Windsor and near Chesterfield. Whilst Essex thus far has not experienced a rise in this specific crime. Essex Police are aware that there has been a substantial

increase in the numbers of metal thefts from other locations. There is real potential for thefts from solar farms to occur within the County of Essex.

Current Home Office research suggests that the thefts are fuelled by the rising metal prices especially that of copper being at a 10-year high; with everything from solar panels to cabling, batteries and ancillary equipment being targeted. As a consequence, the Solar Trade Association have consulted with the National Metal Crime Working Group, which comprises of National Police organisations, metal trade and recycling bodies, infrastructure organisations and other allied stakeholders, with a view to seeking risk commensurate options for security measures at solar farms.

#### The value of metals



As mentioned earlier the price of copper is seeing a 10-year high but this increase is also being seen across of metals as well. Some of these other metals may also be present within solar farms too.

A search of the internet came up with a very useful assessment in a 'Wikipedia' article regarding use of copper in solar power generating sites came up: "Copper in photovoltaic power systems"

The usage of copper in photovoltaic systems is substantial, averaging around 4-5 tonnes per MW or higher if ribbons (conductive strips to connect individual PV cells) are considered.[9] Copper is used in:

- 1) small wires that interconnect photovoltaic modules.
- 2) earthing grids in electrode earth pegs, horizontal plates, naked cables, and wires.
- 3) DC cables that connect photovoltaic modules to inverters.
- 4) low-voltage AC cables that connect inverters to metering systems and protection cabinets.
- 5) high-voltage AC cables.
- 6) communication cables.
- 7) inverters/power electronics.
- 8) Ribbons.
- 9) transformer windings."

The key figure here is the estimate that 4-5 tonnes of copper is needed for every MegaWatt of electricity generated – so with a figure for the projected power generating capacity of a solar farm, it is possible to calculate a rough total figure for the copper likely to be present on site.

"Deer/stock fencing" in relation to crime is not sufficient to deter or mitigate a crime risk and only provides a symbolic boundary. It is also noted on some applications in the past that some cameras will be mounted on posts



forming part of the fencing, in itself total unsuitable for security and image capture. Mature dense natural hedging ideally of a spiky nature such as hawthorn and blackthorn provides a stronger deterrent, but as with other measures requires regular inspection to ensure growth it is not obstructing CCTV cameras and to detect intrusion attempts; this needs to be included within maintenance and management plans.

We are quite appreciative of the desire to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining 'deer fencing' with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible a black or green weld-mesh fence has been shown to be less obtrusive.

We would wish to draw attention to the following documents that suggest risk commensurate measures to mitigate the crime risk - BREEAM document "Guide to large scale ground mounted solar PV systems" pages 11 & 12 and "NFU Risk Management Programme for Photovoltaic Field Arrays" paragraphs 7-9  
[www.bre.co.uk/filelibrary/pdf/other\\_pdfs/KN5524\\_Planning\\_Guidance\\_reduced.pdf](http://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf) [www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/](http://www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/)

To assist developers, we would welcome the opportunity of consultation on such projects where there is a desire to mitigate security risks to the development both during and after construction.

## **10.7 MAG Aerodrome Safeguarding**

- 10.7.1** Advise that 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.

## **10.8 NATS Safeguarding**

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

## **10.9 Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator**

- 10.9.1** UTT19C Cutlers Green Special Roadside Verges are on the west and east sides of Bolford Street between grid references TL589313 – TL591311. A map of the verge sites is attached to the email with this response. These verges support species rich chalk grassland. The rich flora includes Nationally Scarce Plant

Sulphur Clover Trifolium ochroleucon and a wide range of other chalk grassland plants: Agrimony, Bird's-foot Trefoil, Black Medic, Creeping Buttercup, Meadow Buttercup, Common Knapweed, Greater Knapweed, Field Scabious, Great Willowherb, Hedge Bedstraw, Meadowsweet, Meadow Vetchling, Pyramidal Orchid, Restharrow, Ribbed Melilot, Sweet Cicely, Tufted Vetch and Yarrow. This habitat is now very rare in the UK. 97% of this grassland had been destroyed in England and Wales by 1984 and losses have continued since that time from development and other causes.

**10.9.2** UTT19b Debden Green Special Roadside Verges are on the west and east sides of Thaxted Road between grid references TL578324 - TL580321. This site should be unaffected by the application if traffic to the solar farm is routed from the south as proposed.

**10.9.3** I Object to this application. It will result in a significant increase in traffic accessing the local road network and driving along Bolford Street. The special verges on each side of Bolford Street will be vulnerable to erosion from the wheels of large vehicles and dust created by the development during the period of construction.

**10.9.4** I understand from the documents supplied that access to the solar farm would be via an access route on the north side of Waterhall Farm. This should not directly affect the Cutlers Green verges. I would request that if the application is approved the vehicle access route to the south of Waterhall Farm is retained to continue to provide vehicle access to an agricultural storage building so that a new access under application UTT/21/1952/FUL would not be required. That new access road would destroy part of the Cutlers Green West special roadside verge. In such case, the solar farm application is damaging to the special verges both directly and indirectly.

**10.9.5** I agree with the Ecological Impact Assessment that a condition needs to be put in place to protect the special verges during the period of construction if development is approved. I would request that such a Condition be applied if the Officer is minded recommending approval of the application.

**10.10 Exolum Pipeline System Ltd**

**10.10.1** No objections

**10.11 Northwest Essex Swift Group**

**10.11.1** Advise that if this application is approved, could the Council please secure the mitigations offered in the ecological appraisal to enhance biodiversity and aid local wildlife. The sowing of wildflowers under the arrays, followed by appropriate management will benefit a whole range of wildlife. This

would be far more beneficial, than the sowing of for example a rye grass mix and regular mowing, in addition the creation of 1640m of hedgerow and the proposed bird nesting provision would be welcome and should be secured through a suitable condition.

## **11. REPRESENTATIONS**

**11.1** Numerous representations were received from neighbouring residents, and the following observations have been made:

### **11.2 Object**

- 11.2.1** Impact on ecology and local wildlife, including the deer population  
Loss of Best and Most Versatile agricultural land for food production  
Impact upon the amenity value of the countryside and use of Public Rights of Way  
Serious concerns about the manufacture of PV panels, most of which come from China, and whether this is ethical  
No benefits for the local community  
This is not sustainable development  
Unsafe and inappropriate access  
Solar farms should be found on brown field sites, on roofs of existing buildings and on low quality agricultural land  
Impact from increased traffic  
Impact upon and industrialisation of the countryside  
Impact on local character and appearance of the countryside  
Impact on residential amenity  
Impact on the setting of Thaxted  
Impact on views  
Solar technology is weather dependant  
Thaxted has already had enough Solar Farms  
Impact upon Stansted Airport  
The submitted Glint and Glare analysis is not robust in its context  
Inappropriate site for development  
Impact from construction vehicles  
Open the floodgates to more development  
Need for a s106 Agreement and Decommissioning Bond from the outset
- 11.2.2** Further, a petition containing nearly 200 signatures has been received in objection to the application, together with a UDC e-petition collecting 708 signatures calling for the urgent adoption by the Council of a policy on solar farm developments within the district.
- 11.2.3** In addition, the Cutlers Green Residents Group have instructed specialists to register their objections to the application, in terms of a critique of submitted Ecological, LVIA and Heritage matters. A copy of the summary letter is included as **Appendix 1** to this Report.

**11.2.4** The Cutlers Green Residents Group have also written directly to applicant in respect of Safety matters pertaining to the application; a copy of this letter is included as **Appendix 2**. A copy of the response from the applicant's agent on the technical critiques and safety issues, is included as **Appendix 3** to this Report.

**11.2.5** Finally, the Campaign to Protect Rural England (CPRE) have submitted extensive representations in objection, and their Policy Statement on Solar Farms, in respect of this application. These comments are included as **Appendix 4 & 5** to this Report.

### **11.3 Comment**

**11.3.1** The above concerns have been addressed through the assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

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

(c) any other material considerations.

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

## **12.4 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

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

Policy S7 – The countryside Policy  
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  
ENV4 - Ancient monuments and Sites of Archaeological Importance  
Policy ENV5 - Protection of Agricultural Land Policy  
ENV14 - Contaminated Land  
E4 – Farm Diversification

### **13.3 Thaxted Neighbourhood Plan**

- 13.3.1** The application site is within the Thaxted Neighbourhood Plan Area as designated on the 10th December 2015. At Council on 21 February 2019 the Thaxted Neighbourhood Plan was formally made (the Neighbourhood Plan legislation's term for adopted) by the District Council as part of the Statutory development plan. The Thaxted Neighbourhood Plan now sits alongside the Uttlesford Local Plan Adopted 2005. Should planning permission be sought in areas covered by the adopted neighbourhood plan, the application must be determined in accordance with both the neighbourhood plan and the Local Plan.

- 13.3.2** The following policies contained within the Thaxted Neighbourhood Plan are applicable to the determination of this planning application:

TX HC1 – Heritage and Development  
TX LSC1 – Protection of the Countryside and Rural Setting of Thaxted  
TX LSC2 – Protection and Enhancement of the Landscape  
TX LSC3 - Wildlife Habitats and Landscape Features  
TX HD1 – Scale and Location of New Development  
TX LSC4 – Development in Outlying Settlements  
TX HD10 – Design Principles

**13.4 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.1.1**
- A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**
  - B) Impact on neighbour's amenity**
  - C) Access and highway safety**
  - D) Impact on biodiversity**
  - E) Whether the development would increase flood risk issues**
  - F) Impact upon sites of local archaeological importance and listed buildings**
  - G) Other Material consideration: Section 106 Agreement and Decommissioning.**

- 14.2**
- A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**

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

now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021). A Neighbourhood Plan does currently exist for Thaxted, which forms part of the Development Plan, and the Plan area includes this application site.

- 41.2.3** Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990) significant contribution towards the district and County's renewable energy production. The applicant has advised that it is estimated that the proposed development would generate approximately 40 MW of renewable energy, which could provide approximately enough energy to power over 13,291 homes and displace approximately up to 8,986 tonnes of CO<sub>2</sub> per annum. These benefits need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.
- 14.2.4** In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 14.2.5** At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.
- 14.2.6** The application site is located outside the Development Limits of Thaxted within Grade 2 agricultural land and is therefore located within the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects

or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries moderate weight.

- 14.2.7** In terms of the loss of Grade 2 agricultural land i.e. Best and Most Versatile agricultural land, Natural England have advised that *...from the documents accompanying the consultation, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.*
- 14.2.8** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape.
- 14.2.9** Whilst this view is clearly at odds with that of Thaxted Parish Council, local residents, and the Campaign to Protect Rural England (CPRE), this is the opinion of the statutory independent consultee, and should be given significant weight.
- 14.2.10** The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. In view of the sensitiveness of the site, in this regard, specialist landscape advice has been sought. The application was also the subject of pre- application advice.
- 14.2.11** In response to discussions, the applicant has advised that key elements of the design approach have included the following:
- Preserving existing trees, hedgerows, woodland, and ecological features both within and in close proximity of the site where possible.  
Orientating the solar panels south to benefit from maximum solar irradiation.
- Upgrading of existing field access point with improved visibility splays.



Providing additional screen planting, including where there are currently gaps or no vegetation, to minimise the visual impacts of the proposed development on surrounding sensitive receptors, including nearby residential dwellings, PRoWs and heritage designations.

Providing significant habitat improvements within the site, including the conversion of arable farmland to higher value grassland, the provision of wildflower meadow along field margins and the provision of new hedgerows and trees.

- 14.2.12** The Council's Landscape Officer has advised that were there to be a recommendation for approval of this application, I suggest that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The extent the woodland considered appropriate to be sort is indicated on the overmarked plan below. The woodland suggested consists of 7 compartments (A-G) linked for the greater part by existing hedgerows and woodland to be retained. In total the area of new woodland would be approximately 11ha in extent, which would equate to some 20,000 trees being planted within the application site. The long-term protection of such new woodland beyond the lifetime of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Whilst establishing new woodland would take agricultural land out of production, this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains. If planning permission is granted, the details of legacy woodland planting would be secured by way of planning condition; the details of which would be submitted for approval to the Local Planning Authority prior to any commencement of development.
- 14.2.13** In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.
- 14.2.14** Policy ENV15 of the adopted Local Plan 2005 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. However, the adopted Local Plan is silent on policies relating to large scale proposals such as this, other than that it is expected that acceptable schemes in the district would be relatively small scale. The application therefore needs to be assessed based on other material considerations, and therefore guidance contained within the National Planning Policy Framework 2021 (NPPF) is material to the consideration of this planning application.

**14.2.15** In this regard, the NPPF states that:

*Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).*

**14.2.16** Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change, states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

**14.2.17** The NPPF further advises that new development should be planned for in ways that:

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 through the planning of green infrastructure; and

can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

**14.2.18** To help increase the use and supply of renewable and low carbon energy and heat, plans should:

provide a positive strategy for energy from these sources, that 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 co-locating potential heat customers and suppliers.

- 14.2.19** Further, the NPPF states that in determining planning applications, local planning authorities should expect new development to:

comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

- 14.2.20** Finally, the NPPF states that when determining planning applications for renewable and low carbon development, 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.

- 14.2.21** On balance, and with appropriate mitigation, it is considered that this proposal is consistent with the provisions of the National Planning Policy Framework 2021, together with appropriate policies contained within the Uttlesford Local Plan 2005, and the Made Thaxted Neighbourhood Plan 2019.

### **14.3 B) Impact on neighbour's amenity**

- 14.3.1** In terms of nearby residential properties, Richmond's in the Woods is located at the western edge of the application site; to the southwest, Leggatt's Farmhouse is located approximately 250m from the application site. Further dwellings are found locally in Cutlers Green to the east, with additional residential properties to the northwest along Henham Road.

- 14.3.2** The proposed inverters and accompanying batteries would be located in the centre of the solar panels in each development zone to reduce visual and noise impacts on surrounding receptors. The inverters would have a

sound level of 75 dB (A) at a 1 metre distance. Given the location of the inverters at the centre of the development zones, and the existing background noise, there would be no adverse noise impact on any neighbouring receptors.

- 14.3.3** The Uttlesford DC Environmental Health Officer has advised that noise associated with the operational phase of the development is considered unlikely to cause any adverse impacts. Therefore, and subject to conditions, the proposal would comply with the implementation of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005

#### **14.4 C) Access and highway safety**

- 14.4.1** Policy GEN1 states: 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.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

- 14.4.2** In this regard, Essex County Council as Local Highway Authority have advised that:

*In highway terms, the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements will take place during this period; of these approximately 1230 will be 15.4m articulated vehicles. Over the 16-week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary daily, this gives an approximation of the impact of the HGVs on the network.*

*A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below.*

*Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.*

- 14.4.3** From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN2 of the adopted Uttlesford Local Plan 2005.

**14.5 D) Impact on biodiversity**

- 14.5.1** Policy GEN7 of the adopted Uttlesford Local Plan 2005 seeks to protect biodiversity, protected species and habitats. The application is supported by various habitat surveys, a Biodiversity Checklist, an Arboricultural Impact Assessment, Breeding Bird Survey and Ecological Impact Assessment, relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied that there is sufficient ecological information available for determination.

- 14.5.2** Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the appropriate sections of the National Planning Policy Framework 2021.

**14.6 E) Whether the development would increase flood risk issues**

- 14.6.1** 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. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objections to the proposals, subject to conditions.

- 14.6.2** As such, the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021

**14.7 F) Impact upon sites of local archaeological importance and listed buildings**

- 14.7.1** Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that LPAs should seek to protect the integrity and setting of listed buildings. 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 that this harm should be weighed against the public benefits of the proposal. Policy ENV2 of the Uttlesford Local Plan 2005 relating to heritage protection states that “Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building, will not be permitted.

**14.7.2** There are several designated heritage assets located within the vicinity of the site, including:

Grade II Listed Loves Farmhouse c. 40m south of the site.

The Grade II Listed Richmonds in the Wood c. 70m west of the site (1112979);

The Grade II Listed Lower Farmhouse c. 240m east of the site (1165538);

The Grade II Listed Spring Cottage c. 40m east of the site (1317275);

The Grade II Listed Tower Cottage c. 125m east of the site (1112978);

The Grade II Listed Wayside c. 185m east of the site (1322221);

The Grade II Listed 57-60 Henham Road c. 305m north of the site (1170903);

The Grade II Listed Potts Cottage c. 305m north of the site (1112411);

The Grade I Listed Church of St John the Baptist c. 1.6km south- east of the site (1112151).

**14.7.3** Place Services Heritage identify harm at the lower end of the spectrum, but this harm needs to be balanced against the public benefits of the proposal.

**14.7.4** In terms of archaeology, the Place Services Team advise that the historic environment record and the submitted desk-based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified several historic field boundaries (EHER46391, 46393 and 46394) with some evidence of a potential enclosure. Evidence of prehistoric occupation has been identified within the vicinity of the proposed development and the line of a probable Roman road bisects the site from the northeast to southwest (EHER 23871). These features were identified within the heritage document but a discussion of methods of construction and their impact on below ground remains was not undertaken. It is therefore recommended that a programme of archaeological mitigation is used to ensure that the heritage assets on the site are protected. This would initially comprise an appropriate programme of geophysical survey followed by appropriate trial trenching and excavation on those areas which will require ground disturbance.

**14.7.5** On balance, the proposal would comply with Policies ENV2 and ENV4 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy

**14.8 G) Other Material consideration: Section 106 Agreement and Decommissioning.**

**14.8.1** The planning application will be accompanied by a robust s106 Agreement under the terms of the terms of the Town and Country Planning Act 1990, as amended.

**14.8.2** Uttlesford DC as Local Planning Authority requires a decommissioning plan, prior to construction. This plan typically includes:

The anticipated life of the project

The anticipated present value cost of decommissioning

An explanation of the calculation of the cost of decommissioning

The physical plan for decommissioning

A broad understanding of the lease arrangements with the Landowner

A surety or bond to cover the cost of decommissioning

**14.8.3** In addition, or augmentation to the above, we recommend using the following requirements:

Financial security in the form of surety bond, letter of credit, or cash escrow held by an appropriate insured financial institution.

Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security.

A reserve factor to the cost projections to protect against changes in market values.

A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and

A process to require decommissioning if the solar energy system is no longer operational

**14.8.4** Such an Agreement will be secured in advance of the release of any planning permission.

**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 proposal would lead to loss of 52 ha of Grade 2 arable agricultural land; however, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, especially those experienced by the users of the many adjacent public rights of way. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.
- 16.2** It is considered when taking the National Planning Policy Framework 2021, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings.
- 16.3** Consideration has been given to paragraph 11 c) i, and Footnote 7 of the National Planning Policy Framework 2021 in terms of impacts of the development upon designated heritage assets. Given that the identified harm to assets is categorised at the lower half of the spectrum of harm, this does not give the Local Planning Authority a clear reason for refusing the development, and given the identified public benefits as set out, the application can be supported. The "tilted balance" is in favour of the proposal, including a presumption in favour of sustainable development,



as set out in paragraph 14 of the National Planning Policy Framework 2021, which is therefore engaged.

**16.4** The proposal subject to mitigation would not result in any material detrimental loss of residential amenity

**16.5** The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements.

**16.6** The proposals would not adversely affect protected species. There would be new hedgerows and other landscape features and the planting of new trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity

**16.7** The proposals would not result in increased flooding.

**16.8** Subject to conditions the proposal would not impact on airport safeguarding.

**17. S106 / CONDITIONS**

**17.1 S106 HEADS OF TERMS**

- 17.2**
- I. Decommissioning of the PV Plant and associated infrastructure
  - II. Pay the Council's reasonable legal costs
  - III. Pay the monitoring fee

**17.3 CONDITIONS**

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

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

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets.

- 3** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of any buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets.

- 4** The submitted Construction Traffic Management Plan Revision A shall be implemented in consultation with the highway authority and adhered to throughout the construction period.

REASON: To ensure safe and suitable construction access is provided, that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway and the public rights of way are protected in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5** Prior to implementation, the access from Bolford Street shown in principle on submitted drawing P20-1298 Figure 1 A, and entirely separate from PROW 49/14 shall be provided, including a minimum width of 6m, 10m radii and clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing highway verge. The visibility splays shall be retained free of any obstruction thereafter. A minimum 2m effective width of the PROW 49/14 and the extension to the road shall be maintained.

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

Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 Upon completion of the construction phase, the Bolford Street construction vehicular access shall be reduced to a size appropriate for operation and maintenance incorporating the reinstatement to full height of the highway verge. Full details to be agreed in writing with the Local Planning Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7 On commencement of development a temporary construction access, shall be constructed at right angles to the existing carriageway on the north and south side of the unnamed road, leading to the dwelling known as Richmond in the Woods, the position of which is shown in principle on submitted drawing P20-1298 Figure 2. The accesses shall only be used to travel north and south between the two construction areas and not along the highway a banksman shall be provided to assist construction vehicles. Upon completion of the construction phase the northern temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and the southern temporary access shall be constructed as per condition 8. Full details to be agreed in writing with the Local Planning Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8 Prior to operation, the access from the unnamed single track road, leading to the dwelling known as Richmond in the Woods, shown in principle on submitted drawing P20-1298 Figure 2 shall be provided, including a minimum width of 4.9m, radii of 6m and the clear to ground visibility splays, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The visibility splays shall be retained free of any obstruction thereafter. This access shall be entered from the north only during the construction phase and not from the east.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 9** Any gates provided at the Bolford Street vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the carriageway. Any gates provided at the Southern Operation access shall be inward opening only and shall be set back a minimum of 8 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 10** No unbound material shall be used in the surface treatment of the vehicular accesses within 16 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 11** Construction traffic and delivery vehicles shall be programmed to arrive and depart outside the peak hours of 07:30 – 09:30 and 16:30 – 18:30 Monday to Thursday and 07:00 – 15:00 on Fridays (to avoid market day in Thaxted).

REASON: To avoid congestion and conflict in the highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 12** Prior to implementation a detailed plan for protection of the public rights of way network during construction shall be submitted to, and approved in writing by, the local planning authority, it shall include but not limited to a drawing identifying the PROWs position and widths and showing proposed crossing points, use of banksmen, signing, fencing, gates, and

protection and maintenance of surface at crossing points. The objective of the plan will be the safety and convenience of pedestrians using the network. The approved plan to be adhered to throughout the construction phase.

REASON: To protect PROW network and in the interest of highway safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 13** The definitive widths of PROWs within the site shall be protected within a 10m corridor between bound on both sides by hedging and fencing, the new boundary planting adjacent to the PROWs shall be planted a minimum of 3.5 m back from the definitive width of the PROW and the vegetation maintained throughout operation of the Solar Farm to ensure no encroachment. Full details to be agreed in writing with the Local Planning Authority

REASON: To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 14** Any vehicular crossing points of the PROW within the development shall be suitably treated to provide priority and safe crossing for pedestrians and the surface protected and maintained to a suitable level for the safe and convenient use of pedestrians through the operation of the site. Full details to be agreed in writing with the Local Planning Authority

REASON: To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 15** No development shall take place until a comprehensive condition survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network affected by the site as shown in Plate 2 of the Construction Traffic Management Plan has been completed in conjunction with the highway authority and submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** Following completion of the construction phase, a further comprehensive survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network as shown in Plate 2 of the Construction Traffic Management Plan shall be completed in conjunction with the highway authority. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the site to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

- I. Safe access to the site and subsequent reinstatement of the highway
- II. vehicle routing,
- III. the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials,
- IV. storage of plant and materials used in constructing the development,
- V. wheel and underbody washing facilities.
- VI. Protection, treatment, and reinstatement of the PROW network
- VII. Before and after condition survey to identify defects to highway and PROW network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer

REASON: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management

- 18** All mitigation, enhancement and monitoring measures and/or works shall be carried out in accordance with the details contained in the Breeding Bird Survey (Clarkson & Woods, July 2021), Ecological Impact

Assessment (Clarkson and Woods, May 2021) and letter from Clarkson & Wood dated 16th September 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. A report describing the results of monitoring of off-site Skylark compensation shall be submitted to the local planning authority at intervals identified in the legal agreement to secure this provision. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

**19**

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.

- I. Risk assessment of potentially damaging construction activities.
- II. Identification of "biodiversity protection zones".
- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include as a minimum: bat sensitive lighting and sensitive construction methods
- IV. The location and timing of sensitive works to avoid harm to biodiversity features.
- V. The times during construction when specialist ecologists need to be present on site to oversee works.
- VI. Responsible persons and lines of communication.
- VII. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- VIII. 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), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 20** Prior to any works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Clarkson and Woods, May 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 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), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 21** Prior to beneficial use, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:

- I. Description and evaluation of features to be managed.
- II. Ecological trends and constraints on site that might influence management.
- III. Aims and objectives of management.
- IV. Appropriate management options for achieving aims and objectives.
- V. Prescriptions for management actions.
- VI. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- VII. Details of the body or organisation responsible for implementation of the plan.
- VIII. Ongoing monitoring and remedial measures.

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



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

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

- 23** No development or preliminary groundworks can commence until a programme of assessment has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 24** A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

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

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

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

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

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

- I. Demolition, construction, and phasing programme.
- II. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- III. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- IV. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- V. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- VI. Maximum noise mitigation levels for construction equipment, plant and vehicles.
- VII. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
- VIII. Prohibition of the burning of waste on site during demolition/construction.
- IX. Site lighting.

- X. Screening and hoarding details.
- XI. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- XII. Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
- XIII. Prior notice and agreement procedures for works outside agreed limits.
- XIV. Complaint's procedures, including complaints response procedures.
- XV. Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan

REASON: In the interests of the residential and rural amenities of the area, in accordance with the provisions of GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005

**28** 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:

- I. 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.
- II. Final modelling and calculations for all areas of the drainage system.
- III. Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- IV. Final modelling and calculations for all areas of the drainage system.
- V. Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: In the interest of site archaeology in accordance with the provisions of Policies ENV12 & GEN3 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

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

- a) proposed finished levels or contours;
- b) legacy planting proposals
- c) means of enclosure;
- d) car parking layouts;
- e) other vehicle and pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- h) proposed and existing functional services above and below ground (e.g. drainage power,
- i) communications cables, pipelines etc. indicating lines, manholes, supports.);
- j) retained historic landscape features and proposals for restoration, where relevant.

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 programmed].

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 30** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 32** Any fixed plant (including power inverter units, battery storage units, transformers & generators etc) to be used in pursuance of this permission shall be so installed prior to the first use of the premises, and be so retained and operated, so that the noise generated at the boundaries of the nearest noise sensitive locations shall achieve a rating level of 5dB (LAeq) below the typical existing background level (inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics) when measured or calculated according to the provisions of BS4142:2019. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

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

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 34** The development hereby approved shall be constructed and operated in accordance with the submitted Outline Fire Management Plan (February 2022) prepared by Pegasus Planning Group Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the health and safety of those operating, maintaining the works and the surrounding residents, in accordance with Local Plan Policies GEN2 and GEN4 (adopted 2005).

# Appendix 1



Mr W Allwood – Planning Officer  
Planning Department  
Uttlesford District Council  
Council Offices, London Road  
Saffron Walden, Essex.  
CB11 4ER

30a Upper High Street  
Thame  
Oxfordshire, OX9 3EX

DD: (020) 7583 8007  
Mob: 07769 657 259  
Ref: JS/CGR  
Date: 8<sup>th</sup> July 2021

Dear Mr Allwood,

**Re: Application for Solar Farm, Land West of Thaxted, Cutlers Green, Thaxted - Ref. UTT/21/1833/FUL**

I write on behalf of the Cutlers Green Residents Group to register their **objection** in the strongest possible terms to the above application. The Residents Group comprises the following local residents:

Mr & Mrs Siddle, Richmonds In The Wood, Cutlers Green  
Mr & Mrs Knight, The Mill House, Cutlers Green  
Mr & Mrs White, Water Hall Farm, Cutlers Green

This letter should also be read in conjunction with the following accompanying reports and documents which are referred to herein:

- (i) Critique of the Ecological Impact Assessment Report and the Landscape and Visual Assessment for Land Adjacent to Thaxted by Jaquelin Clay of JFA Environmental Planning;
- (ii) Letter from Joanna Burton of JB Heritage;
- (iii) CPRE Essex Policy Statement on Solar Farms;
- (iv) Thaxted Neighbourhood Plan;

As you will be well aware, the starting point in considering any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that where regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this instance, not only is the proposed development contrary to the adopted development plan when properly assessed, in addition, relevant material considerations clearly also indicate that the application should be refused.

The “development plan” for Uttlesford comprises the 2005 Local Plan and, in this instance, the Thaxted Neighbourhood Plan (made 21 February 2019). Any credible analysis of the application’s compliance with the policies of these documents (and in this case the main policies of relevance appear consistent with the NPPF) can only conclude that the application is contrary to the policies therein. Similarly, any assessment of the proposals against the national planning policy set out in the NPPF and the relevant PPG on renewable and low carbon energy must result in the same conclusion, particularly when one takes into account the duty of the local planning authority under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application must be refused for the following reasons.

**Unacceptable Impact on the landscape character and visual appearance of the area both in isolation and cumulatively with other recently consented solar farms**

This would be a major “urbanising” development in what is a sensitive rural location. The solar panels and associated infrastructure (38 buildings, thousands of meters of 2.0m high metal security fence walling, 136 CCTV cameras and over 2,500 meters of new roads, with operating noise and vibration from the industrial inverters), would impose utilitarian structures in this unspoilt countryside location. The construction of the panels, with their regular arrangement in long rows, along with building and infrastructure would be out of keeping with the character of the ‘ancient countryside’ of the Cutlers Green settlement and surrounding landscape. The proposed development would introduce a large scale, conflicting “semi-industrial” development at odds with the historic and mature landscape character of the area and its locality setting. This overtly utilitarian form of development would considerably erode the rural and pastoral character of these fields and diminish their contribution to the local landscape character.

Even where national planning guidance recognises that solar energy can aid in reducing carbon emissions, it acknowledges that large scale developments such as this can have a negative impact on the rural environment and on local communities and careful consideration of the impacts is required.

Whilst the applicant’s submitted Landscape and Visual Impact Assessment seeks (not very credibly) to downplay the sensitivity of the countryside in this location and the magnitude of the proposed change, even that assessment still

accepts that the proposed development will result in several major or moderate adverse effects which it claims may reduce to minor or negligible after 15 YEARS!

Attached hereto is a report from Jaquelin Clay, JFA Environmental Planning which considers the adequacy of the submitted LVIA and the conclusions reached therein. Officers are asked to review this report and consider its content. However, in particular it should be noted that she concludes that:

- the Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5 km away however the study area is very small with no justification;
- The introduction of a large-scale solar farm is clearly an alien factor in this landscape;
- *"This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level."*
- There is no discussion of how the appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan policy, nor are special reasons put forward for its location.
- The aggregate effect on individual residences also needs to be evaluated. Whilst there may be no "right to a view" impacts on outlook from residential properties are a material consideration.
- The setting effect of the development on heritage assets (see also below) needs to be addressed. Currently, it has not been and that is a particular deficiency.

The proposal will cause demonstrable harm to the landscape character of the area, particularly in reference to LCA B7. There will be a large scale and long-term introduction of a new development feature with massing that is wholly at odds with the settled, historic landscape character of the area. To accept such a proposal in this location would be at odds with the LCA as defined and lead to damage to the local landscape character.

The proposal is thus clearly and demonstrably contrary to Policies S7 and ENV15 of the Local Plan as well as Policy TXLSC1 of the Neighbourhood Plan and paragraph 170 of the NPPF which recognises the need to protect the intrinsic beauty of the countryside. In respect of the Neighbourhood Plan, we would also draw your attention to the work done by Liz Lake Associates in 2016 in connection with the Neighbourhood Plan and in particular, its conclusions in respect of the importance of the rural ("outstanding quality") landscape surrounding Thaxted, its role in defining the character of the settlement and the importance of views into and out of the settlement, including those from the north west, west and southwest and from locations within the landscape area immediately to the east of the proposed site. It is notable that the conclusions of Ms Clay are very much aligned with the findings of Liz Lake Associates in respect of Neighbourhood Plan landscape are LPLCA2 which is in close proximity to the application site. Lake Associates similarly found that landscape area to have a low capacity to absorb change which is what Ms Clay concludes in respect of the site.

Regard must also be had to the cumulative impact of the proposals on the landscape and the area. This is made clear in paragraphs 5, 7 and 22 of the PPG on "Planning for renewable and low carbon energy" which all reference the need for local planning authorities to pay "particular attention" to the cumulative impacts of renewable energy proposals which, it explains *"is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape."*

There are four Solar Farms, current and proposed, causing a significant cumulative impact on historic Thaxted and the Parish. One has been constructed at Spriggs Farm north-east of Thaxted Another is currently under construction at Terriers Farm, immediately adjoining Spriggs Farm. It is understood that a third is proposed on a large site at Cole End and this is the fourth site. If all are permitted, Thaxted will be almost entirely surrounded by large solar farms. In aggregate, these four sites will accelerate and accentuate landscape harm in the vicinity of Thaxted Village and harm to a number of heritage assets and their settings. Large solar farms will become a defining characteristic of the rural landscape surrounding Thaxted for those residing in or experiencing the countryside and the extensive local rights of way network. An assessment of cumulative impacts, particularly for landscape harm, is critical in the decision-making process and has simply not been done. That said, it is in our view clear that cumulatively these developments have very significant adverse impacts on the local landscape. Thaxted Parish is already absorbing more than its fair share of solar farms, with approximately 200 acres East of Thaxted, adding this proposal would mean over 350 acres of solar farm in the Parish which would represent a ludicrous situation.



## **Significant negative impact on amenity for residents and users of the footpath networks**

Linked to the above points, there would be a significant impact on the local Cutlers Green residents, the adjoining local community and many tourists who come to visit historic Thaxted and those who use the footpaths, bridleway, green and country lanes around and through the site for recreational wellbeing purpose. It would have an adverse effect on their visual amenity. I understand that a significant petition and collection of personal signatures from people who use the local rights of way network for their amenity has been submitted

Some of Thaxted's most scenic walks would be directly impacted as they go through the proposed site or around the proposed site. 5 out of 10 of specially selected 'Thaxted Walks by Michael Collins' published and promoted by the local Tourist Information would be materially impacted with an adverse effect on amenity for users. Walkers using these public rights of way should be considered 'high sensitivity' receptors and rather than pleasant agricultural fields would, at close quarter, experience row upon row of solar panels and a significant loss of amenity when using the public rights of way across and adjacent to the site.

In terms of the amenity of nearby residents, the proposed development would have an overbearing and dominating effect on the outlook from Cutlers Green dwellings both on and in close proximity to the site. The application assessments, with their lack of visual material demonstrating what the development will actually look like when built, do not properly consider or demonstrate the true impact on local houses.

There is an emerging and recognised problem of operating noise from electrical equipment and industrial inverters spread across such sites. Complaints are emerging of low-level vibrations being felt and disturbing people's sleep in dwellings close to solar farms that have industrial inverters. This impacts mental health and well-being. However, no noise assessment has been submitted or offered. The applicant essentially dismisses the risk of noise pollution and offers little information in respect of proposed lighting and its possible impact (for example on wildlife). This is a quiet rural hamlet in open countryside. There are no streetlights, there are dark skies and at night it is extremely quiet except for the sound of nature and wildlife. Industrial Inverts omit constant noise and vibration. In the still of the night my clients believe this would be clearly audible and the vibrations potentially felt in nearby houses. This is not a city centre or highly urban environment where there is a constant background noise. It is a quiet rural landscape. The solar panels and industrial inverters would disturb sleep and affect local residents' amenity.

In conclusion, there would be an unacceptable and adverse effect on the living conditions for local residents.

## **Harmful impact on the setting of local heritage assets**

My clients consider the applicant's heritage report to be deficient and defective, falling short of providing a holistic and accurate assessment. In this regard they have commissioned a review by JB Heritage which is attached. Please note in particular the following conclusions therein:

- Heritage asset assessments are missing or incomplete for noted Grade I and Grade II Listings or assets, including Horham Hall, the Conservation Area (views outwards or towards) and the Windmill;
- The impact assessment fails to follow established methodologies;
- The applicant's own definition of the Zone of Theoretical Visibility (ZTV) of 3 miles (5 Km) has been ignored when it comes to the detail. Given the scale of development proposed, the rolling nature of the topography and the extent of potential visibility indicated by the ZTV, the appropriateness of the 1km study appears inadequate and falls completely short of revealing and determining the true impacts;
- The applicant's assessment itself appears not to have given due weight to the importance of the agricultural character of the wider landscape setting of heritage assets both in visual terms but also with reference to the past functional and associative relationships and patterns of land use. As a result, it is considered that the assessment is likely to have underestimated the degree of harm to designated heritage assets;
- GPA 3 guides that settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (page 4);
- A fuller appraisal of the setting attributes that included a consideration of the wider agricultural character of the land and gave weight to the former functional relationships is likely to give rise to a greater finding of harm, both in terms of the scale of harm but also to the number of heritage assets affected.

My clients strongly consider that there would be substantial harm to the setting of many listed buildings directly on the perimeter of the site and in the immediate and close proximity. Some examples of, but certainly not limited to, properties where there would be significant impact are:

- LOVES FARM - a farmhouse with medieval origins and one of the original farms on the Horham Hall estate;
- RICHMONDS-IN-THE-WOOD - dating from the 14th to the 16th century and listed Grade II Richmonds was one of the sub-manors of Thaxted. As is highlighted by JB Heritage, this property is approached through its agricultural surrounds which will be markedly changed by the proposed development;
- HORHAM HALL - dating from the late 15th century this is generally regarded as one of the most important Tudor houses in Essex.
- THAXTED PARISH CHURCH - the church of St. John the Baptist is one of the finest parish churches in England. Pegasus see its significance as being derived from its 'architectural, artistic and historic interest and as an example of a medieval church with later additions'. It is a prominent feature in views of Thaxted from the west.

The Heritage Assessment is misleading in its statements and does not illustrate or consider the material harm, local and cumulative impact on these settings. The proposed site is in the middle of the Cutlers Green rural hamlet and is a substantially different site compared to other recent approvals at Spriggs Farm and Terriers Farm

Regardless of the above deficiencies with the existing Heritage Assessment which clearly need to be addressed, it is already clear that the application is contrary to Policy ENV2 of the Local Plan. This states that development proposals that adversely affect the setting of a listed building will not be permitted. Even if one accepts the conclusion that any harm is less than substantial (which we do not for the reasons outlined) then it is clear that the proposed development does have an adverse impact on the setting of several heritage assets.

In terms of the NPPF tests and the duty of the local planning authority under s66 of the 1990 Act, any identified harm to a designated heritage asset (whether substantial or less than substantial) must be given “considerable importance and weight” (it is not a “mere material consideration”) by the local planning authority and any development that causes harm requires “clear and convincing justification.” It is noteworthy that in determining the Terriers Farm application, the Council appears to have failed to apply these tests properly as it did not attribute considerable importance and weight to the identified harm to heritage assets. The same mistake must not be repeated!

It is my clients’ view that the harm caused here to the significance and setting of heritage assets (both individually and cumulatively) is substantial and thus the application should be refused. However, even if harm is considered less than substantial, when attributed considerable weight as required by statute and policy and coupled with the clear landscape harm and lack of development plan compliance it is equally clear that the application should be refused.

#### **Loss of best and most versatile agricultural land**

Policy ENV5 of the Local Plan states that:

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

Footnote 53 to the NPPF similarly contains a continued presumption against the loss of the best and most versatile agricultural land and in the specific context of large-scale solar farms, the government has expressed particular concern at the inappropriate siting of solar farms on the best and more versatile agricultural land. Indeed, in a Ministerial Statement dated 25 March 2015, the Secretary of State for Communities and Local Government stated that:

*“Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary, and that poorer quality land is to be used in preference to land of a higher quality.*

*We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high-quality agricultural land. In light of these concerns, we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."*

I am advised that every aspect of this site is in full crop production, it is some of the UK's most productive and most versatile farmland. Loss of the most versatile and productive arable land increases the volume of imports, often from less developed nations where deforestation is rife, as new farms are built through deforestation to meet the export demand. This adds significantly to food miles and is devastating when considering likely deforestation. This alone would eliminate any perceived theoretical carbon reduction from this application. In an increasingly dry and unpredictable climate, heavy clay soils like this site, will be essential for future food security.

The application site is Grade 2 best and most versatile agricultural land. Whilst the planning statement in support of the application states that an alternative sites assessment is submitted in support of the application, no such document has been submitted. If it exists, it must be made available for public scrutiny and consultation. However, it appears that the applicant's argument for locating the solar farm on this site is essentially that the landowner has made it available and it is relatively close to a sub-station with capacity. That is very far from demonstrating that a solar farm on this particular land is necessary or from constituting the sort of "very compelling evidence" referred to by the Secretary of State. As stated above, three other solar farms are either permitted or proposed within a few miles of this site. Absolutely no evidence has been provided to establish that four sites in such close proximity (or indeed in this area at all) are justified or necessary. Whilst the applicant may seek to rely on the statement within NPPF paragraph 154 that applicants for renewable or low carbon energy development are not required to demonstrate the "overall need" for such technology, that is a very different matter to providing compelling evidence that the development and use of this specific site, contrary to development plan policy, is necessary as is required by the majority of the applicable Local Plan policies, the NPPF and the PPG on renewable energy.

The loss of such a large amount of best and most versatile agricultural land for 40 years is both a significant material consideration weighing against the grant of planning permission and again clearly contrary to the Development Plan. It is thus another reason why the application should be refused.

### **Harmful Impacts on Biodiversity**

My clients have significant concerns as to the likely impacts on biodiversity. It is noted that the County ecologist has similarly requested further information in this regard. Again, the adequacy of the existing assessment has been considered by Jaquelin Clay of JFA Environmental Planning and her findings are set out in her attached report. We would ask that officers review and consider these points but highlight, in particular, the following:

- Her professional opinion is that the 1-day "phase 1" survey undertaken is insufficient to meet the requirements of local plan and NPPF policy and does not provide sufficient information on the likely impacts on designated sites, habitats and protected species;
- Further surveys and information are therefore required before the local planning authority can make a properly informed decision on the application;
- In addition, any impacts on the Cutlers Green verges and Nature Conservation Area are not considered/assessed despite their proximity to the proposed development.

Whilst the applicants claim there will be a net gain in biodiversity this has not been adequately evidenced and it cannot currently be concluded that the proposed development will not be harmful in biodiversity terms. My clients are dubious, based on knowledge of the Spriggs Farm Solar Farm, as to whether proposed biodiversity mitigation measures will be delivered if permission is granted. As such, robust conditions and planning obligations would be needed to secure them.

The claim that farmland will be 'rested' due to the presence of the solar panels is also questioned. In practice, this would be a major brown field development with thousands of pile foundations, over 38 buildings, new access roads and extensive new trenches dug throughout the site. All of this intense construction activity would irreversibly destroy the natural soil strata and thus the long-term quality of the land for agricultural use. Upon cessation of the solar farm use, it would be likely to become a derelict "brownfield" site and thus bring pressure for further development thereon.

My clients would question the claim that the proposed development will provide enough energy for 13,291 homes each year. I am instructed that this statement could be misleading and that in reality, the actual output from this proposal would be 4.6 MW of renewable energy (four point six), enough energy to power 9,822 Homes (excluding energy for heating) (Reference: European Commission Joint Research Centre - PVGIS-5 estimates of solar electricity generation.) It is a useful comparator to note a new North Sea wind farm where it is understood a single turbine is rated at 13MW and can generate enough power for 15,707 homes.

As such, it appears to be increasingly clear that large scale solar farms are less efficient than other forms of renewable energy and are likely to comprise a smaller part of the overall government strategy moving forward. The government has recently published its Ten Point Plan for a Green Industrial Revolution within which point one deals with a switch to renewable sources of electricity. The Plan however, views renewable energy purely in terms of offshore wind farms. No mention is made of solar farms. Central government has for several years shown only limited support for industrial scale land-based operations which is reflected in the national planning guidance above which continues to indicate a strong presumption against solar farm development on the 'best and most versatile farmland. This reduced support for large scale solar windfarms and their relative inefficiency should be taken into account when considering any purported benefits from these proposals.

### **Compliance with Policy ENV15**

Within their planning statement, the applicants seek to claim that the application accords with the development plan by virtue of its accordance with Policy ENV15. This policy states that:

*"Small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity."*

Even a cursory analysis of the wording of this policy demonstrates that the policy does not support this application. This is not "small scale renewable energy development" to meet a "local need." It is thus not supported by the policy. Moreover, for the reasons outlined within this latter the proposed development adversely affects the character of what is a sensitive landscape area and has unacceptable adverse amenity impacts for nearby residents and users of the rights of way network. The application is thus contrary to policy ENV15.

### **Risks to Public Health & Safety, impact to CLH Pipeline**

My clients have also asked me to flag their concerns in relation to the CLH fuel pipeline which crosses the middle of the application site from north to south. These high-pressure fuel lines were installed over 70 years ago and are an aging asset which is slowly corroding over time. If permitted, this will be a major construction site with thousands of piles, excavations and thousands of heavy vehicle movements that will risk the integrity of the pipeline. During the operational phase of the development my clients have the following concerns:

- Electrical interference with the pipeline accelerates corrosion, and
- Vibration from the 18 industrial inverters will slowly impact the integrity of the pipeline
- Fire risk from battery storage

A break and leakage would be an environmental disaster but at present there is insufficient data and research for the Council to accurately assess the risk.

### **Conclusions**

In conclusion, therefore, my clients object in the strongest possible terms to the application and submit that the assessments that have been undertaken and submitted in respect of biodiversity, heritage, and landscape are both flawed and insufficient to enable the Council to determine the application (other than by way of a refusal) on a properly informed basis. We would be grateful if officers could consider the attached reports and the points made therein (and herein) and either refuse the application or require the submission of further information relating to

the relevant matters. In any event, however, the proposed development is clearly contrary to the Development Plan (both specific policies and "as a whole") and the relevant policy as set out within the NPPF and PPG. In particular, it is significantly harmful in landscape, amenity and heritage terms. As stated in paragraph 7 of the Renewable energy PPG, "the need for renewable or low carbon energy does not automatically override environmental protections." Both in its

own right and cumulatively, when considered alongside the major solar farm development already underway in the area, the proposed development is not acceptable and cannot be made so in this sensitive rural location.

With kind regards Yours

sincerely *James Smith*

**James Smith**

Principal and Director

For and on behalf of James Smith (Planning Law Services) Limited

# Appendix 2

Beverley Rodbard-Hedderwick, Low  
Carbon  
Oxygen House, Grenadier  
Road, Exeter Business Park,  
Exeter,  
EX1 3LH

4<sup>th</sup>. October 2021 Dear

Beverley,

## **Re: Proposed Cutlers Green Solar Farm**

I am writing on behalf of the Cutlers Green Residents Group and in particular, the residents living immediately next to the proposed solar farm development. We have significant concerns about the how this project could seriously affect our safety and quality of life.

There are a number of issues that alarm us:

1. The close proximity of the site boundary to neighbouring residents, notably Richmonds in the Wood, Waterhall Farm, and The Mill House and the immediate residents of Cutlers Green and Debden Green. Nearly all other solar farms are situated more remotely outside residential areas.
2. There are battery storage units on site. Large scale lithium ion battery storage is inherently unsafe. Short circuits and malfunction can cause the batteries to burst into flames. Battery fires can be almost impossible to extinguish and sometimes emit poisonous hydrogen fluoride gas.
3. The site is traversed by a shallow high pressure fuel oil pipeline.
  - a. Construction: Although subject to stringent safety conditions under normal operation, the pipeline will be in the middle of a major construction site and will be subject to disturbance from construction traffic, pile driving and unforeseen events.
  - b. Long Term Operations, once work is completed, constant vibration from the industrial inverters and solar plant will present an ongoing risk in addition to the close proximity to high voltage cables impacting the cathodic protection for the ageing pipeline
4. The combined effect of explosive risk from the solar battery storage and fires together with a leak from the adjacent pipeline would precipitate a major disaster likened to Grenfell Tower of the explosive magnitude experienced in Beirut.
5. At the other end of the scale but also most concerning is the prospect of noise and vibration from the inverters. We would be unusually close to these units and we need to reassured that we will not experience any disturbance when the site is in operation. There are many cases of existing industrial solar farms having a devastating effect on local residents when it comes to noise and vibration.

No doubt all these points have already been carefully looked into by Pegasus, and I hope you are satisfied that the necessary independent impact assessments provide the evidence that there are no safety concerns. As residents, however, we need to fully understand the risks to feel completely secure in our homes.

The planning application is very short on technical information, and inclusive impact assessments, and I am hoping you can flesh out some basic details so that we can discuss them with our colleagues and reach a full understanding of the issues involved. Please will you let us know the following information.

- 1. What method and approach has been taken regarding Risk Assessment and Disaster Management? 'Please can you share any 'checklist analysis', 'what-if analysis', 'fault tree analysis' and / or 'Hazard and Operability studies (HAZOP)'?**
- 2. What risks have been identified? How would these risks be managed and reduced?**
- 3. What is the explosive threat risk assessment uniquely presented by the high pressure fuel pipeline?**
- 4. Are discussions in progress with Essex Fire Service? Will you let us know the outcome of these discussions regarding the unusual fire risk and how equipped and prepared they are to tackle a battery fire emergency?**
- 5. Is there an emergency evacuation plan bearing in mind the risk of possible explosion and poisonous gas transmission?**
- 6. Specifically, what is the emergency services and fire strategy? What protection and gas detection facilities would be in place?**
- 7. What is the manufacturers stated maximum noise level from the inverters?**
- 8. What is the outcome of the noise impact assessment?**
- 9. During which hours of the day or night will the batteries and inverters be in operation?**
- 10. Do you intend to use lithium ion batteries and what is their storage capacity?**

Thank you for your help and I look forward to your early response.

Kind regards,

**Cutlers Green Residents Group**

c/o Maureen White  
Waterhall Farm Cutlers  
Green Thaxted  
CM6 2QE

## Appendix 3



JE/P20-1298

29 October 2021

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

Dear William,

**UTT/21/1833/FUL**

**CONSTRUCTION AND OPERATION OF A SOLAR FARM COMPRISING GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) ARRAYS AND BATTERY STORAGE TOGETHER WITH ASSOCIATED DEVELOPMENT, INCLUDING INVERTER CABINS, DNO SUBSTATION, CUSTOMER SWITCHGEAR, ACCESS, FENCING, CCTV CAMERAS AND LANDSCAPING.**

**LAND WEST OF CUTLERS GREEN, BOLFORD STREET, CUTLERS GREEN, THAXTED (X: 558848, Y: 231009)**

The below technical note has been prepared and is submitted in response to the letter from Cutlers Green Residents Group and the appended technical reports undertaken by 3rd party consultants.

The note offers a response to the comments made in the letter and the technical reports. We request that the below information is taken into your consideration when determining the application.

**Letter from Cutlers Green Residents Group**

The letter from the residents group provides a summary of the technical reports that were undertaken on its behalf and the comments made are addressed below, in direct response to the individual technical reports.



With regard to solar development in the UK the letter does makes a number of statements that we wish to address, including that:

- There are hundreds of substations in the UK with capacity.
- It doesn't have to be located here.
- The relative inefficiency of solar is well documented; and, there is a clear move away from large scale solar energy production.

We are unsure as to the basis of the comment that there hundreds of substations with capacity. As a company, Low Carbon has looked at all parts of the UK Power Networks, Western Power Distribution, SSEN networks and, parts of Scottish Power Energy Network, Electricity North West and Northern Power Grid networks, where solar irradiation is sufficient. This has led to a number of projects coming forward in various parts of the country, not exclusively in Uttlesford, Essex or the South East. However, the number of viable connections relative to the number of substations is infinitesimally small. The process of investigating viable opportunities to connect to the networks around the country is constant and the opportunities are decreasing. This means that areas with available, viable capacity have to be considered. Currently, the Thaxted substation has capacity to accommodate broadly this size of project and this location has been arrived at by filtering out higher level planning and other constraints before identifying whether land of sufficient size to accommodate the project, is, ultimately available to us.

There is a plethora of publications, guidance and announcements from the Government supporting the role of solar in the UK's future energy mix including; the Energy White Paper: Powering our net zero future; The Contracts for Difference (CfD) Allocation Round 4 and; most recently, within the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) which sets out that:

- *"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer. The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low cost decarbonisation of the energy sector."*

In addition to the shift towards net zero, the recent issues surrounding the UK's energy security and the substantial energy price increases being experienced by consumers reminds us that we cannot rely on foreign-derived energy sources. The proposal is part of the wider solution to address these issues.

### **PLANNING MATTERS (Response to letter from JS Planning Law)**

The letter from JS Planning Law states that planning permission should be refused due to the unacceptable impact on landscape character. The letter claims that the LVIA is not credible, but does not say why, other than referring to the JFA response that has been addressed below. The impact on countryside and footpath users has been addressed by the landscape and visual assessment.

The letter claims that the proposal is contrary to Policy TXLSC1 regarding protecting the rural setting surrounding Thaxted. However, the policy confirms that maps 7 and 8 define the rural setting of Thaxted but the application site is located outside of these areas. As such, the assertion that the proposal is contrary to policy TXLSC1 is incorrect.

Regarding Local Plan Policy ENV15, the letter states that the Planning Statement claims the development accords with policy ENV15. In fact, the Planning Statement makes clear that it is only the criteria within policy ENV15, as the main renewable energy policy in the Local Plan, that have been assessed by the Planning Statement.

Policy ENV15 is clear that it relates to 'small scale renewable energy' development. The letter from JS Planning Law states that Policy ENV15 'does not support this application' and is 'thus contrary to Policy ENV15'. That position is based on a fundamental misunderstanding of the proper application of planning policy. If a policy is not directly relevant to a proposal it should not be inferred that the policy is not supportive of proposal that it does not apply to. Rather, it is the case that the Local Plan does not contain a policy that is directly relevant to large scale renewable energy development.

The letter suggests that Thaxted is 'absorbing more than its fair share' of solar farm schemes. But as the letter correctly points out, the NPPF is clear that proposals for renewable energy are not required to demonstrate a need. Furthermore, it is not clear what is meant by a 'fair share'. The UK has made a commitment to reduce CO2 emissions and it is widely accepted that meeting these targets will be very challenging. In addition,

some areas of the country (and local authority areas) will be more suited to the generation of renewable energy than others. For example, a tightly defined city based local authority area with a relatively high population will clearly struggle to provide a significant share of renewable energy, relative to its population.

The Impact of vibrations from inverters is raised as a potential issue, but no specific information is provided. Vibration is not something we have come across anywhere before as an issue.

In relation to the loss of agricultural land, the letter states that the application site includes 'some of the UK's most versatile and productive arable land '. The basis for this assertion is unclear, and is not explained or justified further. If the letter is simply making the point that the site includes Best and Most Versatile land, then it is also relevant to say that such land is to be found in large quantities across wide areas of the UK. It is also pertinent that a detailed ALC report has been included within the submission pack and clearly shows that the land is varied mix of quality, and every attempt has been made to locate the equipment on land of lesser quality.

Regarding the carbon saving benefits that the proposals will deliver, the letter claims that the loss of food production at the site would 'eliminate any perceived theoretical carbon reduction'. The basis for this statement is unclear. For the UK to provide the scale of power from solar envisaged by the Government, agricultural land is going to be needed.

A number of organisations including the NFU and the Solar Trade Association (now Solar Energy UK) have looked at the land take for solar farms in the UK in the past and concluded the actual land take is relatively small. A very useful graphic courtesy of Lightsource shows comparisons with other land uses: <https://s3-eu-west-1.amazonaws.com/assets.lightsource-re.com/2020/09/Solar-in-the-UK-ID-1765335.pdf>.

Even allowing for nearly twice the deployment of solar farms since the original estimates and, noting that the area required per MW has fallen to around 1 hectare per MW, only around 0.1% of the UK's land is used for solar farms. This compares with 1.11% used for golf courses.

## **LANDSCAPE AND VISUAL**

This section has been prepared in response to comments within the '*Critique of the Ecological Impact Assessment Report and the Landscape and Visual Assessment for Land adjacent to Thaxted, Essex Application No UTT/21/1833/FUL*' report produced by JFA Environmental Planning (July 2021).

In summary, the JFA critique concludes the following:

- The Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5km away; however the study area is very small, with no justification.
- The introduction of a large-scale solar farm is clearly an alien factor in this landscape.
- *"This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level."*
- There is no discussion of how appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan Policy, nor are special reasons put forward for its location.
- The aggregate effect on individual residences also needs to be evaluated. Whilst there may be "no right to a view" impacts on outlook from residential properties are a material consideration.
- The setting effect of the development on heritage assets needs to be addressed

### **Response to critique**

*Critique: The Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5km away however the study area is very small with no justification.*

Section 1.7 of the Methodology (Appendix 3 of the LVIA) states that:

*"The study area for this LVIA covers a 3km radius from the site. However, the main focus of the assessment was taken as a radius of 1km from the site as it is considered that even with clear visibility the proposals would not be perceptible in the landscape beyond this distance."*

Whilst a SZTV is a useful guide in identifying where a proposed development would be theoretically visible, it cannot be used as a definitive visual envelope as it does not include the screening effect of vegetation such as hedgerows and trees or other vertical elements.

The SZTV does not illustrate the amount of the development visible. For example, it may be that just the top 20cm of a small section of one panel is visible from the area highlighted on the SZTV, which when viewed from a location such as beyond 1km away may not be perceptible to the naked eye or cause any change to the composition of a view, therefore having no adverse effect on the receptor at that location.

For the above reasons, the SZTV is to be used as a guide only, and it is incorrect to rely solely on it to determine visibility as suggested. Instead, it is used as an informative starting point from which to begin the scope of potential views. A site visit to record viewpoint photography was carried out in October 2020. Following the site visit and review of desktop information including the screened ZTV it transpired that the visibility of the proposed solar farm would be largely contained to its immediate environs (approx. 1km). Considering the established surrounding vegetation, and intervening topography it was assumed that effects on views are unlikely to be significant beyond 3km from the site and were therefore scoped out. The ten representative viewpoints surrounding the Site were identified following this scoping process.

GLVIA3 also states within paragraph 1.17 that when identifying landscape and visual effects there is a "need for an approach that is in proportion to the scale of the project that is being assessed and the nature of the likely effects. Judgement needs to be exercised at all stages in terms of the scale of investigation that is appropriate and proportional." Including views 5km or beyond is not considered to be proportionate to this scale of study and size of the proposed scheme.

*1.1.1.1 Critique: The introduction of a large-scale solar farm is clearly an alien factor in this landscape.*

*“This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level.”*

The change is accepted within the assessment and a medium magnitude of change assessed for landscape character. A solar scheme of this nature is not deemed to cause a high level of change due to its scale, response to the underlying topography, low lying elements (when compared to residential and wind developments) and pattern which sits within the existing field structure.

The site and surrounding area are a working agricultural landscape. It is not protected by any designations for its historic character, defining elements or landscape character, it is not of high sensitivity and therefore would not be of low capacity to accommodate the proposed development. Existing landscape defining elements such as “woodland patches and copses” and hedgerows around the site are to be retained and “broken hedgerows” infilled, with new hedgerows proposed to strengthen and enhance the existing structure.

The Proposed Development is of a long-term nature (up to 40 years) therefore all effects are assumed to be temporary unless otherwise stated.

*Critique: There is no discussion of how appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan Policy, nor are special reasons put forward for its location.*

Landscape advice was sought by the client at inception and the layout went through several changes during the consultation process to ensure potential landscape and visual harm was addressed during the iterative design process. Opportunities to enhance the local distinctiveness, character and biodiversity of the area have been introduced as part of the proposed mitigation measures outlined at Section 2 and Appendix 2 of the LVIA.

*1.1.1.2 Critique: The aggregate effect on individual residences also needs to be evaluated. Whilst there may be "no right to a view" impacts on outlook from residential properties are a material consideration.*

High sensitivity residential receptors were identified as:

- Waterhall Farm is located along Bolford Street along the eastern edge of the Site.
- Houses along Bolford Street
- Richmonds in the Woods is located to the south west of the Site, the Site boundary wraps around the property.
- Loves Farm is located to the south of the Site.
- Duckett's Farm is located to the west of the Site.

Access to assess the predicted visual effects from private individual properties outside the Application Site was not obtained. GLVIA 3 (Paragraph 6.17) suggests that effects of development on private property are dealt with separately from the LVIA as a 'Residential Amenity Assessment'. This level of assessment was not part of the scope of the LVIA.

As stated in the LVIA at 5.10:

*"Through an iterative design process, the layout of the Proposed Development has incorporated measures to prevent or reduce potential visual effects; including the setting back of panels away from identified properties (where appropriate) and additional planting and management proposed as part of the Landscape Strategy (Appendix 2)."*

*1.1.1.3 Critique: The setting effect of the development on heritage assets needs to be addressed.*

Potential effects on the setting of heritage assets are generally assessed within the heritage report and therefore not assessed within the LVIA. An exception to this might be

if surrounding heritage assets were designated for landscape reasons such as registered parks and gardens or they had important views attached to their listing.

## **HERITAGE**

A response was received from JB Heritage Consulting Ltd on behalf of the Cutlers Green Residents Group regarding the site at land west of Thaxted, Cutlers Green Lane, Thaxted, Essex on 6th July 2021. This is henceforth referred to as the 'JB Response'.

The JB Response was based on a desk-top review of the site and its surroundings only. Although the author states that they are familiar with Thaxted and its environs including Cutlers Green, any desk-based review of our assessment, which was informed by a site visit to fully comprehend the topography of the landscape and in turn the visibility of designated heritage assets, is not considered to be of merit.

Our assessment has followed a robust, staged approach to the assessment of assets, as outlined below.

The Screening Opinion, which was issued by Place Services on 24th March 2021, stated that the following designated heritage assets as a minimum ought to be addressed within the application:

- The Grade II Listed 57-60 Henham Road (1170903);
- The Grade II Listed Potts Cottage (1112411);
- The Grade II Listed The Old Post Office (1112412);
- The Grade II Listed Richmonds in the Wood (1112979);
- The Grade II Listed Spring Cottage (1317275);
- The Grade II Listed Loves Farmhouse (1165549);
- The Grade II Listed Tower Cottage (1112978);
- The Grade II Listed Wayside (1322221);
- The Grade II Listed Lower Farmhouse (116538);
- The Grade II Listed Corner Cottage (132222);
- The Grade II Listed The Old Cottage (1112977); and
- The Grade II Listed Barn at Cutlers Green Farm (116541).



The Screening Opinion went on to state that the Grade I Listed Church of St John the Baptist (1112151) and Grade II\* Listed Windmill (1112153), both located within the settlement of Thaxted approximately 1.6km south-east of the site, should be included.

Step 1 of the methodology recommended by the Historic England guidance GPA3 is to identify which heritage assets might be affected by a proposed development. All of the assets outlined in the Screening Opinion were assessed at this stage during the preparation of the Heritage Statement, and the presence of any other assets that should be assessed was reviewed during the background research and site visit. It was ascertained that the following assets were not considered to require further assessment on the basis of distance, and/or a lack of intervisibility, and/or an absence of historical, functional association, and the nature of the development proposals, comprising solar development:

- The Grade II Listed Corner Cottage (132222);
- The Grade II Listed The Old Cottage (1112977);
- The Grade II Listed Barn at Cutlers Green Farm (116541);
- The Grade II\* Listed Windmill (1112153); and
- The Thaxted Conservation Area.

The JB Response includes a brief paragraph on the Thaxted Conservation Area, stating that the site is located adjacent to one of the main approaches to the asset from the west. The Conservation Area lies approximately 1.6km east of the site. A large amount of intervening agricultural land lies between the site and the western boundary of the Conservation Area. Agricultural land will be retained adjacent to Cutlers Green and on the eastern side of Bolford Street opposite the site. The land within the site does not contribute to the heritage significance of the Thaxted Conservation Area through setting as part of its approach from the west. Further assessment is, therefore, not considered to be appropriate.

With regard to the assessment of the Grade II Listed Buildings in the vicinity of the site which have a historical, functional association with the land within the site, an assessment of the contribution to the setting of these assets were undertaken within the Heritage Statement. The Grade II Listed Loves Farmhouse, Richmonds in the Woods and Lower Farmhouse all had a historic relationship with the land within the site at the time of the Tithe Map during the mid-19th century. This functional association between the land within

the site and both Loves Farmhouse and Lower Farmhouse has since been severed and the proposed development within the site, although intervisible with these assets, is not considered to result in an impact on the overall understanding, experience and appreciation of Loves Farmhouse and Lower Farmhouse. The Heritage Statement concluded no harm to the heritage significance of these two Listed Buildings through changes to setting. The Heritage Statement concluded that the proposed development within the site would result in less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II Listed Richmonds in the Woods, via a change in setting.

As correctly stated within the JB Response, Cutlers Green is a hamlet which has retained its rural character within an agricultural landscape. This has been reflected in the evolution of the masterplan which has resulted in the movement of the red line to be set back from Cutlers Green and the retention of intervening agricultural land adjacent to the hamlet and the associated Listed Buildings and the retention/strengthening of the existing mature field boundaries within and along the site boundaries.

The JB Response concluded that the scope of the assessment provided in the Heritage Statement did not include all of the heritage assets with the potential to be affected by the development proposals as it did not appraise the full range of heritage assets that were requested to be scoped in by Place Services. As explained above, all of the designated heritage assets in the wider vicinity of the site were assessed at Step 1 of the methodology outlined in GPA3 and some were not taken forward for further assessment.

The JB responses goes on to state that the assessment within the Heritage Statement is likely to have underestimated the degree of harm to designated heritage assets. Responses were received from both Historic England on 30th June 2021 and Place Services who provide historic buildings and conservation advice to Uttlesford District Council on 22nd July 2021. Both of these responses referred to the Heritage Statement produced by Pegasus Group (April 2021) and considered that the assessment undertaken within the Heritage Statement was acceptable.

The Historic England response stated that they would have no objections on heritage grounds should Uttlesford District Council approve the application and considered that the

application meets the requirements of the NPPF. The Place Services response did not object to the application, subject to a condition securing details of landscaping.

In conclusion, Pegasus have undertaken an appropriate assessment in line with guidance and to the satisfaction of relevant heritage consultees. This has been informed by research and a site visit, and the critique of our work undertaken by JB Heritage without a site visit is not considered to have merit.

## **ECOLOGY**

### Phase 1 Survey

For all habitat types, information on botanical species has been provided within the EcIA report. As stated within the report, an extensive species list was not collected but species characteristic of the habitats present were recorded and reported, and this is entirely consistent with industry norms for reporting and is sufficient for the purposes of ecological assessment.

### Habitats

#### *Woodland and Hedgerows*

As stated within the EcIA, the woodland present at and adjacent the site will be retained and protected with adequately protective fencing and undeveloped buffer zones. For the purposes of ecological impact assessment, It is rarely if ever a requirement to survey woodlands to NVC criteria for development proposals where they are highly unlikely to be impacted, as is the case for this site.

There will be a total of 33m length of hedgerow loss to facilitate new site access, comprising 5 breaches each measuring between 5 and 8m. This is comparable to the size of existing access gaps in the hedgerow network and is highly unlikely to result in fragmentation or loss of connectivity for wildlife present (e.g. see 'Dormice' subheading below). Aside from these gaps, all woodland and hedgerows will be retained and protected through appropriately protective fencing. As part of the proposals, the creation of circa 1,640m of native, species-rich hedgerow will be planted for biodiversity and visual amenity benefits. This will adequately compensate for the loss of relatively small hedgerow sections and will provide excellent connective linkages between hedgerows and woodland blocks

present at the site and the wider landscape. The proposals will substantially increase the extent of this priority habitat at the site.

The cessation of intensive arable farming practices, including spraying crops with pesticides & herbicides, is likely to be of benefit to the woodland and hedgerow habitat at the edge of the site as these currently would suffer from spray to spray drift. In particular, this would encourage the growth of woodland ground flora at woodland edge habitats.

An overall positive impact in terms of extent, quality and connectivity of woodland and hedgerow habitats as a result of the proposals can therefore be expected.

#### *Ditches*

Whilst no detrimental impacts on the ditch network are expected as a result of the proposals, it is agreed that the scheme provides an opportunity to enhance the ditch network for the benefit of biodiversity. To that end, it is proposed to include prescriptions for management of the ditches within the Landscape and Ecological Management Plan (LEMP) to be prepared and implemented at the site. Management prescriptions will aim to prevent choking by vegetation, enhance the water retaining abilities of the ditches, maintain habitat diversity, and encourage settling of sediments and nutrient uptake by vegetation. This can be achieved by a rotational management regime which is sensitive to the presence of wildlife inhabiting the ditches, as well as plug-planting with beneficial marginal plant species.

It should be noted that the cessation of arable farming practices, including a subsequent reduction in spraying and application of fertiliser to the land, is reasonably likely to result in the improvement of water quality with the ditches.

#### *Field boundaries*

It is agreed that late October is a suboptimal time of year for surveying vegetation (this is acknowledged as a limitation in the report) and it is right that some flowering species may have been missed or under recorded. However, all of the grassland margins present at the field boundaries are to remain free from development and protected from impacts by installation of site perimeter fencing. An undeveloped margin of at least 5m (but typically larger) is to be maintained in this way between the array and the hedgerows/woodland

bounding the fields, which is wider than the existing field margins. These will be managed via a low-input rotational cutting regime which will be prescribed in the LEMP, with the aim of encouraging the development of a structurally diverse and species rich grassland sward, whilst preventing the encroachment of scrub.

As for all habitats currently present at the edges of the arable fields, the cessation of intensive arable farming practices, including spraying crops with pesticides & herbicides, is likely to be of benefit to the existing grassland marginal habitat as these currently will be subject to spray drift, which would discourage growth of many herbaceous plant species. This effect, plus the proposed management of field margins described above, should provide optimal conditions for those species which are cited in the nearby Wildlife Site descriptions (namely devil's-bit scabious *Succisa pratensis*, pyramidal orchid *Anacamptis pyramidalis* cowslip *Primula veris*, twayblade orchid *Listera ovata* and sulphur clover *Trifolium ochroleuco*) to thrive at the operational site whether they are already present at the existing field margins or not.

The existing arable land will be sown with grassland seed mix and managed via low intensity sheep grazing or through to encourage a diverse sward to establish. This will greatly increase the coverage of grassland habitat at the site, which is not common in the local area. As such, the proposals will be expected to deliver a significant benefit for grassland habitat as a whole, in terms of coverage and quality.

#### *Arable*

Further discussion on the use of the arable land by birds is discussed under 'Species' below.

#### Species

##### *Bats*

No obvious features with potential to support roosting bats were identified during the Phase 1 survey. It was acknowledged within the EcIA that the site could support roosts at trees with the hedgerow network. The habitats at the boundaries of the arable fields (woodland, hedgerows and ditches) were also described as likely to be important for bats as foraging grounds and for moving through the landscape between roosts. However,

these important features will be retained and protected with suitably protective fencing and undeveloped buffer zones.

It is not anticipated that lighting will be required during the construction phase. However, localised lighting might be needed for short durations during working hours only, and only during the winter months when bats are largely inactive. The control of construction phase lighting can be prescribed as part of a CEMP recommended for the development, and can prescribe. Control measures would include the use of lighting to be minimised as far as possible, and directional fittings/cowls etc. to direct light away from boundary features to prevent impacts on bats and other nocturnal wildlife. No operational artificial lighting will be necessary except, at most, a motion triggered downlighter above the DNO substation and customer switchgear building doors, or when emergency works are required outside daylight hours. Any resulting impacts will be localised, occasional and temporary in nature.

Overall, artificial lighting required for the solar array is minimal, will only be required infrequently and for short durations, and would not be expected to result in detrimental impacts on bats using the site.

Given the retention/protection of the key habitats and features for bats, as well the minimal requirements for lighting, no detrimental impacts to bats will occur. No bat activity surveys are required to inform this assessment.

#### *Great Crested Newts*

Further great crested newt *Triturus cristatus* eDNA surveys were undertaken in June 2021, the results of which have been provided to Uttlesford District Council. This survey revealed the presence of GCN eDNA in two off-site ponds within 250m of the Site.

No ponds will be impacted by the development and impacts on newts are only likely to occur during the construction phase of the development; no adverse long-term effects upon great crested newts or other amphibians are predicted for this project, and the habitat established within the operational array will constitute an improved habitat for amphibians in comparison to the current arable land.

The project has been registered under Natural England's District Level Licensing scheme to mitigate for impacts on GCN and ensure legal compliance – a counter-signed Impact

Assessment and Conservation Payment Certificate (IACPC) document has been forwarded to Uttlesford District Council as evidence that the project has been registered under this scheme, and no further mitigation is strictly required.

### *Reptiles*

As described within the EcIA, given the large expanses of arable land with generally narrow field margins currently at the site, the site represents suboptimal habitat for reptiles. Should reptiles be present, they are only likely to be in small numbers and restricted to the field boundaries. As the proposals will only impact relatively small areas of sub-optimal habitat for reptiles (i.e. the aforementioned sections of hedgerow due to be removed), no significant impacts are anticipated.

Where hedgerow clearance works are carried out however, there is a very small but nonetheless conceivable risk of encountering individuals and causing injury or death where works are undertaken in the absence of mitigation. When implemented, the precautionary approach to hedgerow removal adopted for dormice (outlined within the EcIA) would also mean that any reptiles present could be safely captured by the attending ECoW and moved to a safe location. Habitat manipulation under ecological watching brief is a widely adopted practice for removal of relatively small areas of habitat used by reptiles and would be appropriate in this circumstances. All remaining suitable habitat for reptiles will be retained and protected by installing fenced buffer zone at least 5m from the edge of hedgerow, ensuring no impacts will occur away from the short sections of hedgerow to be removed. No surveys are therefore required to determine the presence or likely absence of reptiles at the site.

The reversion of the arable land within the array to grassland would provide significantly increased extent of suitable habitat for common reptiles, and the scheme is therefore anticipated to have an overall beneficial impact for this taxa group.

### *Dormice*

It is not known whether dormice *Muscardinus avellanarius* are present at the site, especially given their patchy distribution in Essex, although their presence at the site has been assumed on a precautionary basis.

As described above a small (33m total) extent of existing hedgerow will need to be removed for new access. The removal of these relatively small section of hedgerow would not be detrimental to the conservation status of this species (if present) as this is significantly less than the minimum width across which dormice are known to cross (e.g. Chanin P & Gubert L (2012) Common dormouse movements in a landscape fragmented by roads. *Lutra* 55 (1):3-15).

Should dormice be present, there is a low risk of direct impacts on individuals during clearance. As such the non-licensed precautionary approach to clearance of hedgerow sections, which is outlined within the EcIA and can be prescribed within a Construction Environmental Management Plan (CEMP) or similar document, is appropriate for avoiding impacts on individual dormice. This approach is in line with Natural England's guidance for clearing short sections of hedgerow where dormice are present {<https://www.gov.uk/guidance/hazel-or-common-dormice-surveys-and-mitigation-for-development-projects>}. A CEMP can be conditioned as part of planning permission for schemes such as this. We have employed this approach on numerous schemes across the UK and it is typically considered acceptable. In our view, provided that cumulative loss of habitat totals less than 50m, then the habitat loss cannot be considered at risk of significantly affecting dormice on the site.

The provision of circa 1,640m of new hedgerow planting would more than compensate for the loss of 33m of hedgerow, and would also be sufficient to meet for Natural England requirement for dormice mitigation licensing, should a licence be required (i.e. in the event that evidence of dormice were encountered during hedgerow clearance).

#### *Wintering Birds*

As described within the EcIA a single wintering bird scoping survey was undertaken in February 2021. This recorded a moderate diversity of bird species typical of lowland arable farmland. Moderate flocks of yellowhammer *Emberiza citrinella* were recorded during the survey and were seen to be using the hedgerows for foraging. All species recorded during the scoping survey were typically associated with hedgerow/field boundary habitat. No species that usually favour open farmland fields during the winter (such as skylark *Alauda arvensis*, meadow pipit *Anthus pratensis*, corn bunting *Emberiza calandra* or flocks of wading birds) were recorded during the survey.



As detailed within the EcIA and the Breeding Bird Survey Report, the field boundary habitats will be retained and protected (with the exception of minor losses for access, further discussed below) and significant new hedgerow planting (totalling approx. 1,640m) is proposed. Very few detrimental impacts therefore are likely to occur on birds predominantly utilising the boundary features. Given the expected increase in foraging value of the Site and proposed new hedgerow planting, a residual beneficial impact is expected for those wintering species recorded during the scoping survey.

The site is not located within proximity of any designated sites important for wintering wildfowl and waders (such as Special Protection Areas, Ramsar Sites or Sites of Special Scientific Interest), nor any large waterbodies or estuaries. With reference to important areas for wintering birds, the RSPB's general policy on solar arrays states 'Where proposals are not within or close to protected areas and functionally linked land, it is unlikely that the RSPB will have major concerns' <https://www.rspb.org.uk/globalassets/downloads/documents/positions/climate-change/solar-power-briefing---may-2017-update-revised.pdf1>. No wildfowl or waders were recorded during the scoping survey and it is therefore considered that the proposals would not have any significant impacts on waterbird flocks which can be dependent on arable land during winter, and which could be displaced by the proposals.

Although not recorded during the scoping survey, it remains possible that species reliant on open farmland (such as skylarks) may use the arable fields for foraging during the winter months, and thus could be affected by the development proposals. The fact that none of these species were recorded during the scoping survey indicates that the site does not represent critical foraging grounds during the winter for birds of open farmland, although it may be used on a semi-regular/casual basis. The approach to mitigating impacts for breeding skylarks is detailed within the Breeding Bird Survey Report, and in summary consists of the retention of a portion of open land in addition to an expected increase in foraging value of the habitat within the operational solar array. It is anticipated that this would also adequately mitigate for any potential impacts of habitat loss on wintering farmland birds of open farmland habitat, if using the site.

As the scoping survey visit did not record an assemblage of bird species that are likely to be significantly detrimentally impacted by the proposal, nor is the site located close to important sites for overwintering birds, no further surveys beyond the scoping survey were

considered essential for determining impacts and appropriate mitigation for wintering bird species. It is considered that adequate mitigation will be provided for farmland birds which use or potentially use the site during the winter months.

### *Breeding Birds*

Due to the project timescales breeding bird surveys had not been completed at the point the EcIA was written and submitted to the LPA. Breeding bird surveys were subsequently completed during April to June 2021 and the Breeding Bird Survey (BBS) report was submitted to Uttlesford District Council in July 2021.

The report provides the details of breeding bird survey methods, results and mitigation proposed for the identified impacts. In summary, the surveys found the site supported a good assemblage of birds which are typical of farmland incorporating arable crops and hedgerows. As for wintering birds, the notable birds utilising the Site could be split into two categories: those which were recorded predominantly within open habitats and those recorded predominantly in boundary habitats such as woodland and hedgerows.

Again, most of the species identified were strongly associated with the hedgerows and woodland present around the field boundaries, but not the open arable fields. The site appears to support low to moderate breeding populations of red and amber listed species (including yellowhammer, linnet and dunnoek). Very few detrimental impacts are likely to occur on birds breeding within the boundary features. With appropriate protection of boundary habitats and mitigation in place, as well as the expected increase in foraging value of the site and new nesting opportunities within newly planted hedgerows, a residual beneficial impact is expected for these species.

Of farmland bird species that are more dependent on open areas such as arable land for territories and nesting, only skylark showed a persistent association with the Site. Around 9 pairs of this species was recorded nesting within the arable crop.

With the extent of the arrays within the proposals, it is not possible to entirely mitigate for the loss of large open areas of habitat for all of the ground nesting birds recorded using the development site. It is likely that at least some skylarks will continue to utilise the strips between the panel strings and at field margins at least for foraging. If such habitats are assumed to be used the creation of a diverse grassland with low management input

will benefit these species by increasing the quality of foraging habitats, primarily due to the anticipated boost in abundance and diversity of invertebrate prey species. The improvement in habitat quality for foraging birds (from arable to species-rich grassland) would also be expected to boost the breeding success rates of birds nesting within the site and nearby farmland.

Furthermore, as described in the BBS report, areas of the site outside of the construction area will be designated and managed as wildlife mitigation areas to provide optimal conditions for nesting skylark. These areas will be managed via the LEMP and can be expected to support a proportion of the existing skylark population.

A residual adverse impact on the population of skylark is expected as the Site may not continue to support the current numbers using the site due to loss of open habitat. Following comments received by the LPA in August 2021, it was deemed that additional mitigation would be required for skylark territories that could not be retained on-site. To this end, and in accordance with the recommendations of the LPA Ecologist, 8 skylark plots will be provided within off-site arable farmland as part of a S106 agreement under the Habitat Banking system operated by Whirledge and Nott.

#### Biodiversity Impact Assessment Calculation (BIAC)

Clarkson and Woods are happy to provide the completed Biodiversity Metric for the scheme. Proposed solar developments at arable land such as this project do generally record a high score in terms of habitat units, principally as a result of the reversion of arable land to grassland beneath panels, which inherently results in a significant net gain according to the metric.

As has been stated, the scores are based on version 2.0 of the Biodiversity Metric which was in use at the time the EcIA was written. Natural England have since released an update version of the Biodiversity Metric in July 2021 to version 3.0. Natural England advise that projects which have used the Biodiversity Metric 2.0 should continue to do so (unless requested to do otherwise by the consenting body) for the duration of the project it is being used for. The net gain scores can be recalculated using Metric 3.0 if necessary; however from our experience using both versions, there would be very little change in the scores should version 3.0 be used; a significant net gain would still be recorded.

### Designated Sites

The comments received under this heading are addressed under the 'Field boundaries' Subheading above.

### **HEALTH AND SAFETY**

A number of concerns relating to health and safety and amenity have been raised, including:

- The high pressure fuel pipeline creates a safety hazard (disturbance and vibration, and fire),
- Battery storage presents a fire risk,
- Vibration from piling, which may be heard from over 2 miles away,
- The planning application makes no mention of the pipeline.

We can confirm that the applicant is aware of the pipeline that crosses the site and is also in contact with the owner/operator of the pipeline. The pipeline has been taken into account by the proposed development and planning application.

The battery technology proposed is likely to be Lithium based which is the basis for all manufacturers – the cells themselves are to contain materials in the event of a failure and sit within a wider containerised package providing added protection in the event a cell was to fail. All battery manufacturers have inherent electrical and fire suppression systems that prevent failure from leak, overheating and 'trips' which are automatically activated under circumstances which put the equipment outside of parameters. As well as electrical and fire control systems each cell module has a HVAC system that actively cools the batteries reducing the chances of issue under operation. The UK Government has widely recognised the use of this technology across its energy strategy which speaks about the practicality and safety of its widespread implementation in the UK. Health and safety of these sites are of paramount importance which is why there are numerous procedures and design features put in place to combat hazards.

The proposed development would accord with all relevant health and safety policy.

We request that the above discussions are taken into consideration when determining the application. Should you have any questions regarding any of the information or explanations contained within this Technical Note, please do not hesitate to contact me.

Your faithfully,

A handwritten signature in black ink, appearing to read "J. Ellis", written over a horizontal line.

**Jack Ellis**  
**Senior Planner**

e-mail: [jack.ellis@pegasusgroup.co.uk](mailto:jack.ellis@pegasusgroup.co.uk)

# Appendix 4



The countryside charity  
Essex

RCCE HOUSE

THRESHELFORDS BUSINESS PARK, FEERING, COLCHESTER, CO5 9SE

Planning and Building Control  
Uttlesford District Council  
Council Offices,  
London Road,  
SAFFRON WALDEN  
Essex  
CB11 4ER  
For the attention of William Allwood

Dear Sirs

## **Solar Farm application, Land to the West of Thaxted (UTT/21/1833/FUL)**

CPRE Essex have serious worries in relation to this application and write to register our objection. Prompted by the number of increasingly large solar farm schemes coming forward in Essex, and Uttlesford in particular, we recently adopted a policy in relation to this form of development (copy attached to e-mail). The development proposed at Cutlers' Green is in conflict with this policy in a number of respects and we would strongly urge you to refuse permission. We have a significant number of members in your District and we understand that many of them have signed a petition urging your Council to adopt a policy that would ensure that no further harm is done to the Uttlesford countryside by the development of solar farm installations. There are now in excess of 700 signatures to the petition which reflects the views of local residents and it is clear that our concerns are widely shared and our objections well supported.

We will for convenience set out our specific concerns under headings below.

### **1.2 POLICY CONTEXT**

This application will be judged against planning and other related policy and guidance. It is our belief that it fails to satisfy the principles set out in a number of relevant documents.

### **National Policy**

Following nationwide concern about the environmental impact of solar farms a ministerial statement (HCWS 488,2015) from DCLG was issued in 2015. This states in no uncertain terms: ***Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high quality land. Protecting the global environment is not an excuse to trash the local environment***. It goes on to say ***‘Any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence’***

These sentiments are echoed in both the NPPF and the PPG where it is stated that development should be focused on previously developed land and non-agricultural land.’ Where the use of green field land is proposed this has to be ‘necessary’ and poorer quality land should be used in preference to higher quality land. The BRE planning guidance elaborates further saying ‘National Planning Policy would not normally support development on the best agricultural land’ and again emphasises the need to use ‘previously developed land, contaminated land or agricultural land of classification 3b, 4 or 5. In this instance the applicants have not only failed to provide the ‘most compelling evidence as to why this development needs to take place on high quality land; they have not provided any evidence to that effect at all.

It is worth pointing out that national planning policy also stresses the need to protect the landscape and refers to ‘sustaining and enhancing the significance of heritage assets’.

It will be obvious that this proposal not only fails the various national policy tests in terms of land quality but is also and unquestionably, detrimental to both landscape quality and the setting of important heritage assets.

### **Local Plan policy**

There are a number of Local Plan policies that are directly relevant to the determination of this application:

**Policy S7** deals specifically with development in the countryside. Despite some debate over the conformity of this policy with the NPPF it has been determined by inspectors in many recent appeals that the principle of protecting the countryside is entirely consistent with the aims of the NPPF. Policy S7 states that development in the countryside will only

be permitted if it needs to be there or is appropriate to a rural area. It goes on to say that it will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. Not only does an industrial development on this scale fail to protect or enhance the character of Cutlers' Green, but there is absolutely no need for it to be there. DECC has confirmed that there are millions of square feet of south facing roofs on industrial space in the UK. It is obvious that there is ample scope for an equivalent amount of development to take place where it does not harm the rural environment nor use productive farmland.

The development also fails to meet the requirements of **Policy GEN 2** in that it is clearly not compatible with the scale, form, layout, appearance and materials of surrounding buildings. Indeed, it is entirely at odds with the surrounding listed buildings.

Whilst **Policy ENV15** does refer to solar it is only permissive of 'small scale' schemes and only if they do not adversely affect the character of sensitive landscapes. This could never be described as a small scale scheme and could not do anything other than harm the surroundings within which it is set.

### **National Energy Strategy**

In pursuing its carbon cutting ambitions the government has published many policy papers dealing with renewable energy. These concentrate very largely on off-shore wind rather than solar as a source of renewable energy. In ***Build Back Green (Oct 2020)*** it is proposed that off-shore wind capacity should be increased three-fold. In the ***10 Point Plan for a Green Industrial Revolution (Nov 2020)*** renewables are only considered in the context of off-shore wind.

## **1.3 THE INEFFICIENCY OF SOLAR FARMS**

The applicants state that the scheme is capable of supplying power to 13,000 homes. One wind turbine in the North Sea has the capacity to power 16,000 homes. When the surface area of the space occupied by each generator is compared it will be seen how wasteful of our land solar farms are. Similarly, in terms of efficiency rating (i.e. the amount of power exported to the grid, solar's rating is between 11 and 15% whereas for off-shore wind the figure is 50%+. On one day last year it has been reported that 78% of the UK's electricity came from off-shore wind.



## 1.4 LOSS OF FARMLAND

The whole of the site over which the applicants have an option was classified as Grade 2. This has been confirmed by Uttlesford in their response to the EIA screening request. Grade 2 land is classified as 'Best and Most Versatile' and as such there would be a presumption against its use for solar farm purposes.

The amount of arable land in the UK is in decline. It currently stands at 6 million has. which is the lowest since World War 2. In fact, land is being taken out of cultivation at a rate of some 40,000 has. per annum. At the same time yields are declining as is land quality due to the effect of global warming. So, production potential is already diminished and we cannot afford to lose further parcels of arable land to development that has no need to be there.

The applicants have submitted a report by their own consultants which seeks to re-classify the Cutlers' Green land. As will be seen however from other evidence submitted by objectors to this project, not only was their method flawed but it is remarkable how their results remove significant areas from the 3b classification thereby reducing the amount of 'Best and Most Versatile' land. Their conclusions are however rather meaningless without any details as to the recent cropping and yields history of the land. That would be the most appropriate measure of productivity and a proper indicator of the opportunity cost of the site.

## 1.5 IMPACT ON THE LANDSCAPE

It is first worth referring to the work done by Chris Blandford Associates for the local authorities in north-west Essex in 2006. In that study this area is identified as a part of the 'Thaxted Farmland Plateau', where it is stated that the landscape pattern is 'sensitive to potential large-scale development' and has 'a relatively high sensitivity to change'. The guidance is to 'conserve the open views'. It is quite clear therefore that a development on this scale consisting of seemingly never-ending uninterrupted rows of glass panels would have a dramatic effect on an important local landscape. Local Plan policies militate against development in this area specifically in order to preserve the beauty of the countryside and the outstanding rural setting of historic settlements such as Thaxted.

There are a number of Public Rights of Way that traverse the site starting from Cutlers' Green itself, in the vicinity of Richmonds-in-the-Wood; Debden Green off Henham Road; and off Bolford Street adjacent to Water Hall. The visual impact on these routes would be dramatic. Views across open fields would be replaced by an industrial landscape of metal, glass and containers set within a vast compound of security fencing

together with the added intrusion of security cameras. Any attempt to mitigate the impact with new planting would largely be futile as new vegetation would take time to mature and no benefits would be seen for some 15 years. The setting of tree belts and other features that define the landscape will be completely changed. Perhaps of greatest concern in terms of visual intrusion however is the effect on the approach to Thaxted. Bolford Street between Debden Green and The Borough provides some of the most remarkable views of Thaxted with the church and windmill juxtaposed to highlight the glory of one of East Anglia's most visually attractive villages set within its unaltered medieval landscape. The Grover Lewis report on heritage setting which provided supporting evidence for the Thaxted Neighbourhood Plan highlighted the importance of this 'gateway' into Thaxted as did the 2009 Historic Settlement Character Assessment commissioned by Uttlesford District Council. The fundamental point about this approach to the village is that the Conservation Area is so perfectly framed within its original historic landscape. That wide open view would be destroyed by the intrusion of security fencing and floodlighting along its southern periphery.

## 1.6 IMPACT ON HERITAGE SETTING

As identified above one of the most significant issues in relation to the setting of Thaxted's heritage is in relation to the distant views of the settlement contained within its unaltered landscape. There are however specific issues associated with individual heritage assets which are inadequately dealt with in the applicants' heritage statement.

**RICHMONDS-IN-THE-WOOD** - dating from the 14th to the 16th century and listed Grade II, Richmonds was one of the sub-manors of Thaxted. It retains much of its medieval heritage and its agrarian character with adjacent early barns. Its agricultural setting which determines its character as a former working farmstead will be destroyed with its original land-holding covered by industrial development and the house itself surrounded by security fencing, floodlighting and all of the infrastructure required for such a project.

**LOVES FARM** - another farmhouse with medieval origins and one of the original farms on the Horham Hall estate. It contains many original timbers and staircase features. The impact on its rural setting has again been seriously down-played by Pegasus with wholly inadequate photography and no proper assessment of the impact on the appreciation of this asset.

**HORHAM HALL** - dating from the late 15th century this is generally regarded as one of the most important Tudor houses in Essex. The Great Hall with its fine Oriel Window is outstanding. No attempt has been made to even consider the impact on its setting and it has presumably been conveniently ignored on the basis of its distance from the solar farm (section 6 of the Pegasus report). It is however highly likely that the panels will feature

strongly in distant views from the house situated on land that was part of its original estate.

**THAXTED PARISH CHURCH** - The church of St. John the Baptist is one of the finest parish churches in England. Pegasus see its significance as being derived from its 'architectural, artistic and historic interest and as an example of a medieval church with later additions'. Whilst that is undoubtedly damning it with faint praise the true glory of Thaxted church is its dominance in its surrounding rural landscape and its association with the neighbouring John Webb's windmill. Pegasus seem to see its setting as being confined to its immediate surroundings yet its 180 foot spire can be seen for miles around with some of the most important views being from Bolford Street. To destroy such outstanding views with an intervening industrial wasteland would be one of the worst acts of heritage vandalism of the modern era.

#### **CUTLERS' GREEN**

As noted by Pegasus there are many listed buildings on and around Cutlers' Green. Whilst they are no doubt of merit in their own right, the importance of Cutlers' Green is in its collective whole, its historical associations and its completeness as a rural settlement. Its character would be destroyed by a development of this nature. No discussion on this point appears in the Pegasus report.

As the Countryside Charity we are clearly concerned about the effect of developments such as this on the landscape and the rural environment but the setting of heritage assets is clearly a very significant part of that.

### **1.7 IMPACT ON WILDLIFE AND BIODIVERSITY**

There has been limited research into the long term impact on the natural world of land being used for solar energy purposes for up to 40 years. There are however a number of points that are obvious:

- A continuous (literally miles) of security fencing will act as a barrier to transitory animals. There is a very large deer herd that roams this particular landscape. With traditional routes closed to them they will be diverted onto roads with the inevitable increase in the number of accidents.
- Birds and bat deaths will increase as the glass panels are mistaken for water
- Ground nesting birds such as lapwing, plover and skylarks will be deprived of their natural habitat within cropped fields.

- There is considerable uncertainty over the condition of the soil after a 40 year period of solar plant use. Large areas will have been in permanent shadow and deprived of rainfall while other areas will simply become channels for rainwater run-off . Whether this condition differential could ever create a satisfactory growing environment again is highly doubtful. The applicants provide no proof that it could.

## 1.8 LASTING HARM

The applicants are seeking a 40 year permission period. It is highly likely that the PV panels in use today will be obsolete long before the expiry of that period. It is also likely that in perhaps 20 years time a better alternative source of renewable energy will have been found which begs the question of what will happen to the site at around the half way stage of its life-span. It will be a brown-field former industrial site. The planning committee needs to consider what its long term future might be. It is an entirely unsustainable location for housing development. There is also very considerable uncertainty over the ability and viability of recycling solar panels. Experience in the United States suggests that many have already been sent to land-fill.

Developers and their investors are usually quite happy to enter into a bond arrangement with the landowner and local authority knowing that on a discounted cash-flow basis the cost in 40 years' time in present value terms, is very small. Indeed, the bond entered into in relation to the Terrier's Farm development, which doesn't even come into effect for 15 years, would appear to be completely worthless.

In summary, it only need be said that there is uncertainty and very serious concern about the long-term future of these sites.

## 1.9 CUMULATIVE IMPACT

We have already highlighted the number of solar energy projects being promoted in the Uttlesford District. Around Thaxted alone there are already Terriers Farm and Spriggs Farm which combined amount to some 200 acres. With ColeEnd and Cutlers' Green there would be nearly a further 300 acres of productive arable land, concentrated around one village, taken out of food production with a dramatic change to a highly sensitive landscape. We believe there are better ways to generate electricity from renewable sources.

Yours faithfully,

Richard Haynes – CPRE, Essex

# Appendix 5



the countryside charity

## CPRE-ESSEX POLICY STATEMENT IN REGARD TO SOLAR FARMS

**‘Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high-quality land. Protecting the global environment is not an excuse to trash the local environment.’**

<https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488>

### 1.0 BACKGROUND

- 1.1 In terms of greenhouse gas emissions, the government is committed to achieving net zero by 2050. Such a commitment requires a fundamental change in our sources of energy including the generation of electricity. ‘Renewables’ will have a significant role to play but renewable energy sources, if not properly controlled, can have serious consequences for our natural environment, as alluded to in the Ministerial Statement above.
- 1.2 The government has recently published its Ten Point Plan for a Green Industrial Revolution in which point one deals with a switch to renewable sources of electricity. The Plan however, views renewable energy purely in terms of off-shore wind farms. No mention is made of solar farms. Central government has for several years shown only limited support for industrial scale land-based operations and national planning guidance indicates a strong presumption against solar farm development on the ‘best and most versatile farmland’ (classified as Grades 1,2 and 3A). Similarly, the BRE ‘Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems’ also underlines the fact that national planning policy would not support development on the best agricultural land and specifically states that ‘The best quality land should be used for agricultural purposes’.
- 1.3 Essex County Council’s Climate Change Commission is yet to report formally but their recently published interim report states their ‘reservations about the loss of arable farming land’.
- 1.4 There can be no doubt that, cumulatively, PV panels can make a valuable contribution to our electricity supply and much more can be done at planning application stage to ensure that they are in-built in all new commercial developments and many housing schemes. Large scale industrial operations however require much more careful consideration. There is already clear guidance that the most productive farmland should be avoided; however,

more control is required to avoid the immense harm that such development can do to our natural landscape and the setting of traditional buildings within it. Local planning authorities need to have policies in place to ensure that neither high quality farmland nor important landscapes are compromised - particularly so with regard to the visual 'designated' and 'valued' landscapes.

## 1 ISSUES

- 1.1** The Agriculture Act 2020 is to be applauded for its switch from Basic Payments to farmers to an Environmental Land Management scheme which incentivises environmental stewardship schemes such as tree planting and the creation of traditional habitats and ecosystems. It is made clear however that it is not intended that the scheme should apply to high-value agricultural land ‘in recognition of the importance of food production.’ This represents another indicator that the government recognizes the importance of reserving the best land for growing food. It is not considered acceptable therefore for local planning authorities and appeal inspectors to allow this land to be taken out of food production for the purpose of providing green energy. It is wasteful and unnecessary when many other non-productive opportunities exist for solar energy operations. Energy companies will often complain that a particular area is dominated by land in the ‘best and most versatile’ category and they have no alternative option. They do – develop in other areas of the country where land is less productive or, better still, concentrate on brownfield sites. The occasional grazing of sheep is also suggested sometimes as a continuing agricultural use by way of compensation but this is hardly significant when compared to the productivity of high grade arable land.
- 1.2** The loss of high quality farmland is not the only issue. Arguably of greater importance is the potential harm that these developments do to the landscape. Fields containing continuous rows of metal and glass bring a dramatic industrial scar to an otherwise rural environment which is then further damaged by perimeter security fencing, floodlighting, CCTV systems and a range of buildings housing all of the associated apparatus including the battery storage units. Traditional views often framing the distant setting of historic buildings such as churches are destroyed and the character of footpaths is altered for all time.
- 1.3** Taking land out of agricultural use does have benefits for wildlife. The monoculture of crops is removed allowing an element of bio-diversity. The absence of ploughing increases the earth worm population and insects flourish where grass is left to grow. These advantages are however, outweighed by the damage to traditional habitats through the dense development of industrial plant and infrastructure. Security fencing surrounding large areas of land removes traditional pathways for transitory animals and bird deaths are a common occurrence as large areas of glazing are mistaken for water. Grass does have to be mown and chemicals are used to control weeds and pests. The land is essentially changed from rural to industrial and habitats and the nature of local wildlife is consequently altered. A further concern is the potential impact on the quality of the soil. Large areas of solar panels will change the way that rainwater falls on the ground, air currents will change and large areas will be permanently shaded from sunlight. The earth is our biggest carbon store. It is unknown what impact these environmental changes will have on its ability to continue to store carbon and could potentially be a counter-productive feature in the battle to reverse climate change.



**1.4** Solar energy companies usually lease their sites typically for periods of between 25 and 40 years. It is highly likely that the PV panels will, one way or another, be redundant before the expiry of the lease term. It is quite probable that more efficient sources of electricity will have been found rendering the panels obsolete and much of the land will no longer be required. Energy companies are quite happy to accept a reinstatement clause in the lease given that they rarely have to worry about a liability so far into the future. A landowner (and in some cases, a planning authority) will require a reinstatement bond but many that have been agreed have been worthless. There is therefore huge uncertainty as to whether these sites will ever be returned to agriculture or to a natural state. If PV panels have become obsolete it is quite likely that the operating company will have ceased to exist, so in that case and/or where any bond is worthless or inadequate, there will be uncertainty whether the landowner will undertake any reinstatement. In addition, the cost of de-commissioning and re-cycling is likely to considerably outweigh the value of what is created leaving an abandoned and derelict site. Such sites could then be classified as ‘brownfield’ and there will then be pressure to redevelop for housing despite their often unsustainable location.

### 3.0 POLICY

- The use of ‘best and most versatile’ agricultural land (Grades 1, 2 and 3a) for solar farms should be avoided in all circumstances.
- The redevelopment of brownfield sites for solar farm use is, in principle, to be encouraged.
- Support is also given to the use of planning conditions that require the inclusion of PV panels in the specification of new commercial developments and, where appropriate (not in Conservation Areas or similarly sensitive settings), new housing schemes.
- Applications relating to any proposed sites in rural areas should be accompanied by a comprehensive landscape impact appraisal and development which results in the loss, or change in character, of landscapes or landscape setting and views should be refused.
- Applications that result in the significant change in character of footpaths or other public rights of way should be refused.
- A wildlife impact assessment should also be required and any loss or changes to habitats should be properly mitigated.
- Any proposed new tree or hedgerow schemes should require semi-mature native species plants to ensure effective screening at the earliest possible date.
- All planning applications should be accompanied by a viability appraisal (including cost/benefit analysis) and an options appraisal which considers alternatives.

- A full land management plan should accompany all applications providing detailed information on the way in which the land will be maintained (grass cutting regimes; any use of pesticides/insecticides; animal grazing proposals; etc) and related conditions should be applied to any permissions granted.
- A reinstatement plan which identifies all of the key elements required to return the land to a natural state should be prepared and form a part of any planning application. This should provide details (related to best current practice) of the work required, the opportunities for recycling and an estimate of current cost.
- In all cases a bond should be provided as part of a legal obligation between the landowner and the local planning authority to cover the full cost of proper reinstatement, to be entered into upon commencement of any works.

# Appendix 6 Statutory Consultee Responses

## Local Highway Authority

Your Ref: UTT/21/1833  
Our Ref: HT/TPD /SD/KW/50624/4B  
Date:- 10/12/2021



CC: Cllr Martin Foley  
Essex Highways DM  
Essex Highways PROW

Andrew Cook  
Director for Highways and  
Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/21/1833/FUL

Applicant Cutlers Solar Farm Ltd C/o Pegasus Planning Group Ltd

Site Location Land West Of Thaxted Cutlers Green Lane Thaxted

Proposal Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

### Note

In highway terms the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements a day will take place during this period of these approximately 1230 will be 15.4m articulated vehicles. Over the 16 week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary on a daily basis this gives an approximation of the impact of the HGVs on the network.

A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below.

Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.

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

1. **Construction Traffic Management Plan:** The submitted Construction Traffic Management Plan Revision A shall be implemented in consultation with the highway authority and adhered to throughout the construction period. **Reason:** To ensure safe and suitable construction access is provided, that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway and the public rights of way are protected in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
2. **Construction Access Bolford Street:** Prior to implementation, the access from Bolford Street shown in principle on submitted drawing P20-1298 Figure 1 A, and entirely separate from PROW 49/14 shall be provided, including a minimum width of 6m, 10m radii and clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing highway verge. The visibility splays shall retained free of any obstruction thereafter. (see informative 1) A minimum 2m effective width of the PROW 49/14 and the extension to the road shall be maintained. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Operational Access Bolford Street:** Upon completion of the construction phase, the Bolford Street construction vehicular access shall be reduced to a size appropriate for operation and maintenance incorporating the reinstatement to full height of the highway verge. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. **Southern Construction Accesses:** On commencement of development a temporary construction access, shall be constructed at right angles to the existing carriageway on the north and south side of the unnamed road, leading to the dwelling known as Richmond in the Woods, the position of which is shown in principle on submitted drawing P20-1298 Figure 2. The accesses shall only be used to travel north and south between the two construction areas and not along the highway a banksman shall be provided to assist construction vehicles. Upon completion of the construction phase the northern temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and the southern temporary access shall be constructed as per condition 5. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
5. **Southern operational access:** Prior to operation, the access from the unnamed single track road, leading to the dwelling known as Richmond in the Woods, shown in



principle on submitted drawing P20-1298 Figure 2 shall be provided, including a minimum width of 4.9m, radii of 6m and the clear to ground visibility splays, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The visibility splays shall be retained free of any obstruction thereafter. (see informative 1) This access shall be entered from the north only during the construction phase and not from the east. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. **Gates:** Any gates provided at the Bolford Street vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the carriageway. Any gates provided at the Southern Operation access shall be inward opening only and shall be set back a minimum of 8 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **Unbound material:** No unbound material shall be used in the surface treatment of the vehicular accesses within 16 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **Construction delivery:** Construction traffic and delivery vehicles shall be programmed to arrive and depart outside the peak hours of 07:30 – 09:30 and 16:30 – 18:30 Monday to Thursday and 07:00 – 15:00 on Fridays (to avoid market day in Thaxted). **Reason:** To avoid congestion and conflict in the highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
9. **PROW- construction:** Prior to implementation a detailed plan for protection of the public rights of way network during construction shall be submitted to, and approved in writing by, the local planning authority, it shall include but not limited to a drawing identifying the PROWs position and widths and showing proposed crossing points, use of banksmen, signing, fencing, gates, and protection and maintenance of surface at crossing points. The objective of the plan will be the safety and convenience of pedestrians using the network. The approved plan to be adhered to throughout the construction phase. **Reason:** To protect PROW network and in the interest of highway safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
10. **PROW - operation:** The definitive widths of PROWs within the site shall be protected within a 10m corridor between bound on both sides by hedging and fencing, the new boundary planting adjacent to the PROWs shall be planted a minimum of 3.5 m back from the definitive width of the PROW and the vegetation maintained throughout operation of the Solar Farm to ensure no encroachment. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the

Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. **PROW - operation:** Any vehicular crossing points of the PROW within the development shall be suitably treated to provide priority and safe crossing for pedestrians and the surface protected and maintained to a suitable level for the safe and convenient use of pedestrians through the operation of the site. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
12. **Condition survey:** No development shall take place until a comprehensive condition survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network affected by the site as shown in Plate 2 of the Construction Traffic Management Plan has been completed in conjunction with the highway authority and submitted and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it.
13. **Post construction condition survey:** Following completion of the construction phase, a further comprehensive survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network as shown in Plate 2 of the Construction Traffic Management Plan shall be completed in conjunction with the highway authority. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the site to a programme to be agreed with the Local Planning Authority. **Reason:** In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it.
14. **Decommissioning:** Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for;
  - I. Safe access to the site and subsequent reinstatement of the highway
  - II. vehicle routing,
  - III. the parking of vehicles of site operatives and visitors,
  - IV. loading and unloading of plant and materials,
  - V. storage of plant and materials used in constructing the development,
  - VI. wheel and underbody washing facilities.
  - VII. Protection, treatment and reinstatement of the PROW network
  - VIII. Before and after condition survey to identify defects to highway and PROW network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.**Reason:** To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.



- (i) The application demonstrates that the 2.4m x 215m visibility splays in both directions can be achieved by removal of hedging on Bolford Street. The developer may undertake a speed survey and submit it the highway authority to ascertain if 85<sup>th</sup> percentile speed of traffic on the road is such that lower visibility splays may be acceptable and therefore less hedging removed.
- (ii) Structure 2160 Waterhall Bridge is situated close to the access and should be taken into account in the provision and use of the construction access. Any structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public rights of way numbered 49/14, 49/106, 49/45, 49/11, 49/88 11/57, 11/65, and 7/66 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- (viii) 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



---

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)



## Local Flooding Authority

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



William Allwood  
Uttlesford District Council  
Planning Services

Date: 23<sup>rd</sup> September 2021  
Our Ref: SUDS-005338  
Your Ref: UTT/21/1833/FUL

Dear Sir/Madam,

### **Consultation Response –UTT/21/1833/FUL – Land west of Cutlers Green**

Thank you for your email received on 22/09/2021 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 takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

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

- Provide check dams in the proposed swales to promote site infiltration and reduce the risk of flooding in the downstream watercourse
- Limit 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. In case the 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.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.





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

Direct Dial: 01223 582716

Our ref: P01430618

30 June 2021

Dear Mr Allwood

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

**LAND WEST OF THAXTED, CUTLERS GREEN LANE, THAXTED, ESSEX**  
Application No. UTT/21/1833/FUL

Thank you for your letter of 10 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

##### The significance of the historic environment

The historic environment is a finite and non-renewable environmental resource which includes designated heritage assets, non-designated archaeology and built heritage, historic landscapes and unidentified sites of historic and/or archaeological interest.

It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life.

A solar farm in this location near Cutlers Green would have an impact upon a number of designated heritage assets and their settings in and around the site. There are no designated built heritage or archaeological assets within the red line boundary of the site. Designated assets within a 1km radius of the site include 30 listed buildings. There are no scheduled monuments within 1km of the site.

##### The proposals and their impact on the historic environment

The proposed development site comprises two areas of land, currently in agricultural



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 652749  
HistoricEngland.org.uk



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



Historic England

use, to the west of Thaxted that are divided by a single track which forms the access to Richmond in the Woods. One area extends to 50ha and the other is 15ha in size.

Approval is sought for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

The main elements of the proposal are the construction, maintenance and decommissioning of an approximately 40 MW ground-mounted solar farm with battery storage and associated infrastructure. None of the site is located within the Green Belt.

The *Heritage Assessment* produced by Pegasus Group assessed the built heritage, archaeological and landscape within a 1km radius of the boundaries of the site. We consider the area of study to be contextually proportionate in this sensitive location.

All of the structures at the site would be single-storey in height and any intervisibility would be mitigated when the proposed screen planting matures. The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures.

The racks would respond to topography but there would typically be a gap of 3-4m between each row of arrays and the maximum top height of the solar panels would be 3m.

The typical minimum distance between the edge of the solar panels and the perimeter fencing would be 5m to facilitate a wildlife corridor.

The solar panel modules would be made of PVs which are blue, grey or black in colour and constructed of anodized aluminium alloy.

#### The policy context

The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192).

It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193.

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 552749  
HistoricEngland.org.uk



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

Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'.

Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.

#### Historic England's position

We have considered the comprehensive documentation submitted with the application, including the *Design and Access Statement*, *Heritage Statement* and *Landscape and Visual Impact Assessment* produced by Pegasus Group.

Historic England acknowledge that a degree of harm would be caused to the significance of the setting of a number of the designated and non-designated heritage assets within a 1.0km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure.

We are satisfied that the level of that harm would be at a low level of less than substantial. We would therefore have no objections should your authority be minded to approve the application.

#### **Recommendation**

Historic England considers the level of harm that would be caused to the significance of designated and non-designated heritage assets in the vicinity of the application site as a result of the impact of the proposed solar farm on their setting would be at a low level of less than substantial.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 552749  
HistoricEngland.org.uk



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



Historic England

On balance we would have no objections on heritage grounds should your authority be minded to approve the application.

We consider that the application meets the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

You should also bear in mind section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

**Sheila Stones**

Inspector of Historic Buildings and Areas

E-mail: [Sheila.Stones@HistoricEngland.org.uk](mailto:Sheila.Stones@HistoricEngland.org.uk)



## Natural England

Date: 09 July 2021  
Our ref: 356408  
Your ref: UTT/21/1833/FUL



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

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

T 0300 060 3900

BY EMAIL ONLY  
[planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)

Dear Mr Allwood,

**Planning consultation:** Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter.

**Location:** Land West Of Thaxted, Cutlers Green Lane, Thaxted

Thank you for your consultation on the above, dated and received by Natural England on 10 June 2021.

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

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

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

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

#### Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur.

Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend that this is



followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

**Sites of Special Scientific Interest Impact Risk Zones**

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

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

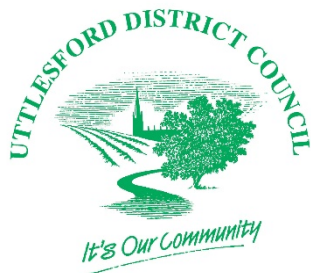
We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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

Yours sincerely,

Elizabeth Ball  
Consultations Team

# Agenda Item 8



**ITEM NUMBER:** 8

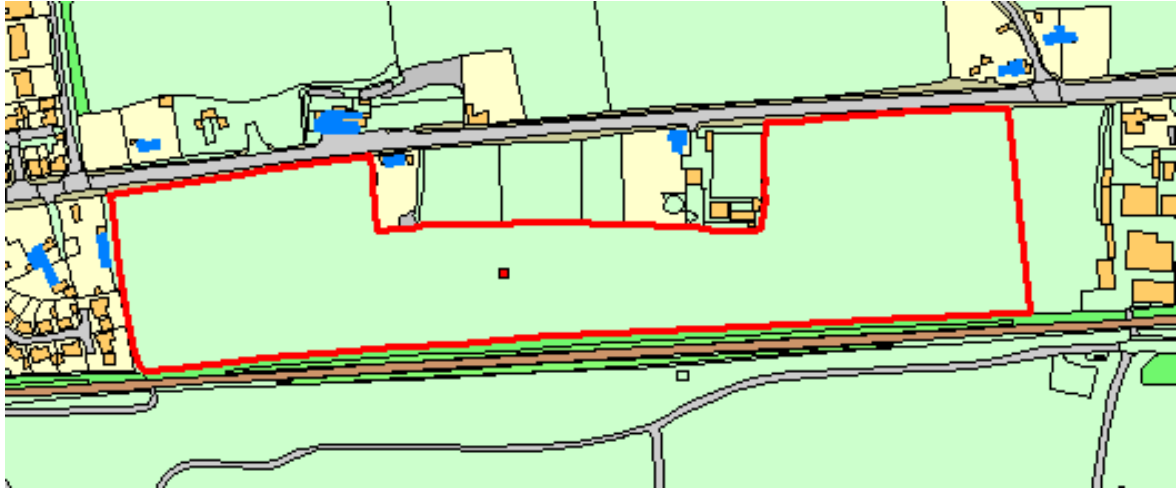
**PLANNING COMMITTEE** ~~8 June 2022~~  
**DATE:**

**Deferred to 14 September 2022**

**REFERENCE NUMBER:** UTT/21/3272/OP

**LOCATION:** LAND SOUTH OF STORTFORD ROAD, LITTLE  
CANFIELD

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2022 ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 25 May 2022

**PROPOSAL:** Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**APPLICANT:** Welbeck Strategic Land IV LLP & Others

**AGENT:** Star Planning and Development

**EXPIRY DATE:** 7 February 2022

**EOT Expiry Date** 31 August 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Countryside Protection Zone, Adjacent Public Rights of Way, Adjacent Archaeological Site, Adjacent Local Nature Reserve (Flitch Way) and Adjacent to Listed Buildings.

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

---

**1. EXECUTIVE SUMMARY**

**1.1 Background**

- 1.1.1** This application was presented to members of the planning committee on 8<sup>th</sup> June 2022 with a recommendation for approval subjected to suggested conditions and a S106 Legal Agreement.
- 1.1.2** Following discussions, members considered that further engagement should have been held between the Applicant and Little Canfield Parish Council in the view of whether the Parish are in need or require help towards any community assets contained within the Parish.
- 1.1.3** In addition, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to

seek further information from the Environmental Agency in a more formal detailed response.

- 1.1.4 In addition, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to seek further information from the Environmental Agency in a more formal detailed response.
- 1.1.5 Finally, members were also concerned that no formal consultation response had been received from the Council’s own landscape officer and that this should have been forthcoming prior to the application being presented at the committee meeting.
- 1.1.6 As such members decided to defer from deciding on the application to allow for these discussions to take place.
- 1.1.7 For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the original report presented below at the Committee in June and will deal with each of the above points of interest in order.
- 1.1.8 In additional, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to seek further information from the Environmental Agency in a more formal detailed response.
- 1.1.9 Finally, members were also concerned that no formal consultation response had been received from the Council’s own landscape officer and that this should have been forthcoming prior to the application being presented at the committee meeting.
- 1.1.10 As such members decided to defer from deciding on the application to allow for these discussions to take place.
- 1.1.11 For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the original report presented below at the Committee in June and will deal with each of the above points of interest in order.
- 1.1.12 **Engagement with Parish Council**
- 1.1.13 A meeting was held between officers of Uttlesford District Council, members of Little Canfield Parish Council and the Applicant on Friday 8<sup>th</sup> July 2022 to discuss whether the proposals in addition to those obligations already set out in the draft heads of terms could help provide or contribute towards any community assets contained within the Parish.

- 1.1.14** The Parish Council provided a list of potential obligations/requirements that they thought could benefit the wider community within the meeting which were fair and reasonable. This was reviewed by the applicant who responded to the Parish Council's suggestions on 27<sup>th</sup> July 2022 within an email.
- 1.1.15** The Applicant concluded that some of the points which were raised by Little Canfield Parish Council would accord with the statutory tests for Planning Obligations whilst some of the other points were considered to fall outside the scope of Article 122 of the CIL Regulations and are thereby not being put forward by the applicant.
- 1.1.16** One such suggestion made by the Parish was for the Applicant to provide funding for the upgrade or new works to the local village hall.
- 1.1.17** The applicant acknowledged that there is the potential for the increased population associated with the proposed development to increase the use of Little Canfield Village Hall. Accordingly, the Applicant is prepared to make a financial contribution to the Parish Council of £10,000 which (if a scheme is acceptable to Uttlesford District Council) can be used by the Parish Council to improve the facilities at the Village Hall thereby increasing capacity or use. Such improvements could include enhancing the kitchen, acquiring new chairs and tables, provision of play equipment, etc. The payment would be made prior to the occupation of the 45th dwelling which will provide time for the Parish Council to submit a scheme to the District Council demonstrating how the money would be spent.
- 1.1.18** A further suggestion was made by the Parish Council in respect to safeguarding unwanted airport parking within the development if permission were to be approved.
- 1.1.19** The Applicant is willing to establish at the outset a parking restriction along any adopted road within the proposed development to discourage long term on-street parking.
- 1.1.21** The intention here is that a residents' parking only/permit parking operating say between 10:30 and 12:00 hours on Mondays to Fridays. Welbeck would fund the necessary Order, the signage/lines as part of the construction of the road and a financial contribution for the administrative costs to issue the permits to the first occupiers of each dwelling.
- 1.1.22** The District Council (through the North Essex Parking Partnership) already has the process and procedures in place to issue the permits and enforce the restrictions. The applicant suggests the total amount for the Order and administration costs would not exceed £10,000. The physical works would just be a construction cost.

**1.1.23      Consultation Response from Environmental Agency**

**1.1.24**      Members of the planning committee requested officers to seek a more detailed response from the Environmental Agency following their one-line response as detailed above. Officers contacted the Environmental Agency shortly after the application was deferred at the committee. The Local Planning Authority thereafter received two separate consultation responses from the Environmental Agency which are provided in full in the Appendix section of this committee report for ease of reference. A summary of the consultation responses are provided below.

**1.1.25**      In the Environmental Agency's initial response dated 13<sup>th</sup> June 2022, they confirmed that the whole of the development site falls within Flood Zone 1 with the nearest Flood Zone 3 located approximately half a kilometre away to the east. As a result, and following the Development Management Procedure Order, the Environmental Agency confirmed that the site is not one of which they would make comments upon in respect to Flood Risk.

**1.1.26**      Within the same consultation response, the Environmental Agency makes further comments with regards to Noise, Odour and Disturbance. The Environmental Agency acknowledges that there are two permitted sites to the south of the Flitch Way being a waste management site and a composting facility. The Environmental Agency conclude that they would not comment on odour, noise or other disturbances for sites not regulated by themselves as this would be outside their remit.

**1.1.27**      The Council were in receipt of a further consultation response from the Environmental Agency dated 17<sup>th</sup> June 2022. This provided further information following on from the Environmental Agency's initial response confirming that the nearby landfill site continues to produce gas from household, commercial and industrial waste and that it has been reported that extensive illegal activity has been taking place on the site.

**1.1.28**      The Environmental Agency also confirmed that the application site does not fall into their remit in accordance with the Development Management Procedure Order and thereby a site visit was not undertaken for the proposals.

**1.1.29**      In summary, the Environmental Agency have confirmed that they have no objections to the proposals, but they have informed the Local Planning Authority that the landfill site to the rear does produce odours from waste.

**1.1.30      Consultation Response from UDC Landscape Officer**

**1.1.31**      It was previously confirmed to members of the planning committee that no formal comments had been received by the Council's landscape officer.

- 1.1.32** Following the meeting and at the request of members, the Council's landscape officer has now provided formal comments dated 16<sup>th</sup> June 2022. The landscape officer concluded in full as per below:
- 1.1.33** *A landscape and visual appraisal (LVA) has been undertaken by Terence O'Rourke Ltd, acting on behalf of the applicant, and carried out in accordance with the relevant published guidance (GVLIA3).*
- 1.1.34** *The study selected 11 viewpoints from visual receptors. The viewpoints are considered representative and appropriate. The magnitude of potential change was found to be large in respect of existing residential properties immediately adjacent to the site on the Stortford Road; small to negligible from the Stortford Road; small from the Bamber's Green Road; negligible from High Cross Lane; medium to large from the public footpath to the rear of the Lion and Lamb public house; large to medium from the public footpath adjacent to the western site boundary; medium to small from the Flitch Way; small from the public footpath to the south of Runnel's Hey; and small to negligible from the public footpath south of All Saint's Church, Little Canfield.*
- 1.1.35** *The proposed development would clearly result in the loss the existing bucolic character of the site. The mitigation measures indicated on the submitted illustrative masterplan would ameliorate to some extent the potential visual impacts of the development. In particular, the provision of a 25m landscaped buffer between the Flitch Way and the edge of the housing area; and a planting belt to the rear of existing residential properties on the Stortford Road. The setting back of the housing from the Stortford Road would reduce the sense of this being a linear development along the Stortford Road. Importantly, the proposed development is not considered to result in physical or visual coalescence with the hamlet of Little Canfield.*
- 1.1.36** *The site is within the Countryside Protection Zone (CPZ). The proposed development is contrary to existing adopted policy. This issue was addressed, together with the 'tilted balance', in the case officer's report presented to the Planning Committee at the 8th June 2022 meeting.*
- 1.1.37** *The main objectives and requirements of the CPZ remains valid: to maintain a local belt of open countryside around the airport which will not be eroded by coalescing development. Policy 8 of the Local Plan states: The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular, development will not be permitted if either of the following apply: a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside; b) It would adversely affect the open characteristics of the zone.'*



- 1.1.38** *The CPZ was revisited in a report (dated June 2016) commissioned by UDC from Land Use Consultants Ltd (LUC). The application site under consideration falls within Parcel 5 of the study area which covered land south of the A120 and extending to land south of the Stortford Road (B1256). The LUC report cemented the view that the whole of Parcel 5, including the current application site should be retained within the CPZ designation.*
- 1.1.39** *As set out in the case officer's report to the meeting of the 8th of June, Policy 8 and the landscape impact of the proposed development is to be weighed in the balance. Land south of the B1256 within the CPZ is vulnerable to development pressures, as evident by the current planning application under consideration.*
- 1.1.40** *On the single issue of the adverse landscape impacts of the proposed development a refusal of planning permission would be challenging to defend.*
- 1.1.41** The landscape officer has thereby assessed the potential harm upon the character and appearance of this part of the countryside including that of the countryside protection zone and concluded that although there would be a change to the character of the site, it is not significant to provide any objections.
- 1.1.42** The landscape officer notes the 25m buffer zone between the Flitch Way and the position of housing and raises no concerns with regards to this matter.
- 1.1.43** The landscape officer also records that if planning permission were to be refused on countryside grounds, this would be challenging to defend at an appeal.

## **1.2**      **Conditions**

- 1.2.1** Since the application was deferred from the previous planning committee on the 8<sup>th</sup> June 2022, the applicant and officers have had additional time to review the list of suggested conditions that were originally presented to members at the meeting. Officers have agreed with the applicant to remove and combine some conditions together and amended the wording of others so that they are more precise and relevant to the development proposals. This will reduce the potential for the submission of any further applications in the future and to ensure that the development could come forward as efficiently and effectively as possible if this outline permission is approved.

For the ease of members, the list of conditions suggested in Section 17 of this report include the changes that have been agreed so that members may clearly distinguish and compare the original conditions to

those now brought forward in front this committee. (Highlighted new words and strike through words to be deleted).

## **2. RECOMMENDATION**

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

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

### **And**

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

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

- 3.1** The area of land subject to this outline planning application relates to the land known as 'Land South of Stortford Road, Little Canfield, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site is located on the southern side of Stortford Road on the eastern edge of the village of Little Canfield. The site is relatively level and is approximately 5.12 hectares in size. It is irregular in shape as it wraps around the residential curtilages of Baileys and Squires Cottage Farm, together with associated small paddocks, encroach into the area.
- 3.3** There is no established built form contained on the site and its primary consists of a single large arable field. Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries, the site is free of any established vegetation. No vegetation is covered by tree preservation orders.
- 3.4** Abutting the southern boundary of the site is the 'Flitch Way' which was a former rail line between Bishops Stortford and Braintree and is now public right of way used by many pedestrians, horse riders and pedestrians. The Flitch Way is of local biodiversity interest a Local Wildlife Site. Further beyond the Flitch Way to the south is 'Crumps Farm Quarry' which is a large parcel of land subject to mineral extraction which is still in operation.
- 3.5** Located along the northern side of Stortford Road opposite the site are a couple of small dwellings and the public house known as the 'Lion and the Lamb'. Beyond these properties are large arable fields used for agriculture. The site abuts the main built form of residential dwellings to

the west which consists of a mixture of built forms and styles. To the east lies Crumps Farm which contains several large unitarian buildings and farmhouse. Within the Site and adjacent to the western boundary is a public right of way (a footpath) linking Stortford Road to Flitch Way.

**3.6** The site does not fall within or abuts a conservation area. There are several listed buildings that abut the site. These buildings are all Grade II Listed These include

- Baileys
- Squires Cottage Farm
- Lion and Lamb Public House
- Warren Farm
- Warren Yard
- 1 The Warren
- Hawthorns
- West Cott
- East Cottage

**3.7** The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The site is not located within any national landscape designations. It does form part of the 'Countryside Protection Zone' (CPZ) which surrounds Stansted Airport. The nearest Site of Special Scientific Interest (SSSI) is Hatfield Forest. This is located to the west of the site (approximately 3km).

#### **4. PROPOSAL**

**4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 90 dwellings and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.

**4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which give an indication of how such a quantum of development could be achieved on the site including in respect of layout.

**4.3** Access to the site would be from Stortford Road via a priority junction located close to the northwestern corner. The indicative parameter plans show the internal access will consist of a main trunk road extending into the site and along the southern rear boundary with smaller cul-de-sacs leading off this road.

**4.4** The height of residential development will generally be 2 and 2 ½ storeys, with a development density of 33.5 dwellings per hectare.

**4.5** The applicant has suggested that the proposals would be made up of a mix of housing types, forms and styles. Up to 90 new dwellings are proposed, of which up to 36, or 40% of the total, are to be affordable housing units.

**4.6** The applicant has indicated that there will be 2 hectares (4.9 acres), including a children's play area, orchard and paddocks proposed throughout the site as indicative on the submitted illustrative plan.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No Screening Opinion was submitted by the Applicant.

## **6. RELEVANT SITE HISTORY**

**6.1** A search of Council's records indicates that there is no relevant recorded planning history for the site that is of relevance to the proposals.

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

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

**7.2** The Applicant has engaged in pre-application discussions about the Proposed Development with officers of Uttlesford District Council. The applicant indicates in their submission that they have undertaken separate pre-application discussions were held with Essex County Council (ECC) related to highways, minerals and waste matters.

**7.3** The applicant has also undertaken a consultation with the local community. This has involved a leaflet drop, website and community meeting via Zoom. The consultation process ran throughout late summer 2021 in which the public were given the opportunity to respond to the consultation via email, phone or freepost letter.

**7.4** A members briefing was held with members of Uttlesford's Planning Committee with the case officer present to discuss the scheme and answer any questions they may have. This was held remotely via Teams on 10th September 2021. The applicant also indicate that they made contact with ward members and the Parish Council seeking a meeting to discuss the proposals further however, ward members and the Parish Council did not take up the opportunity.

- 7.5** Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

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

### **8.1 Highway Authority**

- 8.1.1** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations.

- 8.1.2** The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

- 8.1.3** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the suggested mitigation and conditions as per the formal response.

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

- 8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

### **8.3 Environment Agency**

- 8.3.1** No Comments received at the time of assessment.

### **8.4 Essex Minerals & Waste – No Objection**

- 8.4.1** It is not considered that the rWIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.

**8.4.2** The MWPA have concerns as to the robustness of the rWIIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

**8.4.3** The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

## **8.5 Natural England – No Objection**

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

## **8.6 ECC Infrastructure**

**8.6.1** A development of this size can be expected to generate the need for up to 8.10 Early Years, and Childcare (EY&C) places; 27.00 primary school and 18.00 secondary school places. In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

## **8.7 NHS West Essex**

**8.7.1** The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 residents and subsequently increase demand upon existing constrained services.

**8.7.2** The proposed development must therefore, in order to be considered under the ‘presumption in favour of sustainable development’ advocated in the National Planning Policy Framework, provide appropriate levels of mitigation. A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £46,290.00. Payment should be made before the development commences. West Essex CCG

therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

## **8.8 National Trust – No Objection**

**8.8.1** The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged.

**8.8.2** The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. For the proposed development we consider that both on and off site mitigation is necessary to allow for the proposals to be considered appropriate. Further details of the mitigation is provided in the main assessment of this report.

## **9. PARISH COUNCIL COMMENTS**

**9.1.1** Little Canfield Parish Council - The Parish Council objects to this application on the following grounds:

**9.1.2** Countryside Protection: - The development proposal is within the Countryside Protection Zone (CPZ), a zone already under threat from development proposals.

Constraints: - The development proposal is adjacent to a protected Linear Country Park. It encloses the Flitch Way with the neighbouring waste site which is within 200 yards of the proposed development.

Biodiversity: - The proposal contravenes the parish council's published Biodiversity Policy.

Infrastructure: - The lack of infrastructure, including school spaces, GP provision and lack of public transport renders a proposal to add such a significant number of properties with the resultant increased number of people to an already overwhelmed and under-served neighbourhood completely unsustainable.

**9.2.1** Great Canfield Parish Council - The Parish Council objects to this application on the following grounds:

**9.2.2** Flooding and Drainage: - The applicant confirms a sustainable drainage scheme with an outfall to the River Roding, and in the application

confirms the scheme will not increase flood risk elsewhere. Great Canfield Parish Council challenges this statement.

In the last few years, the parish has seen a significant increase in highway flooding as well as more frequent and higher levels of flooding to resident's outbuildings and gardens.

The parish council is concerned that further concreting of the countryside such as in this application which include direct outfalls will increase the volume of water entering the River Roding and further add to the flooding issues in Great Canfield impacting its residents.

## **10. CONSULTEE RESPONSES**

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

- 10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 90 units. This amounts to up to 36 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 5 bungalows across the whole site delivered as 2 affordable units and 3 for open market.

### **10.2 UDC Environmental Health**

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

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

- 10.3.1** No Comments Received at the time of assessment.

### **10.4 Place Services (Conservation and Heritage) – Concerns Raised**

- 10.4.1** The officer confirmed that that they have review all relevant supporting documentation and conclude the proposals would fail to preserve the special interest of several listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in their setting. In particular, the proposals shall result in a level of less than substantial harm at a medium level for Warren Yard and at the lowest end of the spectrum for several other designated heritage assets, Paragraph 202 of the NPPF (2021) being relevant.

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



- 10.5.1** Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.
- 10.5.2** They concluded that the mitigation measures identified in Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and a confidential report (Wardell Armstrong, July 2021), relating to the likely impacts of development was appropriate and should be secured by a condition of any consent and implemented in full.
- 10.5.3** It was also concluded that they support the proposed biodiversity enhancements including the provision of wildlife-friendly, native landscaping and the incorporation of integrated bat and bird boxes, which have been recommended to secure net gains for biodiversity.
- 10.6 Place Services (Archaeology) – No Objection**
- 10.6.1** The Historic Environment Advisor of Essex County Council has identified the above application on the weekly list as having potential archaeological implications on the site and suggest to imposed relevant conditions if permission is granted seeking a programme of archaeological investigation to be secured prior to works commencing on the site.
- 10.7 Crime Prevention Officer – No Objection**
- 10.7.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.
- 10.8 Cadent Gas Ltd – No Objection**
- 10.8.1** After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning in general area, but we do have high pressure assets in the vicinity.
- 10.9 Gigaclear Ltd – No Objection**

- 10.9.1** Having examined our records, I can confirm that whilst Gigaclear Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the specific search area of your enquiry detailed in the reference/location provided.
- 10.10 ESP Utilities Group Limited – No Objection**
- 10.10.1** Requires that the applicant to undertake early consultation with ESP Utilities Group prior to excavation of the site to obtain the location of plant and precautions to be taken when working nearby.
- 10.11 National Grid – No Objection**
- 10.11.1** An assessment has been carried out with respect to National Grid Gas 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 not affect any of National Grid Gas Transmission plc's apparatus.
- 10.12 UK Power Networks – No Objection**
- 10.12.1** Advised that the applicant should make contact if any excavation affects their Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), to obtain a copy of the primary route drawings and associated cross sections.
- 10.13 NATS Safeguarding – No Objection**
- 10.13.1** 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.
- 10.14 London Stansted Airport – No Objection**
- 10.14.1** The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.
- 10.15 Thames Water – No Objection**
- 10.15.1** We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole

installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required".

- 10.15.2** 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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework.

## **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.

### **11.3 Object**

- 11.3.1** Water Pressure: The village is constantly affected by poor water pressure and in some instances left without water entirely with issues from the local pumping station for one reason or another.

Facilities: There is not enough basic amenities locally such as education and health services to support a new development of this size.

Neighbouring Amenity: The proposals particularly during construction will result in unwanted noise and dust.

Highway Traffic & Safety: The proposals by way of adding much more traffic on the road, would increase noise, pollution, and dangerous driving that already exists on Stortford Road.

Condition of the B1256 is already not good with pot holes and a crumbling road service.

The plans bring all the traffic through one access point onto the site, this will mean approximately 180 cars trying to get in and out of one access point on a daily basis, onto a busy main road.

Construction traffic and heavy vehicles will further damage this surface. The travel plan submitted fails to consider the impact of REDUCED bus services announced by bus companies. Further reliance on resident's private car usage.

Flooding: Additional housing would lead to the increase in potential flood risk which is already a problem in the area.

Parking: The parking for these dwellings is limited to each property and visitor spaces are not enough.

Biodiversity: The local area has a number of animals and birds, the proposal will have a negative effect on their environments.

Character: The proposal is said to be sympathetic to the local area but all the properties in the direct vicinity are detached houses, 90 dwellings is not in keeping with the local area and heritage.

There are too many developments currently either underway or awaiting planning approval to the west of Great Dunmow e.g. Little Easton, Warish Hall, Takeley Street. These are spoiling the appearance of the area; it is becoming suburban rather than a country landscape.

Countryside: The proposals would cause harm to the character and opens on the rural locality and the countryside protection zone.

Sustainability: The proposals do represent a sustainable form of development.

#### **11.4 Comment**

**11.4.1** The above concerns have been fully assessed in detail within the main assessment of this report.

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

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

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

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

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

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

(c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development

which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

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

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

S7 – The Countryside  
S8 – The Countryside Protection Zone  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H9 – Affordable Housing

**13.3 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

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

**14.3. A) Principle of Development**

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

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

- 14.3.3** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies.
- 14.3.4** Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
  - b) It would adversely affect the open characteristics of the zone.
- 14.3.5** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.6** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.7** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 14.4 B) Suitability and Location**
- 14.4.1** The Applicant submits that the proposals would represent a sustainable form of development. Takeley lies to the east Little Canfield which is identified within the Local Plan settlement hierarchy as being "Key Rural Settlement" that is located on main transport link between the towns of Great Dunmow and Bishop's Stortford and the intention is to protect or strengthen the role of these communities where there is potential to encourage people to live and work locally.
- 14.4.2** Although outside the development limits of the village of Little Canfield, the new built would be located adjacent to the main urban boundary of the village and would therefore be generally contained within the established structure, backdrop and fabric of the village. The proposal, therefore, provides a strong and logical relationship with the existing village.
- 14.4.3** The village of Little Canfield and Takeley has a wide variety of local facilities and services that are within walking/cycling distance from the

application site, including local shops, restaurants and public houses, schools, playing fields and cultural and religious buildings. Furthermore, the larger towns of Bishop's Stortford and Great Dunmow are just a short 5-10 min drive where other larger amenities can be found.

- 14.4.4** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus & rail) links. A regular bus service runs along Stortford Road connecting the site to the nearby towns of Bishop's Stortford, Great Dunmow and further beyond. In addition, buses also provide connections to Stansted Airport and Bishop's Stortford Train Station, which provides further links for commuters working in London. Full details of the site's accessibility are provided within the supporting Transport Assessment.
- 14.4.5** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Little Canfield.
- 14.4.6** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.7** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.8** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.
- 14.4.9** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development



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

**14.4.10** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Canfield including Takeley does not have any doctors or dentists within the village. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 Legal obligation.

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

#### **14.5 C) Countryside Impact**

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

**14.5.2** The proposed scheme is for up to 90 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A modest density (33.5dph) scheme such as this scheme in this location would not be significantly out of place with the surrounding character due to its design concept taking into account the wider natural, historic and built environment.

**14.5.3** It is acknowledged that there are some open views over the existing countryside from the Flitch Way, Stortford Road and further beyond. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation that are located on the boundaries and adjacent to the site. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the built form to the rear of the site and setback off Stortford Road.

**14.5.4** The proposed indicative illustrated masterplan presents a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. The area of housing would be sited away from the B1256 Stortford Road, and public right of way by the creation of new paddocks, community orchard, areas of wildflower meadow and an entrance green towards the front of the site. The density of the site would be become lower towards the eastern end of the site towards Crumps Farm. The housing would be set back from Flitch Way by approximately 25 metres.

**14.5.5** This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the

allowance for visual separation and buffer zones is such that the proposed development would not be a prominent addition in the local area and the effect on the local landscape.

- 14.5.6** It would nestle into a largely contained and framed site next to existing and new housing and the established vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.
- 14.5.7** The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps.
- 14.5.8** Apart from the loss of approximately 25 metres of existing hedgerow fronting Stortford Road for the access, there would be enhanced and new hedgerow planting, new tree planting and scrub planting around the attenuation pond and a woodland belt adjacent to Flitch Way.
- 14.5.9** The development seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.10** In outlying views from the countryside towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Little Canfield resulting in only low to medium level of visual effect. 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.
- 14.5.11** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.
- 14.5.12** With regards the site's role within the Countryside Protection Zone, given that the site is generally divorced from the wider countryside and adjacent to the village development boundaries, weight should be given to the role it plays within the Countryside Protection Zone.
- 14.5.13** Uttlesford District Council undertook a Countryside Protection Zone Study, published in June 2016. The overall aim of the study was to

assess the extent to which the land within the CPZ is meeting its purposes, as set out in Policy S8 of the Uttlesford Local Plan (2005). This study only provides guidance and is not a formal supplementary planning document. However, this Study was undertaken approximately 6 years ago and has not been formally adopted as a supplementary document and was prepared as evidence for the previous now withdrawn Local Plan. Thereby it is considered that little weight should be given to this document.

**14.5.14** The application site contains no built development and has a sense of openness backing onto existing residential development. The B1256 Stortford Road, which links the Little Canfield to Great Dunmow, lies to the north, the Flitch Way abuts the boundary to the south and Crumps Farm to the east. The site is therefore considered to be contained on all boundaries limiting the spread of further built development beyond.

**14.5.15** Although it has been determined that little weight should be given to the Countryside Protection Zone Study for the reasons given above, reference to the four purposes of the Countryside Protection Zone as per the guidance set in the Countryside Protection Zone Study is considered as per below:

**14.5.16** To protect the open characteristics of the CPZ – development on the application site would not compromise further the open characteristics of the CPZ, given its isolation from the wider area of countryside and that further development will not be able to come forward due to the constraints of the Stortford Road to the north, Flitch Way to the South and existing built form to both the east and west of the site. It is acknowledged that the site will result in an extension of built form and some loss of open land. However, the site itself exhibits a relatively modest relationship with Little Canfield.

To restrict the spread of development from the airport – it is acknowledged that the proposed development will extend the built form of Little Canfield along the southern side of Stortford Road. However, this plot of land is considered not to play a strong role in preventing the spread of development from the airport which clearly limits development that can come forward in close proximity.

To protect the rural character of the countryside (including settlement) around the airport – the character of the site cannot be said to be rural given its relationship adjacent and adjoining to existing and new residential development. Although an open field, the size of the site is modest in size further reducing any sense of rural character on the application site and one of which is most likely not suitable for agricultural production; and

To prevent changes to the rural settlement pattern of the area by restricting coalescence – development on the application site will not merge the airport with the settlement of Little Canfield.

- 14.5.17** A material consideration is that there has been recent planning decision allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone. These applications are located closer to the airport than that of the proposals and it is regarded that the proposals would result in less of an impact in respect to coalesce compared to those that have recently been granted consent. These applications include UTT/21/2488/OP Land East Of Parsonage Road, Takeley (88 dwellings) & UTT/21/3311/OP Land West Of Garnetts, Dunmow Road, Takeley (155 dwellings).
- 14.5.18** The application site makes a limited contribution to the purposes of the CPZ and development on the application site will not lead to a significant harm to the wider CPZ should Uttlesford District Council grant permission for residential development. It is important to add that the development of such well-located sites to meet the Council's accepted chronic housing supply shortfall locally are far more likely to have a reduced impact on the locality overall than more sensitive undeveloped parcels on the periphery of such settlements. These locations are far more likely to be exposed and be set within an open countryside setting as well as being generally less accessible.
- 14.5.19** Furthermore, the site-specific circumstances indicate that the proposal would result in little harm to the character and openness of the countryside and CPZ as required by Policies S7 and S8 of the Plan, and the provision of up to 90 new homes, weighs significantly and decisively in favour of the proposal. Development will boost the supply of housing and will enhance and maintain the vitality of rural communities as required by the NPPF.
- 14.6 D) Character and Design**
- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.6.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be 33.5 dwellings/hectare and there would be a mixture of housing types.

- 14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc.
- 14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.
- 14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.
- 14.7 E) Heritage**
- 14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.7.2** The application site also lies within the setting of several listed buildings and non-designated heritage assets including:
- Warren Yard, Grade II (list entry number 1097454)  
Warren Farmhouse, Grade II (list entry number 1097450)  
Lion and Lamb Public House, Grade II listed (list entry number: 1054810),  
Baileys, Grade II listed (list entry number: 1334090),  
Squires Cottage, Grade II listed (list entry number: 1367097),  
Hawthorns, Grade II listed (list entry number: 1334088) and  
West Cottage and East Cottage, Grade II listed (list entry number: 1054815).

**14.7.3** The application was formally consulted to Place Services conservation officer who confirmed within their formal response 22<sup>nd</sup> December 2021 that they would not be able to support the proposals.

**14.7.4** Within their response, the conservation officer acknowledges that both Warren Yard and Warren Farmhouse share a functional link to the application site, historically being the farmstead that the site was associated with, now farmed by Crumps Farm. It is also confirmed that the application site through being open arable land makes a positive contribution to the setting to all of the above identified heritage assets, contributing to their rural character and significance.

**14.7.5** The conservation officer provides advice as to what harm and the level of harm that they consider to each of the heritage assets.

Warren Yard - The proposals would sever the last link between the asset and its original setting, thus the proposals would result in a level of less than substantial harm, which is considered to be at the middle of the spectrum.

Warren Farmhouse - due to the function link of the application site to the designated heritage asset and close proximity, the conservation officer considers there would be a level of less than substantial harm to be at the lowest end of the scale.

Hawthorns, West Cottage and East Cottage - the proposed development would have an impact upon the heritage assets through the fundamental change in land use and the clear intervisibility between the sites, thus there would be a level of less than substantial harm, through change in their setting. This is considered to be at the lower end of the spectrum.

Lion and Lamb Public House - the proposals would not result in harm to its significance.

**14.7.6** In summary, the conservation officer concludes that the intervisibility between the site and the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape, result in a level of less than substantial harm to the setting and therefore the significance of the assets, Paragraph 202 of the NPPF (2021) being relevant.

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

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

- 14.7.9** The 'Setting of a heritage asset' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'
- 14.7.10** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.11** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.12** It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of the heritage assets as identified by Place Services conservation officer. It is recognised that the proposals would result in up to 90 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits.
- 14.7.13** It is concluded that this significant benefit would overcome the identified harm upon the heritage assets identified as above. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.
- 14.8 F) Archaeological**
- 14.8.1** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.8.2** A desk-based assessment has been submitted with the above application and has assessed the potential for archaeological remains. The assessment considers Priors Green in its discussion; a watching

brief undertaken at Priors Green identified Bronze Age activity along with two Iron Age cremations (EHER46301). It is therefore considered that there is the potential for prehistoric features and deposits within the development area. The geophysical survey, submitted as part of the desk-based assessment, identifies a number of potential archaeological features; the report highlights the existence of 'clearly defined linear and curvilinear ditch-like anomalies'. The development also fronts onto the main Roman Road (Stane Street) from Braughing to Colchester. There is therefore the potential for prehistoric and Roman archaeological features and deposits within the proposed development area.

**14.8.3** As such, the County's archaeological team suggest that further archaeological work is required prior to any works commencing on site and would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. This will cover both the residential development and any associated landscaping work.

**14.8.4** To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

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

**14.9.1** Paragraph 174(b) of the Framework states "Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".

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

**14.9.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

**14.9.4** Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.



- 14.9.5** Defra's mapping indicates that the application site is within Grade 2, and thus the proposed site is best and most versatile land.
- 14.9.6** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.
- 14.9.7** The application site represents a comparatively small amount of arable land that is currently not in use for agricultural, but is generally a open field. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.
- 14.10 H) Housing mix and Tenure**
- 14.10.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 14.10.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 90 properties. This amounts to up to 36 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.
- 14.10.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.10.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if

permission were to be consented for this outline application and it is advised that the applicant refer to the above accommodate needs.

- 14.10.5** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). This will be secured by way of a planning conditions.

**14.11 I) Neighbouring Amenity**

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

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

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

**14.12 J) Parking and Access**

- 14.12.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

- 14.12.2** Drawing number 20153-MA-XX-XX-DR-C-0001 indicates the provision of a single priority junction from Stortford Road within the western part of the site will provide the main vehicle ingress point in and out of the site. This is an outline application and therefore the internal road layout and further detail will also be provided as part of the Reserved Matters.

- 14.12.3** In addition to the proposed access, a number of other highway works are proposed within and outside the site which include:

New bus stop and shelter to the west of the proposed access.

New toucan signalised pedestrian crossing to the west of the bus stop.

A new 2m footpath extending from the existing and leading towards the bus shelter.

It is proposed to provide a 3m wide footway/cycleway along the western edge of the site access, which aligns east/west toward the PROW, within the site to the rear of the existing hedgerow.

The existing public right of way between Stortford Road and Flitch Way would be retained and the surface improved within the Site. Parallel to this footpath a cycleway is proposed to enable cyclists to access the Flitch Way.

- 14.12.4** The application was consulted to the lead local highway authority who confirmed that they have reviewed the supporting Transport Assessment in conjunction with a site visit and internal consultations.
- 14.12.5** The highway authority confirmed that there is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.
- 14.12.6** Furthermore, the application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.
- 14.12.7** The highway authority concluded that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the appropriate mitigation and conditions as outlined in Section 17 of this report.
- 14.12.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.12.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.

**14.12.11** The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure on plot for each residential unit.

**14.13 K) Landscaping, open space**

**14.13.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

**14.13.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

**14.13.3** It is understood that the proposals would include the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. Furthermore, new native planting is proposed to strengthen the existing hedgerow adjacent to the Flitch Way. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.

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

**14.13.5** The indicative illustrative masterplan indicates a site entrance green as public open space in the northwestern corner of the site. Furthermore, paddock style open space is provided along Stortford Road, however whether this space is to be incorporated as formal public open space or an orchard has yet to be defined by the Applicant. This should be considered in respect to the final design of the layout.

**14.13.6** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral

part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.

- 14.13.7** It is acknowledged that a children's play space is to be potentially situated in the centre of the residential development along the southern boundary. Although the size of this area is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future play space should accord with the guidance set out in the 'Fields of Trust'.

**14.14 L) Nature Conservation**

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

- 14.14.2** The application site itself is not subject of any statutory nature conservation designation being largely used as an arable field. However, the site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). It also backs onto the Flitch Way which is of local biodiversity interest a Local Wildlife Site.

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

- 14.14.4** Natural England and the ecologist confirmed that they have reviewed the supporting Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

- 14.14.5** Natural England state that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. However, Natural England and the National Trust are still currently working towards a strategic solution to manage the impact of visitors and their recreational impact on Hatfield Forest

(e.g. walking). However, at the time of drafting this assessment, there are no confirmed Strategic Access Management Measures in respect to what constitutes a suitable financial contribution.

**14.14.6** A financial contribution of **£30,900.00** towards Hatfield Forest has been proposed within the Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021). This financial contribution will be secured by a legal agreement. The payment would be used to fund enhancements / management measures identified by the National Trust (such as path surfacing, signage) to mitigate against the impacts of recreational pressure on the site.

**14.14.7** Place Services ecologist confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. They also confirm that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

#### **14.15 M) Contamination**

**14.15.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that 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.

#### **14.16 N) Flooding & Drainage**

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

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

**14.16.3** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the

development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

- 14.16.4** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment & Drainage Strategy. This concludes that the proposed development incorporates a sustainable drainage system which includes an attenuation basin located in the east of the site.
- 14.16.5** The Flood Risk Assessment & Drainage Strategy confirms that it is proposed to utilise Sustainable Drainage Systems to manage surface water runoff from the proposed development in line with current best practice. The development will utilise an attenuation pond to reduce runoff to the greenfield runoff rate of 4.9l/s for all events up to and including the 1 in 100 yr + climate change event. Foul drainage will discharge to the existing Thames Water network located within B1256 Stortford Road.
- 14.16.6** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.
- 14.16.7** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

**14.17 O) Planning Obligations**

- 14.17.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.17.2** Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. Financial contribution of **£139,870.80**

Primary Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. Financial contribution of **£466,236.00**

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. Financial contribution of **£427,950.00**

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, total contribution = **£7,002.00**)

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

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£46,290.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution of **£30,900.00**.

A financial contribution of **£346,500.00** (£3850 per dwelling) (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport.

Bus stops prior to any occupation the provision of bus stops to the east and west of Parsonage Road, facilities to include but not be limited to raised kerbs, bus shelters, pole, flag and timetable information.

A sum of **£56,150.00** (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site

The signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority.

Residential Travel Plans (It shall be accompanied by an annual monitoring fee **£1596.00** per annum)

A sum of **£10,000.00** to be paid to Little Canfield Parish Council to be used for the upgrade or new provision of community facilities to how they see fit.



Payment of the council's reasonable legal costs.

Payment of monitoring fee.

**14.18 P) Other Issues**

**14.18.1** Noise and Disturbance

**14.18.2** Policies ENV10 aims to ensure that wherever practicable, noise sensitive developments such as residential housing should be separated from major sources of noise such as roads, rail and air transportation.

**14.18.3** The proposed development is accompanied by a Noise Assessment informed by data taken from the site and modelling of noise impacts upon the development.

**14.18.4** Council's Environmental Health Officer was consulted and confirmed they have reviewed the Noise Impact Report compiled by Wardell-Armstrong ref – LO10946, dated October 2021 and the supplementary report ref NA/SU/LO10946/008 dated 25th February 2022. The officer concluded that in broad terms they agree with the overall conclusions in the report, however there are areas of clarity and detail that will need to be sought but these can be conditioned at the reserve matters stage.

**14.18.5** The supporting Noise Impact Report concludes the predominate noise source is road traffic noise from the B1256 and to a lesser extent the quarry to the south of the site.

**14.18.6** The report shows that the guidance levels for outdoor amenity and indoor areas are not likely to be met in some areas of the proposed site without sound mitigation measures. It suggests various options and proposes that these could be confirmed on a plot-by-plot basis once the detailed site layout becomes available. This is a pragmatic approach but as the reserved matters stage has yet to be finalised, this impacts on the ability to calculate the effectiveness of the proposed sound mitigation measures. It may also be the case that the site may not be suitable for the proposed 90 dwellings. For this reason, a revised report will be necessary at the reserved matters application to take consider the above points in more detail.

**14.18.7** In addition to the above, Essex Minerals & Waste raised concerns as to the robustness of the Waste Impact Assessment submitted and accordingly the supporting noise rebuttal. It was considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

**14.18.8** As such, it is recommended that a condition is imposed if consent is granted that prior to the commencement of the development hereby permitted, a further revised Noise Impact Report is prepared to address

the details that are still outstanding as identified within the supporting Noise Impact Report compiled by Wardell- Armstrong ref – LO10946 to ensure appropriate mitigation is provided to protect the amenities of future occupiers in respect to noise and disturbance.

**14.18.9** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Construction Management Plan be required to minimise against these temporary impacts. The proposed development therefore complies with policy ENV10 and the Framework in this regard.

**14.18.10** Odour:

**14.18.11** The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted, a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage. It is thereby suggested that a condition be imposed requesting an odour assessment be carried out prior to the construction of the development to protect the amenities of future occupiers.

**14.18.12** Air Quality and Pollution

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

**14.18.14** The application was consulted to the Councils Environmental Health Officer to assess the potential impact upon Air Quality. They confirmed that they have reviewed Air Quality Assessment undertaken by Wardell-Armstrong dated 12th October 2021 provided by the applicant and broadly agree with the findings in that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy.

**14.18.15** The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures as provided within the Air Quality Assessment.

**14.18.16** Energy and Sustainability

- 14.18.17** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel.
- 14.18.18** The proposals are supported by an Energy Strategy for the site which identifies that the proposals may incorporate measures including enhanced fabric efficiency, low carbon and renewable energy technologies and minimal use of natural gas throughout the proposed development.
- 14.18.19** The energy strategy concludes that it is expected that the proposed development will primarily make use of: roof mounted solar PV, solar thermal systems and ASHP. The detail of the energy strategy will be determined in the reserved matters application. The Strategy continues to conclude that with the implementation of increased fabric efficiency measures and renewable and low carbon technologies, the proposed development will achieve an 31% reduction in emissions compared to current building regulations as defined Part L (2013).
- 14.18.20** The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. It is suggested that suitable techniques by way of minimise energy use and cutting greenhouse gases will be imposed by way of conditions if this outline permission is granted consent.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a

relevant protected characteristic and persons who do not share it; and  
(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

**15.2 Human Rights**

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

**16. PLANNING BALANCE AND CONCLUSION**

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

- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 and S8 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.

- 16.3** In respect to addressing the benefits of the proposed development, the provision of up to 90 dwellings including up to 36 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The Dwellings will be of a higher energy efficiency and lower carbon emissions in respect to the current building regulations.

- 16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.

- 16.5** The proposals would also provide upgraded highway works including the provision of new bus infrastructure adjacent to the site, a new cycle link and upgrade works to the PROW between Stortford Road and Flitch Way, and a new pedestrian crossing along Stortford Road to improve safety and access for the existing community to Flitch Way.
- 16.6** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.7** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside and limited harm to the role of the countryside protection zone arising from the extension of built form. This would have limited to modest negative environmental effects.
- 16.8** It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of the heritage assets as identified by Place Services conservation officer.
- 16.9** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.10** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.11** 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.
- 16.12** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

**17. S106 / CONDITIONS**

**17.1 S106 HEADS OF TERMS**

- 17.2**
- (i) Provision of 40% affordable housing
  - (ii) Payment of education financial contributions; Early Years, Primary and Secondary
  - (iii) Libraries' contribution
  - (iv) Financial contribution for Health contributions

- (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
- (vi) Financial contribution to provide sustainable highway improvements.
- (vii) Financial contribution to mitigate on impact of Hatfield Forest
- (viii) Financial contribution to Little Canfield Parish Council
- (ix) Monitoring cost
- (x) Payment of the council's reasonable legal costs.

## **17.8 Conditions**

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

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

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

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

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

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

- 4** The development shall be carried out in accordance with the following approved plan: Site Location Plan Dwg Ref: TOR-SK004 and Footway and Access Road With Signalised Crossing DWG Ref: 21084-Ma-XX-XX-DR-C-0004-P01. ~~Plan Dwg Ref 21084-Ma-XX-XX-DR-C-0002-P02 unless otherwise agreed in writing by the Local Planning Authority.~~

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

- 5 As part of the Reserved Matters the location of the built development shall be in general accordance with Parameter Plan Dwg Ref: TOR004 and the Illustrative Masterplan Dwg Ref: 230206/URB/SK003/IP

~~The location of the built development shall be carried out in general accordance with Parameter Plan Dwg Ref: TOR004 and the Illustrative Masterplan Dwg Ref: 230206/URB/SK003/IP unless otherwise agreed in writing by the Local Planning Authority.~~

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

- 6 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles contained in the submitted Flood Risk Assessment and Drainage Strategy (October 2021) has been submitted to and approved in writing by the local planning authority. The scheme should include but not limited to:

- a) Provide the inclusion of 10% urban creep
- b) Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. 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.
- c) A layout of the proposed drainage network at the site including any outfall to the River Roding.
- d) A drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels.
- e) Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of any dwelling or other timescale as may be approved by the local planning authority.

~~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 the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority".~~

~~Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. 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.~~

~~Demonstrate 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.~~

~~Provide layout of the proposed drainage network at the site.~~

~~Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.~~

~~Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.~~

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

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

7

No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions:

- a) the programme and methodology of site investigation and recording;
- b) the programme for post investigation assessment;
- c) the provision to be made for analysis of the site investigation and recording;
- d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) the provision to be made for archive deposition of the analysis and records of the site investigation;
- f) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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



- 8 ~~A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.~~

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

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

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

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

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

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

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of construction traffic to reduce congestion on the public highway
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- M) routing strategy for construction vehicles

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

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

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

- 12** Any The air source heat pumps to be installed at a the dwellings shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from its their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To 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.

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

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

- 14** 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 by the local planning authority.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

- 15 Prior to the occupation of any dwelling the development, the approved access shall be provided as shown, a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be constructed provided, including a clear to ground visibility splays with dimensions of 2.4metres by 103metres to the west and 2.4 metres by 112metres to the east measured from and along the nearside edge of the carriageway but offset by 1metre on the western splay. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

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

- 16 Prior to the first occupation of any dwelling the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

- a) Toucan crossing and associated footway/cycle with a minimum effective width of 3.5metres
- b) Footway/cycle link from the toucan crossing to the Flitch Way as shown in principle on the Illustrative Masterplan including surfacing of PROW 33/8 and
- c) Provision/enhancement of bus stops, including any relocation, on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- d) Internal footway to serve the bus stops in the most direct manner from all parts of the site.
- e) Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

REASON: In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, GEN1 of the Adopted Local Plan and the NPPF.

- 17 Prior to the occupation of **any dwelling** ~~the first unit~~ the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority.

REASON: to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists in the interest of highway efficiency in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

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

- 19 ~~The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.~~

~~REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Policy DM8 of the Adopted Local Plan and the NPPF.~~

- 20 Prior to first occupation the developer to provide a single access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch

Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC.

REASON: to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: to protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

- 22** All **ecological** mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the **submitted** Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and confidential **badger** report (Wardell Armstrong, July 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).

- 23** **Prior to the commencement of development, a** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

- 24** ~~Prior to the commencement of the works hereby approved a copy of the mitigations licence for badgers shall be submitted and approved in writing by the Local Planning Authority. "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 and Policy GEN7 of the Adopted Local Plan and NPPF.~~

- 25** Concurrent with the Reserved Matters, ~~prior to the commencement,~~ a Great Crested Newt and Otter 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 and Otter 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 and Policy GEN7 of the Adopted Local Plan and NPPF.

- 26** ~~Concurrent with reserved matters, prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:~~

- ~~a) Purpose and conservation objectives for the proposed enhancement measures;~~
- ~~b) detailed designs to achieve stated objectives;~~
- ~~c) 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) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.~~

- 27** Concurrent with Reserved Matters, ~~prior to the occupation of the dwellings,~~ 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. No other ~~Under no circumstances should any other~~ external lighting be installed without prior consent from the local planning authority.

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

- 28** Concurrent with the Reserved Matters a scheme for the protection of dwelling from noise arising from road traffic and other sources shall be submitted to the local planning authority for approval in writing by the local planning authority. The details shall detail the design, layout, and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation to ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The details shall also include a design ventilation strategy



which will provide adequate cooling without compromising the acoustic integrity of the façade.

As a minimum the scheme shall be designed to achieve the following the internal noise targets detailed in Table 4 of BS 8233:2014 and for bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

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

The development shall be undertaken in accordance with the approved scheme.

REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Policies GEN4 and ENV10 of the Adopted Local Plan and the NPPF.

29

Prior to installation of any external fixed noise generating plant or equipment, the details together with any necessary mitigation to achieve a rating level at the closest noise sensitive receptor from all plant combined of 5 dB below the typical background (LA 90) level (Taken during the following times 07:00 – 18:30, 18:30-23:00 & 23:00 – 07:00 at the nearest noise sensitive receptor(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Policies GEN4 and ENV10 of the Adopted Local Plan and the NPPF.



## Appendix

### Local Highway Authority

Your Ref: UTT/21/3272  
Our Ref: HT/TPD /SD/KW/34973/48  
Date:- 05/05/2022



CC: Cllr S Barker  
Essex Highways DM  
Essex Travel Plan Team

Paul Crick  
Director for Highways and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

#### Recommendation

Application No. UTT/21/3272/OP

Applicant Welbeck Strategic Land IV LLP

Site Location Land South Of Stortford Road Little Canfield

Proposal Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

#### Note

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

Junctions have been assessed with background growth and committed development. There is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.

The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

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



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

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

2. **Access:** Prior to occupation of the development, the access, a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, including a clear to ground visibility splays with dimensions of 2.4m by 103m to the west and 2.4 by 112m to the east measured from and along the nearside edge of the carriageway but offset by 1m on the western splay. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. *Reason:* To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Highway Infrastructure:** Prior to first occupation the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

- 3.1. Toucan crossing and associated footway/cycle minimum effective width 3.5m
- 3.2. Footway/cycle link from the toucan crossing to the Flitch Way including surfacing of PROW 33/8
- 3.3. Provision/enhancement of bus stops on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- 3.4. Internal footway to serve the bus stops in the most direct manner from all parts of the site.
- 3.5. Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

*Reason:* In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development



4. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £346,500 (£3850 per dwelling) indexed from the 1<sup>st</sup> of April 2022 shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, extending time period, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. Reason: to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
5. **Flitch Way contribution:** Prior to commencement a sum of £ 56,150 (indexed from the 1<sup>st</sup> of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site. Reason: to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling
6. **Flitch Way Access:** Prior to first occupation the developer to provide a single access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. Reason: to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.
7. **Flitch Way:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. Reason: to protect the Flitch Way from uncontrolled use, littering and damage
8. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
9. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council, the travel plan should include support (including car parking space) of any existing or committed car clubs. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee £1596 per annum (index linked), to be paid to Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. **Parking:** The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice,

September 2009 and Uttlesford Local Residential Parking Standards February 2013.  
Reason: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8

*Unless already provided by developments that come forward prior to this application the following will be required*

**11.B1256/B183 Junction:** Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority. Reason: to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists in the interest of highway efficiency in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

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

**Informatives:**

- (i) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) Electric vehicle charging infrastructure should be provided in accordance with UDC emerging local plan.
- (iii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (v) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.



- (vi) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (vii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (viii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (ix) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (x) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the public footpath no 33/8 and the Flitch Way (48/47) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

- (xi) **Note on the submitted drawings**
  - a. The zig-zags may to extend across the mouth of the minor access on the north side of the road to the west of the crossing – Thornton Road. Traffic Signs Manual Chapter 6 Clause 15.8.11 covers this. This is a matter for the more detailed stages of design, though if the zigzag extents affect any Traffic Regulation Orders, it should be clarified as soon as possible.
  - b. The overhead services will need to be recorded in the Safety Health Environmental Information box on subsequent design drawings and in the Residual Risk Register or similar document
  - c. The tactile paving should extend across the width of the crossing.
  - d. Ladder and tram-line tactile paving will be required to define the extents of the shared use areas, assuming they meet pedestrian only areas.

- e. The link from the PROW to the crossing can be made more direct and the PROW should be upgraded to accommodate cyclists and included in the S38 if more appropriate.

*Katherine*

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

**Local Flood Authority**



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



William Allwood  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> Dec 2021  
Our Ref: SUDS-005633  
Your Ref: UTT/21/3272/OP

Dear William Allwood,

**Consultation Response – UTT/21/3272/OP– Land South Of Stortford Road Little Canfield**

Thank you for your email received on 8/11/2021 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

- Provide the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority' (page 32).
- Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. 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.

- Demonstrate 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.
- Provide layout of the proposed drainage network at the site.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.

## Natural England

Date: 29 November 2021  
Our ref: 374480  
Your ref: UTT/21/3272/OP



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

**BY EMAIL ONLY**

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

T 0300 060 3900

Dear Mr Allwood

**Planning consultation:** UTT/21/3272/OP | Outline application with all matters reserved except for access for the erection of up-to 90 dwellings.

**Location:** Land South Of Stortford Road Little Canfield Essex

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

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

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

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

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.8km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

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

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

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

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

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

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

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

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

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

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



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

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

#### SITE SPECIFIC ASSESSMENT

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

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

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

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

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

#### Other advice

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre,

your local wildlife trust, local geo-conservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### ***Protected Species***

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

### ***Environmental gains***

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

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

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

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

- Links to existing greenspace and/or opportunities to enhance and improve access.
- 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.

---

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



***Biodiversity duty***

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

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

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

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

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

Yours sincerely

Tessa Lambert  
Lead Advisor – Sustainable Development, West Anglia Team

## ECC Infrastructure

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



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

Our ref: 34973  
Your ref: UTT/21/3272  
Date: 14/03/2022

Dear Sir or Madam

**Stortford Road (Land To The South Of), Little Canfield  
Without Prejudice - UTT/21/3272**

Thank you for providing details of the above planning application for up to 90 new homes. From the information I have received, I have assessed the application on the basis of 90 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 8.10 Early Years and Childcare (EY&C) places; 27.00 primary school and 18.00 secondary school places.

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

### Early Years and Childcare:

Although there is some EY&C capacity in the area, the data shows insufficient places to meet demand from this proposal.

Based on the demand generated by this proposal as set out above, a developer contribution of £139,870.80, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

### Primary Education:

Based on the demand generated by this proposal set out above, a developer contribution of £466,236.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

### Secondary Education:

This development would sit within the Priority Admissions Area of the Helena Romanes School in Great Dunmow. There is a significant amount of housing development, already with permission, planned for this area. Demand for school places is, therefore, expected to grow. Forecasts, set out in the Essex School Organisation Service's 10 Year Plan, suggest that each cohort from 2024/25 onwards will exceed the size that would leave 5% unfilled capacity (as recommended by the National Audit Office). Even without maintaining an 'operational surplus', up to 26 extra Year Seven places (the first year of

secondary education) will be required to meet the anticipated peak demand.

Based on the demand generated by this proposal as set out above, a developer contribution of £427,950.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

#### School Transport:

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

#### Libraries:

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

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

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

In this case, and taking the above into account, it is calculated that a contribution of £7,002.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

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

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

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

Yours faithfully

Our Ref: WECCG/UTT/21/3272/GR  
Your Ref: UTT/21/3272/OP

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

Building 4  
Spencer Close  
St Margaret's Hospital  
The Plain  
Epping  
Essex  
CM16 6TN  
Tel: 01992 566140

10 March 2022

Dear Sir/Madam

**Address:** Land South Of Stortford Road Little Canfield Essex  
**Proposal:** Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**1.0 Introduction**

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

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

- 2.1 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

**3.0 Review of Planning Application**

- 3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.



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

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

- 4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

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

Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
John Tasker House Surgery	15,178	702.91	10,251	-337.73
Angel Lane Surgery	11,674	408.40	5,956	-392.10
<b>Total</b>	<b>26,850</b>	<b>1,111.31</b>	<b>16,207</b>	<b>-729.83</b>

**Notes:**

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

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

- 5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICB estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Angel Lane Surgery, a proportion of the cost of which would need to be met by the developer.
- 5.3 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

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

Premises	Additional Population Growth (90 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£) <sup>8</sup>
Angel Lane Surgery	225	15.43	-392.10	46,290
<b>Total</b>	<b>225</b>	<b>15.43</b>	<b>-392.10</b>	<b>46,290</b>

**Notes:**

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
  6. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  7. Existing capacity within premises as shown in Table 1
  8. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m<sup>2</sup>).
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£46,290**. Payment should be made before the development commences.
- 5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 6.0 Conclusions**
- 6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

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

Yours faithfully



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

## National Trust

### Comments for Planning Application UTT/21/3272/OP

#### Application Summary

Application Number: UTT/21/3272/OP

Address: Land South Of Stortford Road Little Canfield Essex

Proposal: Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

Case Officer: William Allwood

#### Customer Details

Name: Mrs Nina Crabb

Address: National Trust East of England Regional Office, Westley Bottom, Bury St Edmunds IP33 3WD

#### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. The Footprint Ecology report describes the issues arising from recreational pressure on the SSSI/NNR in more detail and recommends the development of a strategy to mitigate these impacts. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September last year to alert you to this evidence and advise that where relevant, planning decisions are informed by this.



The National Trust supports a plan led approach to new development. Where a Local Plan is out of date and/or the local planning authority is unable to demonstrate a 5-year supply of housing land then we acknowledge that decisions should apply a presumption in favour of sustainable development as set out in Para.11 of the NPPF. However, Para.11 is clear that where there is not an up-to-date development plan or relevant policies are out of date then the application of policies in the NPPF that protect areas or assets of particular importance may provide a clear reason for refusal. These policies are listed in Footnote 7 and relate to, inter alia, habitats sites and/or designated Sites of Special Scientific Interest and irreplaceable habitats.

The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. There are also duties on LPA's under section 28G(2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice.

Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be mitigated. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate in respect of the previously withdrawn Local Plan. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures.

For the proposed development we consider the following mitigation would be appropriate:

#### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

#### Off-Site Mitigation

- A financial contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust.

As an indication of some costs, the Mitigation Strategy sets out that independent Visitor Surveys will take place every 5 years at a cost of £30,900, annual Impact Surveys will take place at a cost of £2522 and soil compaction analysis will take place annually at a cost of £3090.

On the basis of contributions secured for other developments (including at appeal), a contribution of £13,500 is requested.

It is acknowledged that the applicant has submitted a 'Hatfield Forest Impact Assessment' and that a contribution towards mitigation at Hatfield Forest is proposed.

We would be happy to discuss this in more detail if required.

## Essex Minerals & Waste

**Essex County Council**  
**County Planning**  
County Hall  
Market Road  
Chelmsford, Essex  
CM1 1QH



Uttlesford District Council  
FAO: Lindsay Trevillian

Your ref UTT/21/3272/OP  
Our ref:  
Date: 24 May 2022

BY EMAIL ONLY

Dear Mr Trevillian

**Nature of Response:** To address minerals and waste safeguarding implications arising through Application UTT/21/3272/OP

**Proposal:** Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**Location:** Land South Of Stortford Road Little Canfield Essex

Thank you for re-consulting the Minerals and Waste Planning Authority on the above proposals.

This response acts to update the Mineral and Waste Planning Authority's (MWPA) position as previously set out in its response submitted 1<sup>st</sup> February 2022 in relation to Application Reference UTT/21/3272/OP. Please note that this response primarily concerns itself with 'Point 3' of the MWPA's holding objection. It must therefore be read in conjunction with the MWPA's response dated 1<sup>st</sup> February 2022 which considers Point 1 and Point 2.

By way of background, the MPWA previously responded to this application in December 2020. Three issues were raised by the MWPA which resulted in the need for the MWPA to issue a holding objection in relation to this application. These are agreed as being:

- Point 1 – Insufficient information in the MIIA to satisfy the MWPA that the proposed development would not impact on the delivery of MLP Site Allocation A23
- Point 2 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the delivery of WLP Site Allocation L(n)8R
- Point 3 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the permitted waste activities at Crumps Farm within 250m of the proposed application namely in-vessel composting, recycling, sorting and landraising



Additional information was submitted to the MWPA to address Point 1 and Point 2. This additional information noted that Point 3 was to be addressed through an additional study to be submitted in due course.

In its response to the receipt of this additional information dated February 2022, the MWPA, removed its holding objection as it related to Point 1 and Point 2. It was however requested, *inter-alia*, that should planning permission for the proposed development be granted, a condition be duly considered seeking to ensure that as the site layout progresses through reserved matters either no part of any residential building is allowed to be situated within the 250m buffer or any such building is orientated so that neither the front or rear elevation directly faces south, to limit the potential for significant impacts on future residents.

This response primarily considers new information submitted as additional evidence to address the outstanding concerns of the MWPA in relation to Point 3. This additional information supports the May 2022 re-consultation on this application and includes a revised Waste Infrastructure Impact Assessment (rWIIA) and a report entitled The Squires, Little Canfield – Noise Rebuttal (NB).

The outstanding concerns of the MWPA which have yet to be addressed are the potential impacts on permitted waste activities at Crumps Farm within 250m of the proposed application, namely in-vessel composting, recycling, sorting and landraising. These are re-considered below in context of the additional information submitted.

#### Revised Waste Impact Assessment

The rWIIA seeks to draw information from the Environment Agency's public register. Whilst this has sought to identify relevant permits and exemptions issued by the Agency it has failed to fully consider the planning context and exactly what the extant permission (ref: ESS/46/08/UTT) allows.

The extant planning permission for the site allows: "Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of existing mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reprofiling of levels of restored landfill site utilising on site materials, with restoration to parkland, landfilling of mineral void with composted material with progressive restoration to agriculture, widening of access road to allow 2 way traffic, installation of landfill gas and leachate management systems".

The development approved, and the various elements of the permission, were summarised within the officer's report, produced to accompany the decision, as below:

*"While there is an existing permission for mineral extraction in the southern half of the application site, this application seeks the continuation of the sand and gravel extraction (60,000 tonnes) over 3 years and clay (1.154 million tonnes or 577,000m<sup>3</sup>) extraction over 15 years in 3 main phases from west to east over an area of 11.1 ha. However the mineral extraction would not be subject to the conditions of the ROMP, in particular more than 6 acres of the site could be open at one time.*

*The application proposes utilisation of on-site overburden (which includes clay) from the mineral working to raise levels by 2 metres on the completed landfill to the north, to enable this part of the site to blend with proposed levels of the proposed landfill to the south. This northern area would be restored to an area of public open space within approx 5 years of commencement of the development.*

*The application includes construction of a waste reception, sorting and treatment building (3420 square metres), proposed to be a steel portal frame building. The maximum height of the building to ridge would be 10.5m. The building would be divided into 2 parts; an area for reception and sorting of waste a pitched roof building (approx. 114m x 31m x eaves height 8.5m) and then a transfer area (114m x 16m x maximum height 8.5m), a single pitch building attached to the ridge building. Adjacent to this building would be the composting vessels (114m x 40m x Maximum height not including turning machinery). The building and vessels would be located in the north-east part of the site upon demolition of the existing mineral processing area.*

*Within the building the following would take place:*

- receive, screen and shred green waste, prior to transfer to composting vessels;*
- receive and bale pre-sorted plastics and paper;*
- receive sort and process a combination of pre-sorted and mixed Municipal Solid Waste (MSW) and/or Commercial and Industrial waste (C&I).*

*The application proposes importation of 110,000 tonnes pa of either MSW and/or C & I waste and 10,000 tonnes pa of green waste. All waste would be received within the Waste Reception building. This waste would include "black bag" waste from both household collections, collections from businesses and industry, mixed dry recyclables (from doorstep recycling collections) and green waste. The unsorted MSW and C & I waste would then be shredded and passed through a Materials Recycling Facility to enable removal of recyclates such as glass, plastic and metals. The residual waste would then be placed in enclosed composting vessels of which there would be 20 in total, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, a turning machine would run along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would loose much water and any bio-degradable waste would have broken down leaving a largely biological stable residue for disposal into the landfill.*

*It is anticipated 50,000 tonnes per annum (50,000m<sup>3</sup>) of biologically stable residue would be deposited into the void created by mineral extraction. The void capacity is approx 1.3 million m<sup>3</sup> and is anticipated to take approx 26 years to landfill. It is proposed that only waste materials that had gone through sorting and composting would be disposed of in the void. The void would be infilled in 3 phases within engineered containment cells within the clay. As each cell is completed the site would be progressively restored from west to east.*

*Recyclate such as glass, plastic and metals recovered from the waste or sorted from the imported dry comingled recyclate would be baled within the building and then exported from the site for reprocessing.*

*In addition to importation of MSW and C & I it is proposed to import green waste, this green waste would be composted within 2 of the in-vessel composting chambers that would dedicated to this purpose. The green waste would be composted to generate a soil improver not dissimilar to the output of the existing windrow composting facility on site. The compost would be exported for use as a soil improver.*

*The proposal is for the importation of waste from west Essex and East Herts due to the proximity of the site to the Hertfordshire administrative boundary. It has also been proposed that biologically stable residues from other waste management facilities could be imported to the site for landfilling direct into the void.*

*The proposal also includes excavation of the location of the building such that the building would be constructed at 80.5mAOD. In addition it is proposed to extend and raise the already permitted screening bund along the eastern side of the site to a height of 90mAOD, using on site overburden and soils. This bund would be planted with trees. As such the maximum height of the building would be 91mAOD, such that no more than 1m of the ridge of the building would be visible above the bund. Planting is proposed on the bund itself.*

*The buildings and eastern bund would be removed upon completion of the landfilling and the soils from the bund used to restore the final areas of the site.*

*The application also proposes, widening of the existing access road to allow 2 way traffic, expansion of existing infrastructure for dealing with landfill gas and installation of infrastructure to treat leachate.*

*The proposed hours of operation for mineral extraction and waste reception, sorting and treatment are*

*Monday to Friday 0700 - 1800  
Saturdays 0700 - 1300*



*In terms of traffic generation the site currently has planning permission for sand and gravel and clay extraction and green waste composting which generates approx 48 movements per day.*

*The proposals would generate 76 additional movements per day as follows:*

- *Importation of MSW and C & I waste. It is anticipated that there would be 50,000 tonnes pa of MSW generating 46 movements per day and 60,000 C & I (combination of unsorted 55,000 tonnes per annum in 22 tonne loads and sorted 5,000 tonnes pa in 4 tonne loads) and export of recovered materials (plastics, metals) would generate a total of 30 movements per day.*
- *Export of recovered/uncompostable material within the domestic waste including plastic, metal and material requiring specialist treatment. Plastic and residuals would be back-loaded on vehicles delivering waste. Metals would generate 50 movements per annum and hard core would be used on site roads thus no additional movements would be generated.*

*Therefore the proposed total vehicle movements would be 124 movements a day (62 in 62 out).*

*Traffic movements would decrease by 10 to 12 movements a day upon completion of the sand and gravel extraction after 3 years and would decrease by a further 30 movements per day after 15 years when clay extraction is completed."*

The rWIIA makes no reference to the aforementioned permission, and development approved, which is a concern. This failure in terms of understanding of the permission and stage of implementation has according led to some statements in the rWIIA which are either incorrect or considered by the MWPA to be misleading.

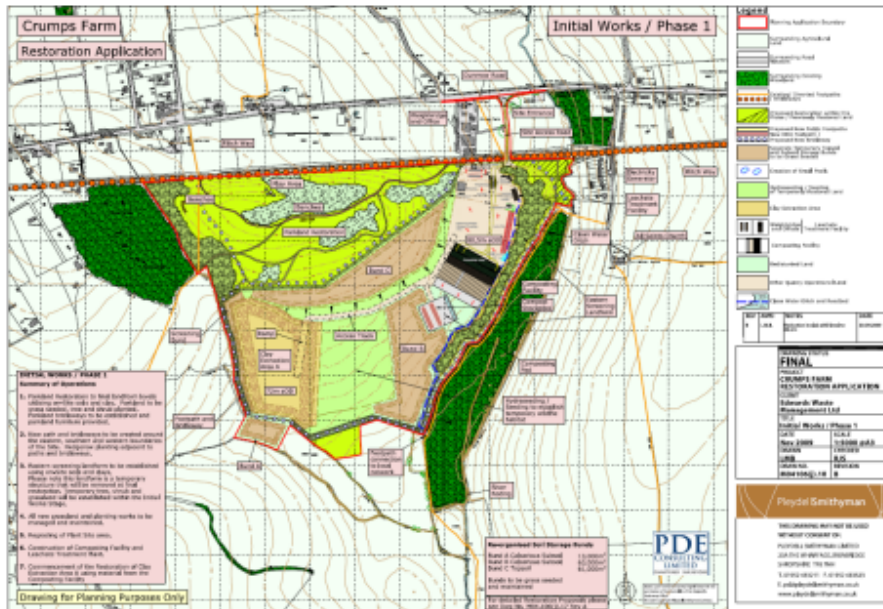
In respect of the above, the rWIIA details that the site stopped accepting waste in 2005 and that landfilling operations are no longer undertaken at this site. This is considered misleading, as ESS/46/08/UTT allows construction of a waste recycling and composting facility, further mineral extraction and landfilling of voids created together with the reprofiling of the land levels of the restored landfill site and the wider site.

*Operations currently being undertaken on-site, as part of ESS/46/08/UTT*

ESS/46/08/UTT, as a permission, has been commenced. However, commencement of the permission on-site is limited with the waste recycling and composting facility still not constructed.

The below is the approved initial works / phase 1 drawing of the development approved. This shows the location of the composting facility approved - to the east of the site (on the area of the former processing area), the composting pad to the south of this and the proposed new areas of excavation/landfill to the south, south-west. To the north of the composting facility is a large circulation and storage area, also encompassing a lorry park, workshop,

weighbridge and office, leachate treatment facility and electric generation plan.



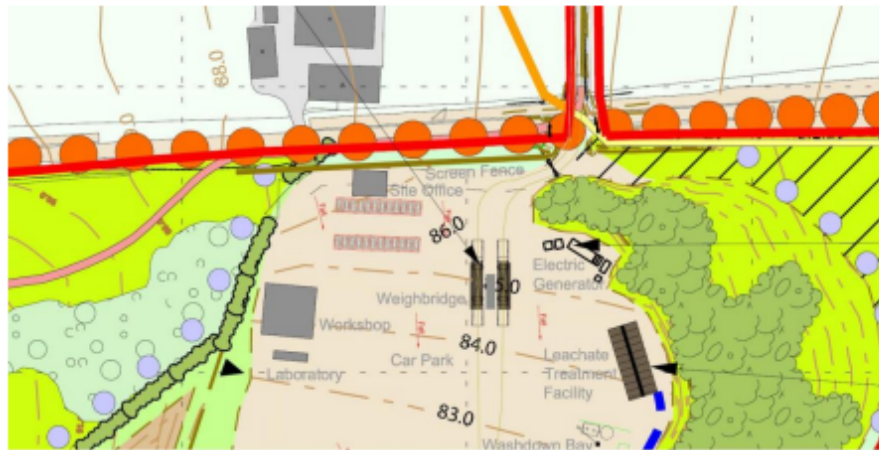
Operations on-site are still within this initial works / phase 1 stage. The land levels of the former landfill have not been reprofiled and this area has not been restored to parkland. The composting facility has, as detailed above, not been constructed and whilst some clay has been extracted from Area A, the Council with the Environment Agency are currently investigating whether some illegal/unauthorised landfilling has actually occurred in this area, and across the later proposed excavation areas to the east, which duly may have implications for the proposed working of these areas.

With regard to the reprofiling of the land levels of the existing landfill which would be the activities in closest proximity to the proposed residential development, the reprofiling would be with clays and soils. This material would be placed on top of the existing landfill cap and as such it is considered unlikely that this as a development would give rise to potential odour issues (from the re-exposure of the old landfill). However, there is the potential for noise and dust nuisance from these activities. Similar potential for nuisance also exists when the waste recycling and composting facility is decommissioned and this area restored. This will involve the demolition of the facility, the breaking up of hardstanding and reprofiling of land levels with material (as shown below on the phase 5 drawing). This, again, will bring working within very close proximity to the south-eastern extent of the residential site.





In this regard, it is clarified that whilst the Crumps Farm site is completely fenced along its northern boundary (the boundary with the Flitch Way and this development) it is only a small part of this that is required to have specific noise attenuation qualities. The noise barrier required to be installed/maintained covers just a 150 metres west from the Flitch Way / site access road junction and is principally to afford mitigation to Crumps Farm (the property) and allow operations to meet the 55dB LAeq,1hr limit.



As the rest of the fencing is not specifically for noise attenuation, its mitigation qualities are not known. The fencing along this boundary, with the exception of the noise attenuation fence/barrier, is furthermore required to be removed in its entirety upon completion of phase 1 – when the former landfill is opened as parkland. Post phase 1, the waste recycling and composting facility, mineral extraction and landfilling to the south of the site will however be continuing.

As the residential development is the Agent of Change, any mitigation needed to comply with more stringent noise requirements to that set in ESS/46/08/UTT would need to be proposed and brought forward as part of the residential development. Without the securement of mitigation, it is considered unlikely that the noise levels requested from the EHO would be achievable and it is considered complaints are likely to result – a failing of the principle of the Agent of Change.

In terms of odour, whilst it is accepted that odour is unlikely to be an issue for the reprofiling/engineering works itself, the MWPA do occasionally still receive odour complaints about the former landfill, when existing on-site infrastructure has failed. As suggested in the rWIIA such issues and accordingly periods of odour nuisance may be infrequent but should be fully considered given the proposal would introduce additional sensitive receptors within close proximity of the site. The MWPA recommends Uttlesford District Council either consults or seeks input from the Environment Agency to satisfy themselves of the probability or likelihood of nuisance from the existing landfill and associated infrastructure.

### Composting

The composting facility considered as part of the rWIA is not the composting facility approved as part of ESS/46/08/UTT. The composting operation shown in the pictures and assessed was only approved as a temporary operation (until 31/03/2019) as part of planning permission ref: ESS/25/17/UTT. The composting use ceased in accordance with the above date, and no further material has been added to the windrows, however some windrows of material do remain – currently as a breach of planning control.

ESS/46/08/UTT as detailed previously in this response, allows the importation of 110,000tpa of municipal solid waste and/or construction and industrial waste and 10,000tpa of green waste. The imported waste will be sorted through the Materials Recycling Facility removing the recyclates before the residual waste is placed in enclosed composting vessels, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, with a turning machine running along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would lose much water and any bio-degradable waste would have broken down leaving a largely biological stable residue for disposal into the landfill.

The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted Uttlesford DC should duly consider whether a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage.

### Groundwater monitoring boreholes

Groundwater monitoring required as part of the existing Permit and condition 13 of ESS/46/08/UTT includes boreholes within the area to which this application relates. It is considered that the layout of the development will need to ensure that these are left accessible, unless confirmation can be provided from the Agency that these are no longer needed and/or a schedule of alternative boreholes can be suggested and agreed with both the operator of Crumps Farm, the Agency and MWPA.

### Conclusion

It is not considered that the rWIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.



NPPF Paragraph 187 states that '*existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*' and in this case, the Agent of Change is clearly the emerging residential development.

The MWPA have concerns as to the robustness of the rWIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

Yours sincerely,

**Tom McCarthy**

Principal Planner

Email: [tom.mccarthy@essex.gov.uk](mailto:tom.mccarthy@essex.gov.uk)



**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 14 September 2022

**REFERENCE NUMBER:** UTT/21/2461/DFO

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

## **SITE LOCATION PLAN:**



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

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

**APPLICANT:** Dandara Eastern (Miss Amy Atkins)

**AGENT:** N/A

**EXPIRY DATE:** 9 November 2021

**EOT Expiry Date** 31 August 2022

**CASE OFFICER:** Mr Lindsay Trevillian

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

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1** This application seeks approval of details following the granting of outline planning under reference UTT/19/2470/OP whereby permission was approved for the erection of up to 99 dwellings along with associated open space and play areas, and other ancillary works across two separate parcels of land.
- 1.2** The principle of the development along with the details of Access have been approved at outline stage by an Inspector under appeal, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.
- 1.3** The applicant has undertaken pre-application discussions prior to this submission of the application with officers of Uttlesford Council which has helped to enhance the quality of the scheme in complying with the standards and guidance as per local policy and in order to achieve a sense of better place making whilst ensuring that future occupants have a quality development that provides reasonable enjoyment to all.
- 1.4** The proposals generally comply with the indicative illustrative masterplan that formed part of the outline consent in respect to layout, number of units and housing mix. The design and appearance of the buildings generally conform with the required standards with each residential unit provided with appropriate parking and amenity provision to meet the needs of future occupants.

Appropriate areas of informal and formal of public open space are provided throughout the site including the provision of additional land for a future school.

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

## 2. **RECOMMENDATION**

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

A) Conditions

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

- 3.1 The area of land subject to this planning application relates to the land known as 'Land To The West Of Isabel Drive And Off Stansted Road, Elsenham. Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2 The application site comprise two parcels of undeveloped land located to the west of village of Elsenham totalling approximately 8.1 hectares in size. The two Parcels are defined as 'Land off Isabel Drive' (Parcel A) and 'Land off Stansted Road' (Parcel B).
- 3.3 Parcel A is bounded by residential development to the east, with woodland to the west. Public Right of Way (PROW) 31 crosses the southern boundary of Parcel A. Parcel B is accessed directly from Stansted Road, with ancient woodland bounding the norther boundary, woodland to the east, residential development to the south and to the east, and the M11 to the west. Presently, both Parcels A and B generally comprise of overgrown grassland.
- 3.4 In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The nearest statutory designated site is Hall's Quarry SSSI (geological) located approximately 1.2km to the north. Alsa Wood abuts both Parcels A and B and part of this woodland is listed as Ancient Woodland and is designated as a Local Wildlife Site. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. There are no designated heritage assets either adjoining or within close proximity of the site.

## 4. **PROPOSAL**

- 4.1 This application relates to the reserved matters following a decision made by an Inspector on the 31 December 2020 to allow outline planning permission which was for the erection of 99 dwellings along with associated works under application ref: UTT/19/2470/OP.
- 4.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel



A) and Stansted Road (Parcel B), providing access and egress for the whole site.

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

**4.4** The supporting documentation submitted in support of the outline application indicated that the dwellings will be split between Parcel A and Parcel B which amounts to 61 and 38 retrospectively. However, this reserve matters application shows the final layout of the proposals consisting of 51 dwellings for Parcel A and 47 dwellings for Parcel B.

**4.5** The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. Affordable housing makes up 40% of the overall residential development for the scheme, as set out by the requirements of the S106 agreement. The proposal incorporates a range of housing types including one-bedroom flats, two, three, four and 5 bedroom houses. The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
1 - bed dwelling	6	0	6
2 - bed dwelling	15	2	17
3 - bed dwelling	17	18	35
4 - bed dwelling	2	31	33
5 - bed dwelling	0	8	8
<b>Total</b>	40 (40.4%)	59 (59.6%)	100 (100%)

**4.6** The dwellings would be predominantly 2.5 storeys in height although there would also be a limited amount of single storey dwellings. Building styles within the development would range from semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of 3 bungalows is proposed and a single apartment building containing 4 flats are proposed across both Parcels. Each of the dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

**4.7** In addition to the proposed housing, the provision of approximately 1.2 hectares of informal and formal areas of open space which amounts to 15% of the total site. Children's equipped play areas have been provided on both Parcels A and B.

**4.** As required by the outline and appeal decision, the proposals are to retain the existing public rights of way through the site and a 20m buffer adjacent to the existing woodland.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** As part of the outline application, the Council issued a screening opinion under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal constituted EIA development due to the significant effects and cumulative effects on the local highway network, air quality and on recreational disturbance. The outline application was accompanied by an Environmental Statement.

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

## **6. RELEVANT SITE HISTORY**

- 6.1 The application site contains the following relevant recorded planning history:

- 6.2 UTT/19/2470/OP - Outline application with all matters reserved except access for residential development of up to 99 no. dwellings including affordable homes, with areas of landscaping and public open space, including points of access of Stansted Road and Isabel Drive and associated infrastructure works.

- 6.3 The applicant submitted an appeal for 'non determination' because of the Council failing to make a decision within the statutory time period. Following submission of the appeal, The Council submitted four putative reasons for refusal. The second putative reason, relating to air quality, was withdrawn by the Council following publication of its Air Quality Annual Status Report. Furthermore, the day before the inquiry opens, the Council also confirmed that there was no reason for the proposal to be refused on highway grounds which related to the third putative reason of refusal. The fourth putative reason, relating to affordable housing and infrastructure was addressed by means of a completed planning obligation by deed of agreement which was submitted after the inquiry.

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

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

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

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

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

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

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

### **8.2 Highways England – No Objections**

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

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

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

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

### **8.4 Natural England – No Objections**

- 8.4.1** Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until such time as these 'on-site' and 'off-site' mitigation measures have been assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.
- 8.4.2** These obligations have already been secured within Schedule 5 of the Legal agreement attached to the outline planning permission.

## **9. PARISH COUNCIL COMMENTS**

- 9.1** The Parish Council in their formal response stipulated that they have strong concerns with this application due to the number of concerns as follows:
1. Acoustics Assessment  
The consultants acknowledge that acceptable noise limits cannot be reached in some garden, but the agreed Condition 17 cannot now be varied.
  2. Housing Mix, bungalows  
The applicants have failed to adopt the Housing Officer's advice concerning the provision of bungalows.
  3. Housing Mix, affordable homes  
Affordable dwellings are not sufficiently dispersed across the site
  4. Housing Mix, distribution  
Dwellings generally are unequally distributed across the site
  5. Diversion between sites  
The two sites should be considered together
  6. Surface Water disposal  
The applicants have not heeded previous response pointing to the severe shortcomings in the SUDS Design Statement.
  7. Residential Parking  
There are too many four bedroom houses with three parking spaces in a triple-tandem arrangement.
  8. Environment Noise Survey

It is not clear whether this document has been withdrawn, and therefore the severe shortcomings pointed out previously are repeated.

9. Improvements to PROW 13/31

It is now established that the agreed widths is to be 2m

10. Community Hall

The request is renewed for a contribution, bearing in mind the proximity of the site.

11. Documentation/Miscellaneous  
Anomalies are noted.

## **10. CONSULTEE RESPONSES**

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

**10.1.1** Confirms that the tenure and dwelling mix was agreed with housing officers as part of the application process and meets the identified need. The dwelling mix includes three M4(3) affordable rented bungalows as requested. The affordable homes also meet the National Described Space Standards. The proposed affordable housing provision meets the 40% policy requirement and equates to 40 new affordable homes across both parcels.

### **10.2 UDC Environmental Health – Concerns**

**10.2.1** Having reviewed the supplementary report reference RP01-21123-R0 prepared by Cass Allen dated 23rd May 2022.

**10.2.2** This report focuses on the further assessment of the predicted noise levels in the external amenity areas. The report shows the external noise levels with a 1.8m high close boarded timber fencing in all private gardens and a 6m high noise barrier/bund along the southern boundary of Parcel B.

**10.2.3** In summary, although the mitigation methods to achieve the required internal noise levels have demonstrated, and this additional information shows some improvement from the previously submitted noise models for the predicted levels in amenity levels, it still does not demonstrate full compliance with the condition. However, it must be considered that in the majority of the plots the external noise levels do fall below the required noise levels and that in the circumstances increasing the height and specification of barriers, or reconfiguring or reducing the number of proposed units, to achieve full compliance may not be reasonable nor practicable, or visually acceptable. In particular, the previously submitted modelling relating to the northern end of parcel A shows that that due to the M11 being above the site increasing the height of noise barriers has limited effect in providing significantly lower noise levels in the outdoor space. The modelling has shown that the impact of placing a 4m barrier instead of the 1.8m fencing has negligible effect and therefore any barrier would have to be significantly higher than 4m. Nevertheless, the noise impact on external amenity spaces will have to be balanced against any other requirements from a broader planning perspective.

**10.2.4** Furthermore, the comments in paragraph 2.4 of the report state that "It is worth noting that Condition 17 is worded such that 55 dB LAeq,T is to be regarded as a limit in external gardens. This is contrary to the advice provided by Cass Allen during the planning hearing that it would not be possible to achieve this limit in all gardens even with the approved embedded mitigation measures (i.e., the

provision of a 6m effective height bund/noise barrier). As such, it was recommended that the wording of Condition 17 was altered to take this into account.”

**10.2.5** Notwithstanding this is should you be minded discharging this condition the following needs to be considered.

- The location and specification of the 6m barrier and bund needs to be located as per the details contained within the technical note ref TN01-22166-R0 dated 14th March 2022 prepared by Cass Allen. The specification needs to be in accordance with the detail contained within Appendices of the technical note ref Technical Note TN01-18701-R4 Dated 30th October 2020 prepared by Cass Allen.
- The 1.8m high close boarded timber fencing in all private gardens needs to be at least 10 kg/m2.
- The ventilation and glazing specifications need to be in accordance with the details given in Table 3 and Appendix 5 of the report reference RP01-21123-R0 prepared by Cass Allen dated 23rd May 2022.
- The ventilation scheme will be continuous mechanical extract (as per System 3 from Building Regulations Part F). Dwellings will therefore be ventilated via trickle ventilators in the external facades with openable windows for the provision of purge ventilation. In order to ensure that thermal comfort is maintained, habitable rooms will be provided with a summer boost mode so that enhanced ventilation is provided such that windows can remain closed.

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

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

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

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

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

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

### **10.6 Thames Water – No Objection**

Waste Comments – Thankyou for consulting Thames Water for discharge of matters relating to surface water. Thames Water confirms the surface water

condition referenced can be discharged based on the information submitted. With regard to water Supply, this comes within the area covered by Affinity Water.

## **10.7 Anglian Water – No Objection**

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

## **10.8 London Stanstead Airport – Concerns**

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

## **10.9 NATS Safeguarding – No Objection**

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

## **11. REPRESENTATIONS**

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

### **11.2 Object**

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

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

### **11.3 Comment**

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

## **12. MATERIAL CONSIDERATIONS**

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

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

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

### **12.2 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

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

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

Uttlesford Local Plan (2005):

S7 – Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV3 – Open Spaces and Trees  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy  
H9 – Affordable Housing  
H10 – Housing Mix

**13.3 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

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

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

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



- 14.3.2** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in it's setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 14.3.3** The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.
- 14.3.4** Layout:
- 14.3.5** Parcel A
- 14.3.6** The site is characterised by a single spine road linked with the existing Isabel Drive. The built form of the development is set to the eastern side of the spine road with a large landscape area to the west to provide a 20m buffer zone to Alsa Wood separating the ancient woodland from the housing. Dwellings are set in a linear row along the spine road with some small clusters of housing leading off two cul-de-sacs centrally within the site.
- 14.3.7** Parcel B.
- 14.3.8** Parcel B will also be accessed by a single point via Station Road with a main spine road leading into the site with smaller road diverting off it. Housing is proposed to front onto the internal highways. A landscape bund and acoustic fence is proposed to protect the development from any potential noise created from the M11 motorway traffic to the eastern boundary of the site, running from north to south. To the north of Parcel B, a public open space area has been proposed and encompasses a public footpath in a natural finish. This public open space is position in this location to protect and provide a buffer zone between the ancient woodland of Alas wood and the proposed housing.
- 14.3.9** In terms of unit numbers across the two parcels, although indicative site plans were submitted, the outline didn't specify/require a certain number on each so it was determined through the pre-app discussions, particularly in reference to housing mix and a balanced community, that the sites should look to provide a good mix of housing on each parcel.
- 14.3.10** The applicant advised that they did initially work up a scheme along the same lines of the outline but felt that it made Parcel B clearly more "exclusive" with larger detached units and a lower affordable provision and thereby didn't see it being as socially inclusive or provide the right mixed community approach. As such the applicant worked looked to work the parcels up with a more balanced product mix and affordable housing provision which the Housing Officer has supported.

- 14.3.11** Upon review of both parcels, the frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and also allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of properties which is not ideal, however, these hard standing areas are broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. It is noted however that frontage parking would benefit from street trees every 4 parking bays, but trees not shown.
- 14.3.12** Parcel A has generally poor connectivity to the existing street network. This will discourage walking and cycling. There are opportunities for connections to Alsa Leys, Isable Drive via Claydon Drive, and Dellows Close that would drastically reduce walking times to the station for residents and it is unfortunate that these options have not been explored further by the applicant. Furthermore, Parcel A has some instances of rear garden timber fences jutting out into public open space which is generally found to be unacceptable. The awkward leftover public spaces caused by these gardens could attract anti-social behaviour and fly tipping. The cul-de-sacs on the east of Site A again are poorly planned and result in awkward left-over portions of space which is technically public but has no clear use.
- 14.3.13** As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary. This standard is achieved throughout the site.
- 14.3.14** Scale:
- 14.3.15** The Applicant has applied careful consideration in the design rationale behind the scale of the development taking into account the constraints of the site, the surrounding buildings and the natural environment. In terms of height, the applicant has taken the opportunity to provide predominantly 2.5 storey dwelling houses along with 3 single storey bungalows.
- 14.3.16** The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.
- 14.3.17** Appearance:
- 14.3.18** The house-types generally seem uninspired and generic, without high quality materials, and no indication of how the homes and places have been designed to be specific to Uttlesford (other than material palette), or reflect the particular

local character. The house type names are from all around the country, which reinforces this assessment.

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

details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy.

**14.4. B) Dwelling mix and Affordable Housing provisions**

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

**14.4.2** The S106 agreement attached to the outline planning permission specifies that no less than 40% of all housing units are to be affordable housing units and that the applicant should identify the location of affordable housing on the land including the size of the affordable housing units. Importantly, it does not specify that the affordable units need to be spread across the two Parcels of land that makes up the application site or limit the number of units in a cluster. 28 of these units across both Parcels are to be rented affordable units and 12 are to be shared ownership affordable units which amounts to a 70%-30% split. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.

**14.4.3** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.

**14.4.4** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 76 of the 99 dwellings proposed comprise of 3 bedrooms or more which equates to 76%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide a few additional 1 and 2 bedroom dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.

**14.4.5** Condition 20 attached to the outline permission requires that 5% of the total dwellings shall be built in accordance with the requirements of M4(3) (wheelchair user dwellings) and the remaining dwellings shall be built out in accordance with requirements M4(2) (accessible and adoptable dwellings) of the Building Regulations.

**14.4.6** It is acknowledged that wheelchair user dwellings don't necessary have to consist of bungalows and can consist of ground floors either in apartment buildings or maisonettes.

**14.4.7** In respect to wheelchair user dwellings, 5% of the total amount of units are proposed. These are located on Plots 31, 32, & 33 on Parcel A, and Plots 55 &

56 on Parcel B. The applicant stipulates that all remaining dwellings will be built to M4(2).

**14.4.8** Contrary to Parish Council suggestions that 5% of the total amount of dwellings should be bungalows, it is noted that there is currently no local policy, nor is there an obligation contained in the 106 agreement or imposed conditions attached to the outline consent that requires this.

**14.4.9** Although there is no requirement to provide bungalows across the site, the applicant has provided the provision of three. These bungalows are all affordable units and are located on Plots 31 & 32 for Parcel A and Plot 61 for Parcel B.

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

### **14.5.1 Access:**

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

### **14.5.3 Parking:**

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

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

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

**14.5.7** On the basis of the accommodation mix provided, a minimum of 227 off street parking spaces would be required across the development. A total of 253 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. There is also the allowance for 27 additional visitor parking spaces which amounts to a ratio of 1 in 4 spaces for each dwelling. In addition, secure cycling would be provided for each residential unit within the site.

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

**14.5.9** All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points

provide the means for efficient servicing. These will ensure appropriate, safe and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

#### **14.6 D) Landscaping and open space**

- 14.6.1** All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.
- 14.6.2** Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.
- 14.6.3** The proposals would not result in harm to those trees that are covered by tree preservation orders (TPO's).
- 14.6.4** The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.
- 14.6.5** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 14.6.6** The indicative master plan submitted as part of the outline permission showed most of the open space areas sited to the west of Parcel A and to the north of Parcel B.
- 14.6.7** In total, 1.2 hectares of informal and formal public open space is proposed throughout the two Parcels of land that make up the site. This is easily accessible on foot or bicycle.
- 14.6.8** It is acknowledged the protection of ancient woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.
- 14.6.9** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 14.6.10** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.

- 14.6.11** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 14.6.12** The purpose of this zone is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.
- 14.6.13** A natural landscape area to the west of Parcel A has been created to protect Alsa Wood through means of a 20m buffer separating the ancient woodland and the proposed built area of development. To the north of Parcel B, a public open space area has been created and encompasses a public footpath and Local Equipped Area of Play. This area also contributes to the protection and acts a buffer zone between the proposed built development and the ancient woodland of Alsa Wood.
- 14.6.14** A Local Equipped Area of Play is proposed to the north of Parcel B and will include trees and amenity grassland planting, timber equipment for play and benches. Specifically, the size and amount of play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.
- 14.6.15** The proposed landscaping of open spaces including street frontages is appropriate.

**14.7 E) Biodiversity and Protection of Natural Environment**

- 14.7.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.7.2** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.
- 14.7.3** The application site itself is not the subject of any statutory nature conservation designation being largely undeveloped Parcels of arable fields with some mature trees and hedgerows scattered throughout and along its boundaries including woodland.
- 14.7.4** It is therefore clear that the proposals would not result in adverse impacts in relation to ecology and that in fact a net biodiversity gain is achievable on the site through the implementation of the mitigation measures suggested in the accompanying ecology report. The proposals therefore comply with all policies relating to the conservation and enhancement of biodiversity. Furthermore, no objections were raised by Place Services ecologist.

**14.8 F) Noise**

- 14.8.1** In addition to the approval of reserve matters as detailed above, this application also seeks approval of details of condition 17 (sound insulation measures) attached to the outline planning permission.

- 14.8.2** The Inspector as part of their assessment of the outline application took into consideration external noise generators and in particular the proximity of the M11 motorway in relation to the built form proposed and how this may potentially harm the amenities of future occupiers in respect to noise and disturbance.
- 14.8.3** As confirmed within the applicants supporting noise assessment, the Inspector acknowledged that due to the proximity of the proposal to the M11 corridor, a number of dwellings would be subject to moderate adverse impacts and as such the highest noise levels would exceed guidance levels for some plots within Parcel B.
- 14.8.4** The Inspector concluded in respect to noise and disturbance that subject to additional mitigation measures being secured by way of a planning condition, that on that basis, the proposal would result in permanent adverse impacts being negligible at Parcel A and minor at Parcel B, with moderate impacts remaining in some gardens.
- 14.8.5** The application was consulted to Council's Environmental Health Officer to consider the proposed noise mitigation measures forming the proposals.
- 14.8.6** The Environmental Health Officer confirmed that the mitigation methods to achieve the required internal noise levels have been demonstrated and comply with the required British Standards.
- 14.8.7** Turning to external amenity, mitigation has been provided by way of a 1.8m high close boarded timber fencing in all private gardens and a 6m high noise barrier/bund along the southern boundary of Parcel B. Most of the plots as a result of the mitigation measures applied helps to achieve appropriate external noise levels in accordance with the relevant guidance. However, some plots fail to comply with the required standards. Although the mitigation methods and additional information submitted in support of these proposals are an improvement from the previously submitted noise models for the predicted levels in amenity levels, the proposals still slightly fall short in providing appropriate mitigation to all properties.
- 14.8.8** The Environmental Health Officer confirms that in the circumstances increasing the height and specification of barriers, or reconfiguring or reducing the number of proposed units, to achieve full compliance may not be reasonable nor practicable, or visually acceptable.
- 14.8.9** Due to the M11 being above the site increasing the height of noise barriers will have a limited effect in providing significantly lower noise levels in the outdoor space. The modelling has shown that the impact of placing a 4m barrier instead of the 1.8m fencing has negligible effect and therefore any barrier would have to be significantly higher than 4m.
- 14.8.10** Nevertheless, the noise impact on external amenity spaces will have to be balanced against any other requirements from a broader planning perspective.
- 14.9** **G) Drainage**
- 14.9.1** The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.



- 14.9.2** The applicant has submitted a SUDs Design Statement, a SUDs Management and Maintenance Plan, Phase A & B Surface Water Network Documentation and a SUD's Checklist in support of the proposals and to allow for the details of the above condition to be discharged.
- 14.9.3** The application was consulted to Essex County Council SuD's team who are the lead local flooding authority who confirmed that having reviewed the supporting Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of the planning permission.
- 14.9.4** The development at the site will not increase flood risk elsewhere and neither direct surface water runoff off site. The proposals will would therefore not result in adverse impacts in respect either flood risk or drainage and thereby in accordance with policy GEN3 and GEN6 of the adopted local plan and the NPPF.
- 14.10 H) Whether the proposal would cause harm to the amenities of adjoining property occupiers**
- 14.10.1** Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.
- 14.10.2** Although a large proportion of the new dwellings within the development would have the pleasure of views overlooking public spaces or woodland, other new dwellings would back onto existing. Parcel A is bounded by residential development to the east and Parcel B is bounded by residential development to the south.
- 14.10.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.
- 14.10.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.10.5** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

## **15. ADDITIONAL DUTIES**

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

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation.

It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

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

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

## **15.2 Human Rights**

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

## **16.1 CONCLUSION**

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

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

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

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

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

outline permission reference UTT/19/2470/OP subject to the conditions outline below.

**17. CONDITIONS**

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

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

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

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

- 3** The external finishing materials of the buildings hereby approved shall be constructed in accordance with the details as set out in drawing reference TRE.21.1112-A-PL103 D and TRE.21.1112-B-PL103 D (Proposed External Materials, Boundary Treatments and Hard Surfacing Site Plans) unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity and quality of the street scene and locality in accordance with Policy GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

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

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

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

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

**6**

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

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

## Appendix 1

### Lead Local Highway Authority

		<b>Essex County Council</b>
CC:	Cllr Gooding Essex Highways DM	Paul Crick Director for Highways and Transportation
To:	Uttlesford District Council Assistant Director Planning & Building Control Council Offices London Road SAFFRON WALDEN Essex CB11 4ER	County Hall Chelmsford Essex CM1 1QH

#### Recommendation

Application No.	UTT/21/2461/DFO
Applicant	Dandara Eastern
Site Location	Land To The West Of Isabel Drive And Off Stansted Road Eisenham
Proposal	Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP

#### Note

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

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

*All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.*

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

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

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

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

**Informatives:**

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

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 13/32 and 13/31 and the Flich Way (48/47) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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



---

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

## 1



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

National Highways Ref: M11

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

Referring to the consultation on a planning application dated 14 March 2022, referenced above, in the vicinity of the M11, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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



## Natural England

Dear Sir or Madam,

Our ref: 386834

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

Thank you for your consultation.

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

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

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

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

Yours faithfully

Julian Clarke

Consultations

Natural England

Hornbeam House, Electra Way

Crewe Business Park

Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

## Lead Local Flooding Authority

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

---

Hi Clive

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

Regards

Richard Atkins

Development and Flood Risk Office

---

**From:** [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk) <[planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)>

**Sent:** 14 March 2022 12:48

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

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

---

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



Uttersfield District Council  
Planning Services

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

Dear Sir/Madam,

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

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

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

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

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

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

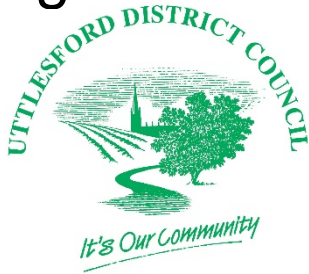
**Lead Local Flood Authority position**

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

We also have the following advisory comments:

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

# Agenda Item 10



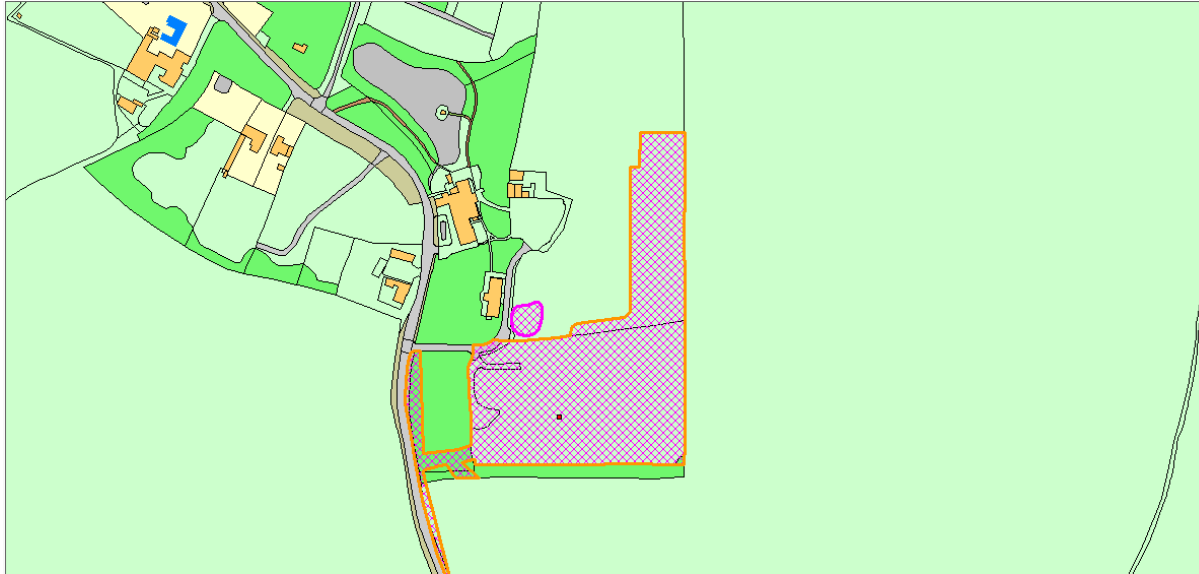
**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 14 September 2022

**REFERENCE NUMBER:** UTT/22/1528/FUL

**LOCATION:** Land South East Of Great Hallingbury Manor  
Tilekiln Green Great Hallingbury

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 25/08/2022

**PROPOSAL:** Application to vary condition (approved plans) of planning application UTT/20/0336/DFO (added under UTT/22/1567/NMA).

**APPLICANT:** Rivertree Residential (C/O LBF Architects)

**AGENT:** Mr B Lawrence, LBF Architects, 11 Burford Road, Stratford, London, E15 2ST

**EXPIRY DATE:** 31 August 2022

**EOT Expiry Date** 19 September 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits  
Within 2KM of SSSI

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1** This variation of condition application follows two subsequent applications, firstly, an outline application: UTT/20/0336/DFO which comprised Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.
- 1.2** UTT/16/3669/OP was an Outline application with all matters reserved for 35 dwellings. An NMA application was approved on the 29 June 2016 to add the plans condition to the Reserved Matters application as this was not included when the original decision was granted.
- 1.3** This subsequent application seeks to vary this plans condition to make alterations to the design of Plots 14 to 21. No other changes to the scheme are proposed.

## 2. **RECOMMENDATION**

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

- A) Transfer the S106 Agreement attached to UTT/16/3669/OP with any variations
- B) Conditions

**And**

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

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

**3.1** The site lies on the east side of Bedlars Green Road, a Class 3 classified road, to the immediate south of Great Hallingbury Manor, an established hotel, and comprises a field understood to have been a former quarry, but now returned to its natural state, which slopes up from the road and which is currently unused. Agricultural land lies to the immediate south and east of the site. Lines of mature vegetation enclose the site along its northern and southern boundaries and also along its eastern flank boundary, whilst a substantial tree belt encloses the site along its western frontage boundary onto Bedlars Green Road. The interior of the site is devoid of any meaningful vegetation (unimproved grassland). The site is currently temporarily fenced off from an open field entrance into the site on its northern side from the rear service road which serves Great Hallingbury Manor. The site has an area of 2.19 hectare.

**3.2** A rectangular parcel of land also identified for the application site for the purposes of the submitted application extends to the north of the site at the rear of Great Hallingbury Manor with its rear eastern boundary running flush with the eastern rear boundary of the main development site. This area is similarly devoid of any meaningful vegetation (unimproved grassland).

## 4. **PROPOSAL**

**4.1** Full planning permission is sought to vary condition (approved plans) of planning application UTT/20/0336/DFO (added under UTT/22/1567/NMA).

**4.2** The application seeks to amend Plots 14 to 21 to give less massing to the eastern elevation.

**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**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/22/1567/NMA	Non material amendment to UTT/20/0336/DFO - add condition listing approved plans.	Approved with Conditions on 29.06.2022
UTT/22/1354/FUL	Revised scheme for 8 no. dwellings previously approved under UTT/20/0366/DFO.	Withdrawn on 07.06.2022
UTT/22/0795/NMA	Non Material Amendment to UTT/20/0366/DFO - amendments to house types A, B and C plots numbers 14-21	Refused on 22.04.2022
UTT/21/1574/NMA	Non material amendments to UTT/20/0336/DFO- Amendments to house types for social housing plot numbers 1-10 house type Q,R-S,M and T,L-M	Approved on 20.09.2021
UTT/20/0336/DFO	Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.	Approved with Conditions on 06.10.2020
UTT/16/3669/OP	Outline application with all matters reserved for 35 Dwellings.	Approved with Conditions on 29.01.2019

**7. PREAPPLICATION ADVICE**

- 7.1** No pre-application advice was sought as part of this application. A previous NMA application for the same proposal (UTT/22/0795/NMA) was refused on 22<sup>nd</sup> April 2022.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

- 8.1** No responses received from Statutory Consultees.



**9. PARISH COUNCIL COMMENTS**

- 9.1** Great Hallingbury Parish Council have no objections to this planning application.

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health**

- 10.1.1** Thank you for consulting me on this application which is to vary the approved plans. There are no changes that have an Environmental Health impact and therefore there are no comments. However, I would like to take this opportunity to remind the applicant of condition 10 attached to UTT/16/3669/OP relating to the mitigation measures required for aircraft noise.

**11. REPRESENTATIONS**

- 11.1** Site notices were displayed on site and 47 notification letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

- 11.2** No representations have been received.

**12. MATERIAL CONSIDERATIONS**

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

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

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

**12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)

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

### **13. 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  
GEN4 – Good Neighbourliness Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H10 - Housing Mix Policy  
ENV14 - Contaminated Land

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

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

### **14. CONSIDERATIONS AND ASSESSMENT**

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

- A) The Principle of Development**
- B) Scale, Layout and Appearance**

#### **14.2 A) The Principle of Development**

##### **14.2.1** This application follows both an outline planning permission granted by Uttlesford District Council on 29<sup>th</sup> January 2019 for an Outline application with all matters reserved for 35 dwellings. A subsequent reserved matters application, UTT/20/0336/DFO was approved on the 06<sup>th</sup> October 2020 for Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of access, scale, layout, appearance and landscaping.

- 14.2.2** The outline application established the principle of development for this application. The application was previously reported to Planning Committee on 5th April 2017 where Members had resolved to approve planning permission.
- 14.2.3** The reserved matters application stated that vehicular access arrangements for the proposed development, including site visibility displays shown along Bedlars Green Road and indicated vehicular access to the proposed allotment area for the development, were considered acceptable. Furthermore, it stated that the scale of the proposed development was considered acceptable.
- 14.2.4** The layout of the proposed development, including indicated parking arrangements, was considered acceptable, as was the appearance of the proposed development, which involved a mix of dwellings styles reflecting the local vernacular, was considered acceptable. The hard and soft landscaping measures specified for the proposed development for both external boundary treatments and internal areas and also for the proposed allotment area are considered acceptable.
- 14.2.5** Given the above assessment, the principle of development has therefore been established via the previous outline and reserved matters consent and this application accords with ULP Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**14.3 B) Scale, Layout and Appearance**

- 14.3.1** The purpose of this seeks consent to alter plots 14 to 21 of the reserved matters scheme. The overall changes proposed are to reduce them to give less massing to the eastern elevation.
- 14.3.2** Various plots along 14 – 21 are titled as Types A and B. Within the reserved matters application, Plots 18 and 21 was designated Type C and this has now been altered as a Type B Plot. The addendum Design and Access statement outlines that the plots have been reduced in size and scale as follows:
- Type A reduces from 196 sq m down to 166.7 sq m -29.3sqm
  - Type B reduces from 189 sq m down to 166.7 sq m -22.3sqm
  - Type C 189 sq m is omitted in lieu of a new type B of 166.7 sq m - 22.3sqm
- 14.3.3** The original Reserved Matters application contained the above property types, A, B and C. Plot A consisted of a large dwellinghouse with a large internal floorspace including a large sitting room on the ground floor and larger bedroom sizes on the first floor. This is evident when viewing the overall floor plans.

- 14.3.4** Plots B and C are similar in size as outlined above. Except that these plots possess a larger integral garage. The reduction in size for these plots is a result of the omission of the garage into separate parking, as well as an overall reduction in plot size.
- 14.3.5** House Type A has been re-oriented with the layout flipped internally. This is the only major change to the dwelling (bar the reduction in overall floorspace). Type A is still a 5-bedroom dwelling retaining above adequately sized bedrooms, storage space and open plan living space within the ground floor area. The proposed use of materials as detailed on the plans remains the same including terracotta roof tiles, composite black cladding on the first floor and mixed colour brickwork for the exterior of the house.
- 14.3.6** House Type B experiences a similar reduction in size and it is more or less the same style of dwelling with similar external materials and the same number of bedroom sizes. The internal layout is slightly different, but there are no further changes proposed to this dwelling type.
- 14.3.7** The reduction in dwelling sizes and the replacements of Plots 18 and 21 as Types C into Types B does not alter the overall layout of the site nor the dwelling types. These are still five-bedroom dwellings within the overall site. It is acknowledged that across the dwelling types, this is an average reduction of 24.6sqm.
- 14.3.8** However, this reduction is considered a non-material change and does not alter the overall scheme. The plot sizes will stay at 166.7sqm. The Technical housing standards – nationally described space standard March 2015 states that a minimum internal floorspace for a 5-bedroom dwelling for up to 8 persons (of which these dwellings are) should be 128sqm. It should be clear to members that these are still large dwellings, and they far exceed the minimum standards, by an excessive amount.
- 14.3.9** Due to the revisions to the Type A Houses, a revised Cartlodge is proposed following alterations to the internal parking arrangements. The internal cartlodge measures at 7m in depth and 3m in width. This will still provide the third parking space for these 5-bedroom dwellings which require the minimum 3 parking spaces as per Uttlesford Local Plan Adopted Parking Standards.
- 14.3.10** Overall, the proposed changes in plot size and the new cartlodge are appropriate and acceptable modifications. In any other application, these would be considered delegated matters. Nonetheless, the changes are minor and do not fundamentally alter the application proposal.
- 14.3.11** The plot sizes for Types A and B are fit for purpose and provide adequate internal space for future occupiers that will not harm residential amenity. The cartlodge meets the minimum space and provides the third parking space. The proposal therefore accords with ULP Policy GEN2 of the Uttlesford Local Plan 2005 and the NPPF 2021.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

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

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

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

**15.2 Human Rights**

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

**16. CONCLUSION**

**16.1** The principle of development has therefore been established via the previous outline and reserved matters consent and this application accords with ULP Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**16.2** The plot sizes for Types A and B are fit for purpose and provide adequate internal space for future occupiers that will not harm residential amenity. The cartlodge meets the minimum space and provides the third parking space. The proposal therefore accords with ULP Policy GEN2 of the Uttlesford Local Plan 2005 and the NPPF 2021.

**16.8 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS & Transfer the S106 Agreement attached to UTT/16/3669/OP with any variations.**

**S106 Agreement including provision of affordable Housing, Drainage and associated management company.**

**17. CONDITIONS**

- 1** The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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

- 2** The development shall be carried out in accordance with the approved schedule of materials approved by Uttlesford District Council under discharge of condition application reference UTT/21/0159/DOC.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the visual amenity value of the development in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 3** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the dwellings for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005). Pre-commencement justification: To ensure that the resulting development does not harm the visual amenities of the area at this semi-rural location.

- 4** Prior to first occupation, the access as shown in principle on drawing number 163432- 001 Rev B shall be provided with a 5.5m width, 2m footway, and associated clear to ground visibility splays onto Bedlars Green Road of 2.4m x 120m to the south and 2.4 x 74m to the north. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

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

interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5** The farm access to the south of the access road as shown in principle on drawing number 163432-001 Rev B shall be provided with clear to ground visibility splay of 2.4m x 25m to the east. Such vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6** The dwellings shall not be occupied until such time as the associated vehicle and cycle parking indicated in principle on 19-009-01 Rev M has been provided and parking bays hard surfaced and sealed and retained for that parking use thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7** 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD, "Accessible Homes and Playspace".

- 8** The berry bearing proportion of the trees, native plant mix and ornamental/formal hedge planting indicated for the soft landscaping works/measures for the housing scheme permitted must not exceed 20% for each type of planting. Suitable alternatives include plants such as Beech, Hornbeam and Potentilla. The hedges must be maintained and kept trimmed as a hedge. They must not be allowed to grow into a large shrub.

REASON: Flight safety- Bird-strike Avoidance- in order not to result in a block of attractive feeding habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 9** At least half of any orchard trees shown for the indicated soft landscaping works/measures for the housing scheme hereby permitted shall be replaced with nut trees or other non-berry and fruit bearing trees.

REASON: Flight safety- Bird-strike Avoidance- in order not to result in a block of attractive feeding habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 10** The attenuation basin shall not hold open water except during and immediately after a significant rainfall event and will drain to a dry basin within 48 hours.

REASON: Flight safety- Bird-strike Avoidance- a water body would be attractive to hazardous species of birds which, at this location, is an unacceptable risk to flight safety in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11** All external lighting shall be capped at the horizon.

REASON: Flight safety- any lighting at this location has the potential to cause confusion or distraction to pilots in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 12** Robust measures shall be taken by the developer to control any dust and smoke during construction.

REASON: Dust and smoke are hazardous to aircraft engines; dust and smoke clouds are a visual hazard to pilots and air traffic control in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to occupation of the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

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





**ITEM NUMBER:** 11

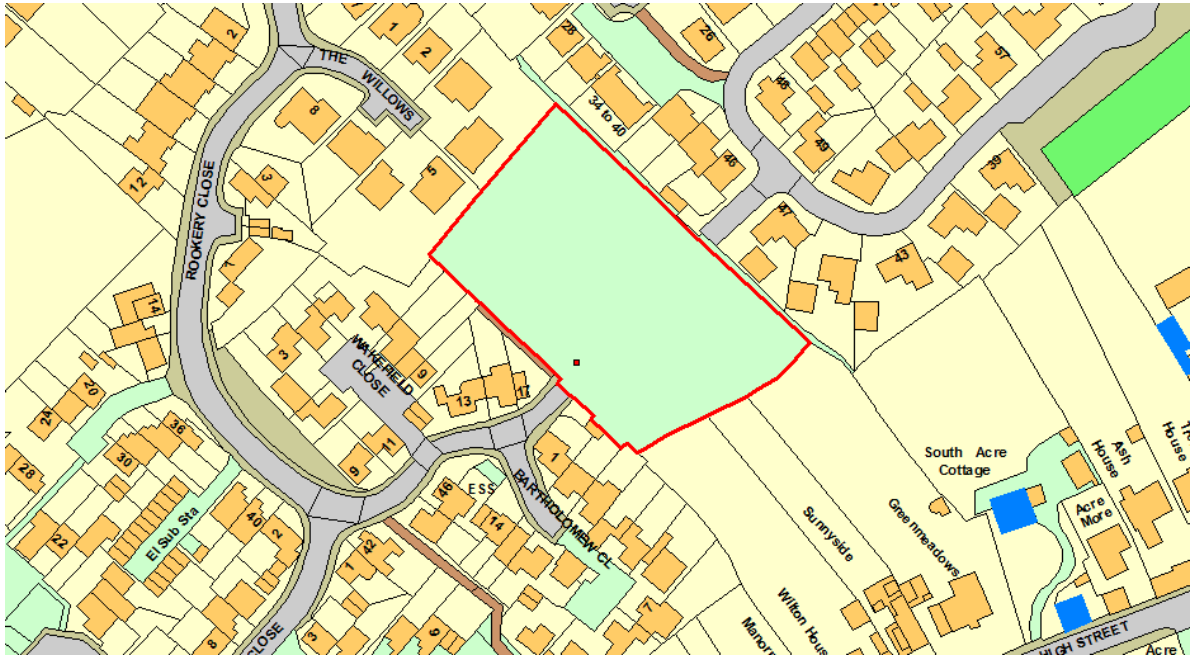
**PLANNING COMMITTEE** 14 September 2022

**DATE:**

**REFERENCE NUMBER:** UTT/22/1260/FUL

**LOCATION:** Land North Of Bartholomew Close, Bartholomew Close, Great Chesterford

## SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 19/8/2022

**PROPOSAL:** Variation of condition 2 (Biodiversity, Surface Water Drainage, Hard and Soft Landscaping and Tree Protection) of UTT/21/2113/FUL to allow removal of trees behind plots 12 and 13.

**APPLICANT:** Uttlesford District Council

**AGENT:** The Design Partnership (Ely) Ltd

**EXPIRY DATE:** 30 August 2022

**EOT Expiry Date:** 16 September 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits, Adjacent Conservation Area

**REASON THIS APPLICATION IS ON THE AGENDA:** Variation of a condition imposed on a major planning application.  
Applicant - Uttlesford District Council

---

## **1. EXECUTIVE SUMMARY**

- 1.1** The removal of the trees have been requested by the applicant to provide the occupiers of plot 13 and 12 an improved amenity space due to the visual dominance of the trees.
- 1.2** The removal of the trees would not result in an intensified urban appearance or significantly alter or harm the wider landscape character of the area. The trees to be removed do not have any significant visual landscape amenity value.
- 1.3** Although the removal of the trees would have the perception that there is a material increase in loss of privacy and overlooking to neighbouring properties, however, overall the development successfully meets all relevant standards.

## **2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to <b>GRANT</b> 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 is located to the north Rookery Close, Great Chesterford. A housing development of 13 dwellings is currently under construction on the site.

**4. PROPOSAL**

- 4.1** To vary condition 2 (Biodiversity, Surface Water Drainage, Hard and Soft Landscaping and Tree Protection) of UTT/21/2113/FUL to allow removal of trees behind plots 12 and 13. Replacement tree planting has been proposed as part of the variation to the soft landscaping.

- 4.2** Condition 2 imposed on UTT/21/2113/FUL states as follows:

The development hereby permitted shall be in accordance with the details of;

- Biodiversity Enhancement,
- Surface Water Drainage,
- Hard and Soft Landscaping
- Tree Protection

Approved under Discharge of Conditions application UTT/20/1959/DOC - dated the 8 February 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and in accordance with ULP Policies GEN2, GEN3, GEN7 and the NPPF

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/19/2288/FUL	Proposed residential development of up to 13 dwellings including associated external works and parking.	Approved 12/5/2020
UTT/20/1959/DOC	Application to discharge condition 7 (Biodiversity Enhancement Strategy), 9	Approved 8/2/2021

	(surface water drainage), 16 (hard/soft landscaping) and 19 (tree protection measures) attached to UTT/19/2288/FUL	
--	--	--

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

- 7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this reserve matters application.

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

- 8.1 No Statutory Consultees were consulted as there is no requirement.

## **9. PARISH COUNCIL COMMENTS**

- 9.1 Objects to the proposal as there is no justification for the removal of the trees.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Landscape Officer/Arborist**

- 10.1.1 The revised planting plan and specification is considered to be appropriate.

## **11. REPRESENTATIONS**

- 11.1 A site notice was displayed on site and 56 notifications letters were sent to nearby properties. The application was also advertised in the local press.

### **11.2 Support**

- 11.2.1 N/A

### **11.3 Object**

- 11.3.1 4 letters of objection received, comments include:

- The existing trees provide privacy,
- New planting will not compensate the loss of the mature trees,
- The existing trees should been factored into the design of the development,
- There is no evidence the trees are low amenity value,
- Increase in traffic,
- Impact to ecology,
- The existing trees provide a sound barrier,

### **11.4 Comment**

- 11.4.1**
- The increase in traffic is not a material consideration in this particular application.
  - The landscape amenity value, loss of privacy and ecology matter will be considered in the following report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

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

(c) any other material considerations.

**12.3** Section 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) fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

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

## **3. POLICY**

### **13.1 National Policies**

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

**13.2 Uttlesford District Plan 2005**

Policy S7 – The Countryside

Policy GEN2 – Design

Policy GEN7 - Nature Conservation

Policy ENV3 - Open Space and Trees

Policy ENV1 – Design of Development within Conservation Areas

**13.3 Great and Little Chesterford Neighbourhood Plan**

Limited Weight.

**13.4 Supplementary Planning Document or Guidance**

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) Character and Appearance**
  - B) Conservation and Heritage**
  - C) Residential Amenity**
  - D) Climate Change**
  - E) Ecology**

**14.3 A) Character and Appearance**

**14.3.1** ULP Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently, for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.

**14.3.2** The principle of the development has been established through previous planning approval for the residential development on this site. The application site although outside of the settlement development limits does have an urban character and appearance. The removal of the trees would not result in an intensified urban appearance or overall would not significantly alter or harm the wider landscape character of the area. As such it is considered the variation of condition and the removal of the trees would not be in conflict with the aims of ULP Policy S7.

- 14.3.3** ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value
- 14.3.4** ULP Policy GEN2 (b) safeguards important environmental features in it setting, enabling their retention and helping to reduce visual impact of buildings or structures where appropriate
- 14.3.5** The proposal includes the removal of the existing trees to the rear of plots 12 and 13, it is noted these have been retained in the previously approved planning applications on this site, however the applicant request these to be removed to provide the occupiers of Plots 12 and 13 an improved amenity space as the trees are visually dominating.
- 14.3.6** This application specifically considers the removal of trees to the rear of Plots 12-13. In terms of the assessing the removal of the trees the Council's Landscape Officer has been consulted and advises there are no objections to the removal of the trees subject to a condition securing replacement planting. The trees to be removed do not have any significant visual landscape amenity value, therefore the removal of the trees to provide an improved amenity space for the future occupiers of the new dwellings outweighs the harm cause by their removal.
- 14.3.7** The proposal includes the replanting of 4 birch trees (Betula Pendula) to the rear of Plots 12-13 and in the exact location from where the trees are proposed to be removed. The trees as set out in the submitted planting schedule will be planted at a 2m height and will continue to grow to 4.5m.
- 14.3.8** Paragraph 174 (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including trees. That being said the existing trees do not provide a positive contribution to the character of the area. The removal of the tress will not detrimentally impact the setting and local distinctiveness of the site, as such it is considered the variation of condition 2 (landscaping) is acceptable and in accordance with ULP Policies ENV3, GEN2 and the NPPF.

#### **14.4 B) Conservation and Heritage**

- 14.4.1** ULP Policy ENV1 considers the design of development within conservation area. The southeast boundary abuts the Conservation Area and as such due consideration should be made to whether the proposal will have a detrimental impact to the appearance and character of the Conservation Area.
- 14.4.2** The Council's Heritage Consultant has been consulted as part of the application process, it is noted no comments or further recommendations have been received. Due to the location of the trees and that their removal will not result in any loss of visual landscape amenity it is considered the proposal will have a neutral effect to the character of the nearby



Conservation Area. As such the proposed variation of condition 2 (landscaping) is considered to be in accordance with ULP Policy ENV1 and paragraph 202 of the NPPF. Due consideration has also been made to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **14.5 C) Residential Amenity**

**14.5.1** The trees to be removed are located to the rear of Plots 12-13 and do provide some level of screening to the rear gardens of 15 and 17 Rookery Close, however this is limited. The separation distance between Plot 12 of the new development and 17 Rookery Close is 22m and the rear first floor window of Plot 12 serves a bedroom. Although the loss of the trees may preserve to result in an increase in loss of privacy for the occupiers of 15 and 17 Rookery Close it would not be of a significant level that would justify the refusal of the application.

**14.5.2** The proposal would comply with the minimum separation distances described in the Essex Design Guide, which in most cases is 25m, back to back distances at first floor level. It is noted that the existing dwelling of 17 Rookery Close is orientated more than 30 degrees in relation with Plots 12 and 13 therefore ensuring the 15m standard is applicable.

**14.5.3** Although the removal of the trees would have the perception that there is a material increase in loss of privacy and overlooking to neighbouring occupiers, overall, the development successfully meets all relevant standards, thereby ensuring a good level of amenity for existing and future occupants in accordance with the above policies.

#### **14.6 D) Climate Change**

**14.6.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance.

**14.6.2** Interim Policy 7 advises developers should demonstrate how the level of tree planting that has been proposed is sufficient to contribute towards reducing the impact of the proposal on the environment. Although the proposal will include the removal of trees replacement tree planting is included, together with the landscaping enhancement and tree planting throughout the site it is considered the developer and specifically in regard to landscaping has made due consideration to Climate Change.

#### **14.7 E) Ecology**

**14.7.1** Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and biodiversity.

Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

- 14.7.2** Taking into account the proposal will replace the existing trees it is considered the proposed removal of the trees will have a neutral impact to ecology and biodiversity. No comments or further recommendations have been received from the Council's Ecology Consultant. Due to the nature of the proposed amendments it is unlikely that the development would have significant adverse effects on any protected species or valuable habitat. Nonetheless should the application be approved an informative will be added reminding the applicant of their duties under the Wildlife Act. It is therefore concluded that the proposal accords with ULP Policy GEN7.

## **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** Subject to the replanting of trees, the variation of condition 2 (Hard and Soft Landscaping) of UTT/21/2113/FUL and to allow removal of existing trees behind Plots 12 and 13 is considered acceptable.

**17. CONDITIONS**

- 1** Prior to occupation of the development hereby approved, the access arrangement, as shown in principle on DWG no. UDC-842-01 approved under planning permission UTT/19/2288/FUL, shall be fully implemented and shall not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1.

- 2** The development hereby permitted shall be in accordance with the details of Wildlife sensitive lighting approved under discharge of conditions application UTT/21/2804/DOC - dated the 1<sup>st</sup> December 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 3** The development hereby permitted shall be in accordance with the details of SUDS Maintenance Plan approved under discharge of conditions application UTT/21/2804/DOC - dated the 1 December 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. The above reasoning for the condition is in accordance with ULP Policy GEN3 and the NPPF.

- 4** Following completion of the construction of the dwellings hereby approved a comprehensive survey of the estate roads from Jackson's Lane to the application site to the application site shall be completed in accordance with the details of condition 4 approved under application UTT/21/0612/DOC - dated 12 August 2021.

The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with ULP Policy GEN1.

- 5** The development hereby permitted shall be in accordance with the details of Biodiversity Enhancement and Surface Water Drainage approved under discharge of conditions application UTT/20/1959/DOC - dated the 8 February 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: To ensure the development as a whole is in accordance with the required conditions as set out in the original planning approval and in accordance with ULP Policies GEN2, GEN3, GEN7 and the NPPF

- 6** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Appraisal (Applied Ecology Ltd, January 2020) as already submitted with planning application UTT/19/2288/FUL and agreed in principle with the local planning authority prior to determination.

This includes maintaining the grass by regular mowing/cutting management, due diligence for nesting birds and hedgehogs, compensation for any loss of tree and scrub by replacement with native species planting, and wildlife sensitive lighting."

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 7** The development hereby permitted shall be in accordance with the details of Construction Method Statement and Offsite drainage/ flooding approved under discharge of conditions application UTT/21/0479/DOC- dated the 12<sup>th</sup> August 2021 and shall not be changed without prior written approval from the local planning authority.

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

To ensure the development is in accordance with ULP Policy GEN3 and the NPPF regarding flooding.

- 8** 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 and in accordance with ULP Policy GEN3 and the NPPF.

- 9** The cycle parking facilities as shown on the approved plans approved under planning permission UTT/19/2288/FUL are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate bicycle parking is provided and in accordance with ULP Policy GEN1.

- 10** The replacement tree planting as demonstrated on Drawing P01 revision F shall be carried out in the first planting and seeding seasons following the completion of the development, or in agreed phases whichever is the sooner, and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

- 11** A minimum of a single electric vehicle charging point shall be installed. This shall be provided for each of the houses, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13 and the NPPF.

- 12** The dwellings hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

- 13** Within 6 months of the development hereby approved details of the walk/cycle way connecting the application site with Stanley Close shall be submitted and approved in writing by the Local Planning Authority. The walk way will be constructed in accordance with the approved details and will not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure the foot way is constructed and completed in appropriate time scale and standard. In the interest of appropriate access to the site in accordance with ULP Policy GEN1.

- 14** Notwithstanding the submitted plans, all dwellings shall be in strict accordance with the Technical Housing Standards- Nationally Described Space Standards (2015)

REASON: To comply with Policy GEN2 of the Adopted Local Plan 2005 to provide an environment which would meet the reasonable needs of potential users of the development.



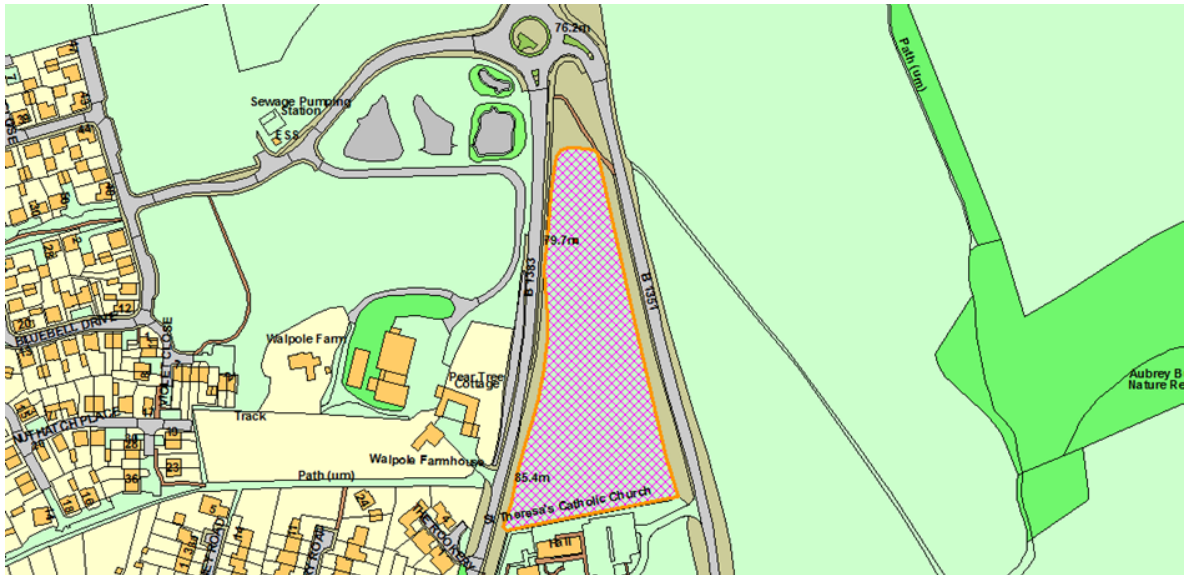
**ITEM NUMBER:** 12

**PLANNING COMMITTEE** 14 September 2022  
**DATE:**

**REFERENCE NUMBER:** UTT/21/2376/FUL

**LOCATION:** Land To The West Of, High Lane, Stansted

## SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council Date: 11<sup>th</sup> August 2022



**PROPOSAL:** Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

**APPLICANT:** Amherst Homes

**AGENT:** Tayla Morhall (Amherst Homes)

**EXPIRY DATE:** 2 September 2021

**EOT Expiry Date:** 16 September 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Considers the variation of a condition of major planning application previously determined by the Planning Committee.

---

## **1. EXECUTIVE SUMMARY**

- 1.1** The proposal includes the variation of condition 18 of planning permission UTT/18/1993/FUL to include "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres" is considered acceptable and in accordance with Local and National Planning Policies. Footpaths 1 and 4 will remain as constructed, however footpaths 2 and 3 are proposed to be omitted from the development.
- 1.2** This application was deferred by the Planning Committee on the 15th December 2021 for a site visit and subsequently deferred on the 16th March 2022 for further negotiations with the applicant and consultation of the Housing Association. It is confirmed that the applicant has not agreed to any revision to the application or seek an alternative scheme to provide the footpaths. It is also noted following the deferral of the application no comments have been received from the Housing Association following directly consulting them. As such the proposal remains unchanged

following the deferral of the application from the 16<sup>th</sup> March 2022 Planning Committee meeting and has been continued to be assessed as it stands.

- 1.3** Due to the lack of adoption of the footpath steps they are now required to be constructed 5m from the existing footpath running along High Lane and Cambridge Road. As such the location of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form.
- 1.4** Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area. Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users. The design of the footpaths as approved would not have the potential to reduce the potential of crime.
- 1.5** The proposed variation of condition is considered acceptable and in accordance with all relevant local and national planning policies.

**2. RECOMMENDATION**

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

A) Conditions

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is to the west of High Lane in the parish of Stansted Mountfitchet. The application site has recently been constructed and includes a development of 35 dwellings and associated works. As set in plan 1 (below) the overall site is bound by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church.

**4. PROPOSAL**

- 4.1** The application is to variation the wording of condition 18 (footpaths) of planning permission UTT/18/1993/FUL.

The current condition includes;

*“The pedestrian links, as indicated on drawing no. P18-0133\_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres. REASON: In the interests of accessibility and in accordance with ULP Policy GEN1”*

This application proposes to vary the condition to state:

*"The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres REASON: In the interests of accessibility and in accordance with ULP Policy GEN1. "*

Also the proposal includes the omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

**4.2** It is also noted that the provision of the footpaths were secured in the S106 agreement as part of the original planning approval for the housing development (UTT/18/1993/FUL). As such a subsequent application (UTT/21/2399/DOV) requests for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance. However the Deed of Variation is not being considered under this application.

**4.3** As per the submitted Planning Statement the development the requirement of the development is as follows:

- Extensive excavation works will be required to accommodate the access,
- The lack of adoption of the footpath steps requires the construction to be 5m from the existing highway foot path.
- Loss of trees and width clearance of around 8-10m to accommodate the footpaths,
- A significant steep angle will compromise the usability of the footpath,
- Footpaths 2 and 3 do not meet the design specification in manual for Streets (2007),
- The tunnelling enclosure design of the footpath may result in antisocial behaviour,
- The verge will need to be excavated to allow for 3.5m (h) and 5m (L) retaining walls,

**4.4** Additional comments have been provided by the applicant on the 6/1/2022 setting out the reasons for the proposal as set out in the planning statement, these are briefly listed below:

**Health and Safety - Slope**

- Footpath "2" proposed at Cambridge Road is a 1:3 fall, far exceeding the maximum 1:20 fall outlined in the Manual For Streets (2007) (6.3.18).
- As both angles are so severe, the footpaths will need to be constructed with concrete steps. Highways are unwilling to adopt footpaths containing steps and have requested a 5m buffer from the highway boundary.

- We are extremely concerned over the angle of both footpaths as we do not believe they will be safe or fit for purpose for the residents or the wider community.
- As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, children, etc, will be unable to these steps.

### **Extensive Excavation Works**

- Due to the sloping angles, both footpaths require retaining walls. Our engineer has calculated the retaining walls required for each footpath need to be 3.2m high and 5m long.
- To safely construct the footpath and retaining walls, excavation would be required at 42° from the retaining walls. This will result in a further 10m in width of clearance in the treeline and vegetation from each road verge.
- The retaining walls will be constructed either side of the steps (at 3.2m high). This will create a structure most similar to the pedestrian steps at a subway underpass or a tunnel without a roof.

### **Road Closures**

- To accommodate the excavations required for footpaths “2” and “3”, road closures will be required for both High Lane and Cambridge Road for several days. These road closures will cause disruptions to local residents, notably on Cambridge Road as this is a main route into Stansted Mountfitchet’s centre.

### **Crime**

- Due to the large retaining structures that are needed for both footpaths, we are also very concerned over the potential for crime around the footpaths, particularly anti-social behaviour.
- Both footpaths are situated at the rear of residential properties, and we do not want these properties to become a subject of crime.
- The footpath is set in a road verge which is dense in vegetation, and without street lighting. The concrete retaining walls enclose and darken the steps further. During the winter and at night these footpaths will be blind spots within the development, with no natural surveillance. We are truly concerned the footpaths will become hotspots for crime.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** Town and Country Planning (Environmental Assessment):  
The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 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

## 6. **RELEVANT SITE HISTORY**

### 6.1

Reference	Proposal	Decision
UTT/18/1993/FUL	Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.	Approved 30/5/2019
UTT/19/2586/DOC	Application to discharge conditions 2 (remediation strategy), 3 (validation report) 4 (noise protection) 6 (surface water drainage) 7 (offsite flooding) 8 (maintenance plan) 10 (Natural England licence) 12 (archaeological programme) 15(material samples) attached to UTT/18/1993/FUL.	Approved 30/3/2020
UTT/19/3075/DOC	Application to discharge conditions 11 (Biodiversity) and 13 (Landscaping) of planning application UTT/18/1993/FUL.	Approved 27/3/2020
UTT/20/0562/FUL	Single storey rear extensions to plots 8 and 9 approved under UTT/18/1993/FUL.	Approved 23/4/2020
UTT/21/2399/DOV	Request for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to	Under consideration.

	UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance, leaving footpath "1" and the emergency access footpath "4" for access.	
--	--	--

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

- 7.1** The LPA is unaware of any consultation exercise carried out by the applicant for this reserve matters application.

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

### **8.1 Highway Authority**

- 8.1.1** It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not accessible to all dependent upon the developers design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer. The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL.

**Full response included in Appendix 1.**

## **9. PARISH COUNCIL - Objection**

- 9.1** Objection on Health and Safety grounds and conflict with UDC policy on Active Travel.

The removal of the variation forces residents to 'travel' away from the facilities/services of the village, walk in the road to reach a safe route, as well as along a footway which Highways recommended should be improved.

Condition 17 states "Prior to occupation - provision of an access formed at right angles to High Lane to include but not limited to:  
a - Min 5m carriage way width, min radii of 6m (this is King Charles Drive)

b - 2 no 2m footways

There are no walkways/footways on the site - removing the footpaths creates risks to pedestrians who will be forced to walk on the road, known as King Charles Drive.

The only retained footpath forces pedestrians to use the unimproved footway along the Cambridge Road, rather than the new footway into the centre of Stansted along High Lane.

The footpaths should be retained. The natural screen has deteriorated, traffic noise is obvious. Some trees have been cut down or are in poor health (possibly Highways), UDC should also discuss with Highways the need to plant trees along the verges to mitigate the volume of traffic noise.

## **9.2 WARD MEMBER- Objection**

**9.2.1** 2 letters of objection have been received from the Ward Member, the following provides a summary of the comments.

The applicant should be invited to submit a revised plans prior to the occupation of the dwellings,

The application is contrary to condition 18 imposed on the original planning approval, the variation of the conditions is not justified,

The non-construction of the foot paths will isolate people living in the site's affordable homes at the high-level part of the site,

The gradient of the road from the housing association homes is unusually steep and that it is dangerous for walkers in icy weather. The footpaths provided on site are only about 30 cm wide and are quite inadequate for parents with pushchairs.

The site is not a rural location and is now a urban development,

The existing trees and vegetation at the location of the approved foot paths are of a poor quality,

The approved footpaths should be completed,

The full submitted letters and photos are set out in Appendix 2.

## **10. CONSULTEE RESPONSES**

**10.1 UDC Landscape Officer**

**10.1.1** No Objection,

From a landscape perspective the removal of the footpaths will reduce the impact to the landscape and boundary of the site.

**10.2 CHP Housing Association**

**10.2.1** No comments received.

**11. REPRESENTATIONS**

**11.1** 46 notifications letters were sent to nearby properties.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

**11.3.1** A number of objections have been received; comment include:

- The removal of trees and vegetation has resulted in a 25m open gap to the boundary of the site,
- Increase of noise from loss of vegetation and boundary treatment,
- Light pollution
- Objection to the existing constructed path,
- Lack of appropriate landscaping,
- The development should be built as originally approved.

**11.4 Comment**

**11.4.1** The omission of the footpaths is to ensure:

- The construction of steep unsafe footpath/ stairs,
- Loss of 8-10m section of trees,
- No requirement for the excavation of the verge and introduction of significant retaining walls,

This application considers the variation of condition 18 resulting the omission of footpaths 2 and 3, no further considerations are included for other works at the site at the site.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the



policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

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

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

(c) any other material considerations.

### **12.3 The Development Plan**

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

## **3. POLICY**

### **13.1 National Policies**

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

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

Policy S7 – The Countryside

Policy GEN1- Access

Policy GEN2 – Design

Policy GEN7 - Nature Conservation

Policy ENV3 - Open Space and Trees,

### **13.3 Stansted Mountfitchet Neighbourhood Plan**

Limited weight applied.

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Accessibility to the development**

**B) Design**

**C) Landscaping and Ecology**

**14.3 A) Accessibility to the development**

**14.3.1** Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets 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 networks,
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway,
- d) It must be designed to meet the needs of people with disabilities,
- e) The development encourages movement by other means other than driving car.

**14.3.2** Paragraph 100 of the NPPF (2021) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.

**14.3.3** Due to the lack of the adoption by the Highway Authority the proposed foot path steps will be required to be set back and constructed 5m from the existing highway foot paths along High Lane and Cambridge Road. Due to being set back by 5m this will require extensive excavation works and will result in the foot path having a significantly steep angle to accommodate to accommodate the access to the site.

**14.3.4** Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also, the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities. The design of the footpaths would only be appropriately

accessible for a minority of the residents and not in accordance with ULP Policy GEN1.

- 14.3.5** Footpaths 2 and 3 do not meet the design specification set out in the Manual for Streets (2007) where longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety.
- 14.3.6** The Highway Authority have been consulted and although it is considered regrettable to lose the approved access points it was previously noted by the Highway Authority that due to the constraints of the site it may not have been possible to provide the foot paths. Therefore, no objections are raised in regards to the loss of the footpaths.
- 14.3.7** It is noted the Parish Council have objected to the proposal in regard that the loss of the footpaths would result in the occupiers of the residential development to have further to travel to get to High Lane or Cambridge Road. It is agreed this is the case, however due to the steepness of the foot paths this may likely compromise public health and safety is not considered to be outweighed by requirement to travel further to access the highway network.
- 14.3.8** As such it is considered the foot paths will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1. Therefore, the variation of the condition to only include footpaths 1 and 4 is considered acceptable.

#### **14.4 B) Design**

- 14.4.1** From access and movement perspective the foot paths to be removed from the scheme are situated to the rear of the site and provide an isolated route in and out of the site. The Essex Design Guide advises there should be no need for segregated spine footpaths within development and instead pedestrian routes should be mainly along residential roads.
- 14.4.2** The location of the proposed foot paths are to the rear of plots 13 and 27 and are surrounded by vegetation along the embanked verges. Both High Lane and Cambridge Road do not include streetlights along this section of the highway, as such the required 3.5m high retaining walls will create a tunnel like enclosure. The dark environment will create blind spots with limited natural surveillance. The use of the footpaths would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), The Manual for Streets Guide (2007) and the paragraph 92 (C) of the NPPF.
- 14.4.3** Objections received advise the application site is an urban residential development and not rural and therefore the introduction of the footpaths and required retaining wall and loss of boundary vegetation would be acceptable.

**14.4.4** Although the application site is a residential development, the location of the foot paths specifically along Highway Lane and Cambridge Road have a rural character which is typical of sites located at the edge of existing settlements. The large section of steep angles steps and surrounding retaining wall detailing will result in the introduction of intrusive feature in the existing boundary of the site. This additional built form along the boundaries of the site will have urbanising affect to the existing rural appearance of the highway verge.

**14.4.5** This is considered out of place and not compatible with the rural appearance to the specific location of the foot paths and will have harmful impact to the character of the site and its surroundings. This is in conflict with the aims of ULP Policies S7 and GEN2 (b) which safeguards the rural appearance of the site and advises development will only be permitted if it protects or enhances the particular character of the part of the countryside.

#### **14.5 C) Landscaping and Ecology**

**14.5.1** ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value. The introduction of the footpaths will require significant of trees and the existing boundary vegetation of the site of a minimum of 8m per footpath.

**14.5.2** ULP Policy S7 considered development in the countryside and advised development will only be permitted if it protects or enhances the particular character of the part of the countryside.

**14.5.3** The retention of the trees and boundary vegetation has been a positive contribution to the character of the development and has provided some appropriate level of mitigation. The further loss the trees and vegetation of this will detrimentally impact the rural setting and local distinctiveness of the site. The loss of these trees cannot be replicated by new planting.

**14.5.4** Objections have been received regarding the removal of the condition and that the footpath should be built, however the introduction of the footpaths will result in the loss of a significant section of trees and boundary treatment adjacent both High Lane and Cambridge Road. Some sections have already had to be removed to accommodate the existing development, as such the loss of further existing soft landscaping is not considered to be outweighed by requirement to travel further to access the highway network.

**14.5.5** Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Taking into account the proposal will retain the boundary vegetation and trees it is considered that this will not result in any harmful impact to ecology, wildlife or biodiversity.

No objections of further recommendation have been received from the Council's Ecology Consultant, as such unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with ULP Policy GEN7.

## **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 variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable and in accordance with Local and National Planning Policies.

**16.2** Footpaths 1 and 4 will remain as constructed.

- 16.3** Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area, in conflict with ULP Policies S7 and GEN2 and the NPPF.
- 16.4** The introduction of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form. The loss of the trees will result in a harmful impact due to the established boundary features and the proposed amendment would preserve this. This is in conflict with ULP Policies S7, GEN7, ENV3 and the NPPF.
- 16.5** The design of the footpaths as approved would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), the manual for Streets (2007) and paragraph 92 (c) of the NPPF.
- 16.6** Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1.

No objections have been raised by the Highways Authority

- 16.7** The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable. The omission of foot paths 2 and 3 due to reason set out in this report is considered acceptable.
- 16.8** All previous conditions imposed on planning approval UTT/18/1993/FUL will be included and any formally discharge will still apply.

**17. CONDITIONS**

- 1** The development hereby approved shall be full accordance with the remediation details approved under condition 2 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14

- 2** The development hereby approved shall be full accordance with the validation report approved under condition 3 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 3** The development hereby approved shall be full accordance with the noise protection details approved under condition 4 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with ENV11.

- 4** The development hereby approved shall be full accordance with the construction management plan approved under condition 5 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, also to ensure there is not any significant impact or loss of amenity to neighbouring properties in accordance with ULP Policies GEN1, GEN4

- 5** The development hereby approved shall be full accordance with the surface water drainage details approved under condition 6 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third-party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 6** The development hereby approved shall be full accordance with scheme of off-site flooding details approved under condition 7 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third-party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 7** The development hereby approved shall be full accordance with the maintenance plan approved under condition 8 of planning application

UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 8** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around sets prior to closure, plantings to include grassland and fruiting trees to increase forage for badgers.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 9** The development hereby approved shall be full accordance with the ecology details submitted under condition 10 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7)

- 10** The development hereby approved shall be full accordance with the Biodiversity Enhancement Layout, submitted under condition 11 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.



REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 11** The development hereby approved shall be full accordance with the archaeological programme of trial trenching and excavation submitted under condition 12 of planning application UTT/18/1993/FUL and formally discharged under application UTT19/2586/FUL (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

- 12** The development hereby approved shall be full accordance with the hard and soft landscaping details as approved under condition 13 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 13** The development hereby approved shall be full accordance with the tree protection plan as approved under condition 14 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of this condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005).

- 14** The development hereby approved shall be full accordance with the materials approved under condition 15 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

- 15** First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 16** Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1

- 17** The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1

- 18** The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133\_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

## APPENDIX 1- HIGHWAY AUTHORITY

**UTT/21/2376/FUL | Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres" | Land To The West Of High Lane Stansted**

Dear Chris,

Thank you for sending details of the above variation of condition application.

It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not be accessible to all dependent upon the developer's design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL, dated 30<sup>th</sup> May 2021.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer.

The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL decision notice dated 30<sup>th</sup> May 2021.

Kind regards,

**Sophie Currey | Strategic Development Officer**

**Essex**  
**Highways**  
**SAFER / GREENER / HEALTHIER**  
T: 03330 133058  
E: [sophie.currey@essex.gov.uk](mailto:sophie.currey@essex.gov.uk)  
W: [www.essex.gov.uk/highways](http://www.essex.gov.uk/highways)

## APPENDIX 2- WARD MEMBER

15<sup>th</sup> March 2022

### PLANNING REPRESENTATION BY CLLR ALAN DEAN

#### MEMBER FOR STANSTED NORTH, UTTLESFORD DISTRICT COUNCIL

APPLICATION REFERENCE NUMBER: UTT/21/2376/FUL

LOCATION: King Charles' Drive, Stansted (previously known as Land to the West of High Lane, Stansted)

#### 1. Introduction:

1.1 My representation aims to show that this application and its forerunner, the approved application UTT/18/1993/FUL, have been mishandled by Uttlesford District Council and that the current application for the removal of pedestrian accesses 2 and 3 should be refused.

1.2 The applicant, Amherst Homes, should be invited to submit revised plans to implement the pedestrian accesses that should have been provided before the end of the year 2020 and before the occupation of any dwelling.

1.3 The houses became homes over one year ago, as far as I am aware, without intervention by the Council to require the developer to fulfil its legal obligations to provide two pedestrians accesses, numbered two (2) and three (3) under Planning Condition 18.

1.4 It is regrettable that the developer was allowed by UDC in 2020 to sell and allow occupation of the dwellings in contravention of the Council's own legally established Planning Condition 18. That failure should not be compounded simply by deleting the unfulfilled parts of the condition. The deletion is not justified.

1.5 The non-construction of Footpaths 2 & 3 would chiefly isolate people living in the site's affordable homes at the high-level part of the site belonging to CHP (Chelmsford Housing Partnership). It would be a betrayal of the rights of people who do not own their own homes, and live at the southern end of the estate, to shorter walking routes to local services in both Cambridge Road, Stansted and in Lower Street, Stansted, where the railway station is located.

1.6 I sincerely ask Planning Committee Members to be aware that the gradient of the road from the housing association homes is unusually steep and that it is dangerous for walkers in icy weather. The footpaths provided on site are only about 30 cm wide and are quite inadequate for parents with pushchairs. The road surface – which has to be used by pedestrians – is extremely smooth and, therefore, dangerous to traverse in icy weather. I have received a resident's complaint that they have slipped and fallen as a consequence. See Fig. 1.

1.7 Request: That the Planning Committee refuses the application to delete Footpaths 2 and 3 from Planning Condition 18 and invites the developer to come forward with designs to achieve the original access expectations.



*Figure 1: The steep incline of King Charles' Drive looking towards the affordable homes and showing the sub-standard width of the footway.*



*Figure 2: The Cambridge Road verge requiring much TLC before FP3 is installed.*



**2. A short but relevant history:** When the original application for what became King Charles' Drive was approved in late 2018, there was debate about pedestrian access, especially about accesses 2 & 3. Please see this representation by Stansted Mountfitchet Parish Council and the Council's formal response ("Consideration") in the planning officer's report for the Planning Committee's meeting on November 21<sup>st</sup>, 2018:

Parish Council Comments	Officers' Consideration
The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church	<p>A level access route is provided through the site for those with mobility issues. The stepped access is therefore an additional access rather than the only access. The removal of the steps would necessitate the removal of significant lengths of the boundary hedgerow or involve significant land take within the site to such a point that it would nullify the benefit of any permission. A ramped access would also be a significant feature on the landscape and conflict with the Neighbourhood Plan aspirations of retaining the rural setting of this entrance to the village.</p> <p>The land levels are such that re-routing the path in the location suggested would not overcome the issues identified above.</p> <p>Furthermore, as the stepped access is a secondary access it is unnecessary to insist on an alternative solution. As stated, there is a foot path along this part of the highway and it is agreed it could be improved, however this is a functioning footpath that many people are using daily and therefore it would be unreasonable for the applicant to improve this, and also it is not a necessary factor in the context of the proposed development.</p>

2.1 The above makes clear that in 2018, the planning officers' professional advice was that the conditioned access onto the pavement in High Lane at the southern end of the development was acceptable and preferable to a longer pathway through land that has since become part of the property of one of the directors of the applicant at the time, Bloor Homes.

2.2 It was recognised in 2018 that not all residents and visitors would be able to use the said accesses and that those who use wheelchairs or have other impediments would need to use the pedestrian and vehicular access at the north-eastern corner of the site to gain access to the High Lane pavement.

2.3 In 2018, I made representations at the Planning Committee that the pavement besides the subject site and beyond to the south should be upgraded by the developer. That was also a request put forward by Essex County Council Highways. Both ECC and I were rebuffed at the time by UDC planning officers who said that Bloor Homes was a reputable developer and that it would be unreasonable to require them to make safe for residents of the development the pedestrian access route to the Cambridge Road shops, cafes and businesses.

2.4 That pedestrian route remains in poor condition. Where there is a tarmac cover it is rough and uneven. A section of the route not visited and seen by the Planning Committee on 14<sup>th</sup> March 2022 was covered with a thick layer of mud on that day.

2.5 In my opinion, it is unacceptable for Uttlesford District Council to be responsible in the early 21<sup>st</sup> Century for the delivery of what can best be described as an urban carbuncle without 21<sup>st</sup> Century pedestrian accesses to the urban centres of Stansted Mountfitchet; or in any part of urban Uttlesford district.

### **3. The current application to revise Condition 18 to expunge pedestrian Footpaths 2 & 3.**

There are two weaknesses in the case put forward by the Council's planning officers in their support of the developers (now Amherst Homes and not Bloor Homes, who sold on the site and permission, having blocked a potential, gradual gradient pedestrian footpath to High Lane at the entrance to St. Theresa's Church by the grounds of a mansion built since 2018 for one of their directors). These weaknesses are:

#### **3.1 The change in council officers' stance for people with disabilities:**

3.2 Section 10, Paragraphs 10.1 - 10.3 of the officers' reports address Inequalities. The report seems to imply that the provision of Footpaths 2 & 3 would introduce unacceptable inequalities; for instance, but not spelled out, the unsuitability of these accesses for use by some people with health inequalities. If that is the reason for these imprecise paragraphs, the text is deceptive and is starkly in contradiction of the planning officers' position in 2018 as set out above in Part 1 and Paragraphs 2.1 and 2.2 above.

3.3 Paragraph 4.2 of the officers' report at its fourth bullet says: "As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, etc. will be unable to use these steps". **This assertion does not hold water and so is not credible.** It contradicts the extract from the 2018 original planning application report at paragraph 2, 2.1 and 2.2 above and so undermines the credibility of the current recommendation to remove the Footpaths 2 and 3.

3.4 I refer Members to the committee's report at paragraph 9 onwards: CONSIDERATION AND ASSESSMENT. At para. 9.5 is written: "Footpaths 2 and 3 do not meet the design specification set out in the manual for streets (2007) where the longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety." So why was it given planning permission in 2018/19?

**3.5 This argument is not credible.** The gradient of the final, most southerly section of the access road, King Charles' Drive, is between 25% and 50%. It has extremely narrow footways, well beyond the claimed limitation for the as yet to be provided access Footpaths 2 & 3. Despite that, the road and pavement contain no steps. It has no handrail. On the basis of our officers' argument above, **most of the drive's development would have to be condemned and demolished.**

3.6 Paragraph 9.9 says: "From access and movement perspective footpath (sic) to be removed from the scheme are situated to the rear of the site and provide an isolated route (sic) in and out of the site". This is untrue. Both Footpaths 2 & 3 are needed to provide the most direct routes towards the main urban centres of Stansted Mountfitchet.

### **3.7 Officer's and applicant's attitude to breaching the highway verge of trees and shrubs.**

3.8 Paragraph 9.10 refers to Footpaths 2 & 3 being surrounded by vegetation and describes the absence of street lights and the potential creation of tunnel-like enclosures. The verges in both High Lane and Cambridge Road are in a poor state of care and maintenance. The pedestrian route to the High Lane pavement is relatively unobscured by trees and can be improved with a little tender love and care (aka TLC). The state of the vegetation in the verge east of Cambridge Road is in a seriously degraded condition. There are dead sections. There are twisted trunks and exposed roots. There are poor quality trees that are leaning at about 45 degrees towards the busy highway B1383 and posing a safety risk to pedestrians and motorists. Much maintenance work and replanting are needed to create an attractive and healthy entrance to Stansted Mountfitchet from the north. Under no circumstances should the verge be left in its present condition and be abandoned by the developer, Amherst Homes.

3.9 Therefore, there is every opportunity to incorporate the Cambridge Road Footpath 3 into a scheme of necessary tree and shrubbery maintenance that should include new planting.

3.10 Paragraph 9.11 refers to an "urban effect to the existing rural appearance of the highway verge. This is considered out of place and not compatible with the rural appearance of the site...". The paragraph refers to policies "which safeguard the rural appearance of the site".

3.11 This argument in support of NOT providing safe and shorter pedestrian accesses to the urban centre is delusional. The King Charles' Drive is no longer a rural site. It is an urban site that should not be left like an unwanted carbuncle on the northern periphery of Stansted Mountfitchet without proper pedestrian connections to the community's shops, businesses, places of workshop, eating places, etc. etc. in order to save the developer money by absolving him of not being required to finish the job as agreed in 2018 and by the planning permission issued after May 2019 through Condition 18.

3.12 Paragraphs 9.15, 9.17, 9.18 and 11.2 contain similarly out-of-date passions about a rural setting that no longer exists. One can now only argue that the setting was destroyed by the granting of the associated planning permission in 2018/19. Instead, I believe that the Planning Committee should argue that the transformation should be completed wholeheartedly at this specific location and not left in some halfway-house state that will satisfy few apart from the developer, who will save money.





*Figure 3: The way out from King Charles' drive to High Lane for FP2.*



*Figure 4: The verge in High Lane to allow a route for FP2.*

#### **4. A further pedestrians' issue**

4.1 Paragraph 1.2.17 of the officers' report identifies the requirement for an access from High Lane "to include but not limited to: minimum 5.5 metre carriageway width..., two metre footways, pedestrian crossing points...." etc.

4.2 I am unable to verify whether the development has a 5.5m carriageway, but it certainly does not have 2-metre-wide footways. Those provided measure about 0.3m wide. Other requirements of this paragraph in the officers' report need to be evaluated. How does the developer propose to achieve a corrected width of 2m for Footpath 1 throughout the site?

**5. The Planning Committee is sincerely and with strong evidence urged to refuse the application to delete Footpaths 2 and 3 from Planning Condition 18.**

**The committee may wish to invite the developer to come forward with designs and actions to achieve the original access expectations established in 2018 and 2019.**

**Report and representation compiled by:**

**Cllr Alan Dean  
Member for Stansted North  
Uttlesford District Council  
15<sup>th</sup> March 2022**

Dear Jeanette,

Thanks for calling on Thursday early evening. It was such a relief to find someone to speak to who listened. I am writing this follow-up at 04:00 Saturday. Here below are ten bullets of my thoughts on the process surrounding Agenda Item 15 for next week's Planning Committee. I will submit a full supplementary representation by Monday.

1. I have never in the past 35 years experienced such difficulty engaging with UDC planning officers than over this application. Our conversation yesterday was in marked contrast with the rest of my experience over the past three years-plus.
2. I was disturbed at the end of 2018 that planning officers seemed to consider Bloor to be a special applicant to the extent that they should be relieved of delivering a safe pavement in Cambridge Road at the request of Essex Highways/County Council planners. It was as though the 35-home development were viewed as a carbuncle bolted on the northern tip of Stansted and that, therefore, it did not really require a safe pedestrian access for residents to nearby local services. (The same attitude was taken over Bloor's earlier development at Walpole Meadows, over which I complained about the poor condition of the Cambridge Road pavement and was told by a senior officer that pedestrians could instead walk via High Lane, Lower Street and Chapel Hill to reach Cambridge Road services.
3. So, what happened? A gravel pathway now links Cambridge Road with High Lane to facilitate this circuitous "mountain route" to Cambridge Road shops and other services!
4. It seemed that Bloor Homes and now Amherst Homes have a privileged status and a specialist status in the provision of urban carbuncles in this part of Essex.
5. Cllr Sell and I met Nigel Brown at King Charles' Drive on February 11th. Verbal sympathy with the subject issue of missing pedestrian accesses was shown by Nigel. We received no subsequent feedback. I tried in vain to contact Nigel at the end of last week and the beginning of this week during my difficult attempts to compile a written representation to go in the officers' report to committee for next week's meeting.
6. At the beginning of this week Chris Tyler, the case officers for the current "expunging of pedestrian accesses" application, and for the original application, telephoned me. Mr Tyler did not wish to enter into much detailed discussion about my concerns for pedestrians. He suggested that I submit a supplementary representation once I had seen his committee report that would be published this week. He said that the planning committee Members may disagree with his recommendation to eliminate the pedestrian accesses - that HAD NOT BEEN

PROVIDED, despite a legal Condition that they should have been in place over 15 months ago!

7. You will recollect that I told you yesterday that Mr Tyler's report of autumn 2018 and his latest report argued contrary cases over whether the missing access routes need not cater for all people, especially people with disabilities, when there were alternative (albeit longer) routes - **the 2018 logic**; or whether all accesses must be of equal design and accessibility and should not be provided if any one of them would have limitations - **the 2022 logic**.
8. I was left with the feeling that Mr Tyler may not support the conclusions within the report in his name regarding the non-construction of the missing pedestrian accesses, but that he may have been instructed to recommend that conclusion.
9. I have every intention of publishing in my written representation my exceptional dissatisfactions with this application, its conditions as set out above, and the surrounding process, together with much more criticism about the poor state of the built environment and the surrounding landscape and trees.
10. In my opinion, item 15 should be removed from next week's agenda for further careful and corrective thought.

Kind Regards, Alan

Cllr Alan Dean  
Member for Stansted North  
Uttlesford District Council